

REPUBLIC OF KENYA

Approved
8/8/23
D/SNA
29 June 2023

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THIRTEENTH PARLIAMENT- SECOND SESSION (2023)

THE NATIONAL ASSEMBLY

COMMITTEE ON DELEGATED LEGISLATION

REPORT ON THE CONSIDERATION OF THE DRAFT CHARTER FOR
THE OPEN UNIVERSITY OF KENYA,

JUNE, 2023



The Directorate of Audit, Appropriations & Other Select Committees
The National Assembly
Parliament Buildings
NAIROBI.

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ABBREVIATIONS

NACOSTI	National Commission for Science, Technology and Innovation
ODEL	Open, Distance and E-line learning

CHAIRPERSON'S FOREWORD

The Charter for Open University of Kenya was submitted to the National Assembly on 15th June, 2023 for Parliamentary approval pursuant to Section 24(1)(b) of the Universities Act, 2012. The purpose of the Charter is to establish a national Open University as a specialized university, to offer university programmes through distance and e-learning mode.

Regulation 43(3) of the Universities Regulations, 2023 provides for the requirements for an application for the establishment of a national Open University, which include among others; a Cabinet Resolution declaring the mandate of the proposed national Open University, and a draft Charter. These documents were submitted to Parliament through the Office of Leader of Majority Party.

The Committee on Delegated Legislation met with the Cabinet Secretary, Ministry of Education on Thursday, 29th June, 2023 to consider the Draft Charter for the Establishment of Open University of Kenya. The Committee observed that the Cabinet at its 1st Special Meeting held on 27th April, 2023 considered and approved the Cabinet Memorandum on the Establishment of the Open University of Kenya. The Cabinet also approved the transmittal of the grant of Cabinet approval on the establishment of the Open University for approval by Parliament.

The Committee also observed that the draft Charter had also been reviewed by the Office of the Attorney General for forwarding to Parliament for approval pursuant to Section 24(1) of the Universities Act (No 42 of 2012).

The Committee further observed that the proposed Open University of Kenya will expand access to university education through flexible mode of study and by expanding options and opportunities for training, in-service skills upgrading, capacity building and continuing education.

Having examined the draft Charter for the establishment of the Open University of Kenya, the Committee **recommends that the House approves the award of Charter for the establishment of the Open University of Kenya pursuant to Section 24(1) of the Universities Act (No. 42 of 2012)**

I wish to most sincerely thank the Speaker and the Office of the Clerk of the National Assembly for the invaluable support accorded to the Committee in the discharge of its mandate.

On behalf of the Members of the Select Committee on Delegated Legislation and pursuant to Standing Order 210 (4) (b) it is my pleasure and duty to present to the House, the Committee's **Report on the Consideration of the Draft Charter for the establishment of Open University of Kenya.**

HON. CHEPKONGA KIPRONO SAMUEL, CBS, MP

1.0 PREFACE

Establishment and Mandate of the Committee

1. The Select Committee on Delegated Legislation is established pursuant to *Standing Order No. 210* and is mandated to consider statutory instruments submitted to Parliament for consideration. The Committee is expected to consider in respect of any statutory instrument, whether it is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws.
2. During the scrutiny, the Committee is guided by the principles of good governance, rule of law considers whether the instrument-
 - a) is in accordance with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws;
 - b) infringes on fundamental rights and freedoms of the public;
 - c) contains a matter which in the option of the Committee should more properly be dealt with in an Act of the Parliament;
 - d) contains imposition of taxation;
 - e) directly or indirectly bars the jurisdiction of the court;
 - f) gives retrospective effect to any of the provision in respect to which the Constitution does not expressly give any such power;
 - g) it involves expenditure from the consolidated fund or other public revenues;
 - h) is defective in its drafting or for any reason form or part of the statutory instrument calls for any elucidation;
 - i) appears to make some unusual or unexpected use of the power conferred by the Constitution or the Act pursuant to which it is made;
 - j) appears to have had unjustifiable delay in its publication or laying before Parliament;
 - k) makes rights, liberties or obligations unduly dependent upon non-renewable decisions;
 - l) makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
 - m) inappropriately delegates legislative powers;
 - n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
 - o) appears for any reason to infringe on the rule of law;
 - p) inadequately subjects the exercise of legislative power to Parliamentary scrutiny; and
 - q) Accords to any other reason that the Committee considers fit to examine.

Committee Membership

3. The Committee membership comprises –

Hon. Chepkonga Kiprono Samuel, CBS, M.P. (Chairperson)

Ainabkoi Constituency

UDA

Hon. Githinji Robert Gichimu, M.P. (Vice Chairperson)

Gichugu Constituency

UDA

COMMITTEE MEMBERS

Hon. Mbui Robert, CBS, M.P

WDM-KENYA

Kathiani Constituency

Hon. Maj (Rtd) Dekow Barrow Mohamed,
M.P

UDA

Garrisa Township Constituency

Hon. Julius Lekakeny Ole Sunkuli, EGH,
EBS, M.P.

KANU

Kilgoris Constituency

Hon. Kamene Joyce, M.P

WDM-KENYA

Machakos County

Hon. Onchoke, Mamwacha Charles, M.P.

UPA

Bonchari Constituency

Hon Kimaiyo, Gideon Kipkoech, M.P.

UDA

Keiyo South Constituency

Hon. Komingoi, Kibet Kirui, M.P.

UDA

Bureti Constituency

Hon. Chebor, Paul Kibet, M.P

UDA

Rongai Constituency

Hon. Yakub Adow Kuno, M.P

UPIA

Bura Constituency

Hon. (Maj) (Rtd) Abdullahi, Bashir Sheikh
,M.P.

UDM

Mandera North Constituency

Hon. Mwirigi John Paul, M.P.

UDA

Igembe South Constituency

Hon. Odoyo, Jared Okello, M.P.

ODM

Nyando Constituency

Hon. Chepkorir Linet, M.P.

UDA

Bomet County

Hon. Munyoro Joseph Kamau, M.P

UDA

Kigumo Constituency

Hon. Ruku, Geoffrey Kariuki Kiringa,
M.P.

DP

Mbeere North Constituency

Hon. Lenguris Pauline, M.P.
UDA

Samburu County

Hon. Mwale, Nicholas S. Tindi M.P.
ODM

Butere Constituency

Hon Mnyazi Amina Laura, MP.
ODM

Malindi Constituency

Hon. Mugabe Innocent Maino, M.P.
ODM

Lukuyani Constituency

COMMITTEE SECRETARIAT

4. The secretariat facilitating the Committee comprises –

Ms. Esther Nginyo
Clerk Assistant I (Team Leader)

Mr. Dima Dima
Principal Legal Counsel I

Mr. Jacknorine Buleemi
Clerk Assistant III

Ms. Winny Otieno
Clerk Assistant III

Mr. Brian Langwech
Clerk Assistant III

Ms Fiona Wanjiru
Legal Counsel II

Mr. Daniel Ominde
Research Officer III

Mrs. Sheila Chebotibin
Serjeant at Arms

Mr. Charles Ayari
Audio Officer

2.0 CONSIDERATION OF THE DRAFT CHARTER FOR THE ESTABLISHMENT OF THE OPEN UNIVERSITY OF KENYA

2.1 Introduction

5. The establishment of the Open University of Kenya is an avenue for the enhancement of Open and Distance e-Learning as captured in various policy instruments. These include the Sessional Paper No. 1 of 2005; the Sessional Paper No. 1 of 2019; the National Education Sector Strategic Plan (2018 -2022); the Vision 2030 and the United Nations Sustainable Development Goals.
6. By the Gazette Notice No. 11920 of 30th September, 2022, His Excellency the President appointed the Presidential Working Party on Education Reform. Part of the Terms of Reference of the Working Party was to recommend a framework of operationalizing the National Open University of Kenya and a framework on Open, Distance and E-line learning (ODEL).
7. In order to fast-track the realization of this objective and have the proposed University established by May, 2023, a Technical Working Committee was appointed on 9th January, 2023, to guide the process.
8. Section 24(1)(b) of the Universities Act, 2012 provides for the establishment of a national Open University as a specialized university to offer university programmes through distance and e-learning mode. Such a university is to be established by His Excellency the President on the recommendation of the Commission through Cabinet Secretary, Ministry of Education, with the approval of Parliament.

2.2 Rationale for the Establishment of the University

9. The basic philosophy and primary objective for the Open Universities worldwide is to expand options and opportunities for training, in-service, skills upgrading, capacity building and continuing education. The Open University of Kenya will expand access to university education through a flexible mode of study.
10. The University will break barriers in access by the difficult to reach groups through flexible admission criteria and by systematically building on prior learning. It will help to overcome geographical barriers to access by facilitating access in different localities using technology.
11. The focus on lifelong learning will ensure that no one is left behind in line with the constitutional requirements for non-discrimination and inclusion. It will provide opportunities to the youth, elderly, persons with disabilities, minority and marginalized groups, including those in various forms of work who wish to pursue upward mobility or to diversify their skill sets.
12. The University will accelerate transition to a digital economy by mainstreaming digital skills capacity development, and, enhancing the production of manpower in priority areas of national development espoused in the Bottom-Up Transformation Agenda.

13. The proposed University will save the government the high costs of establishing and maintaining many conventional universities as it has the potential to absorb large numbers of students at a relatively lower unit cost.
14. The University is targeted to be a Centre of Excellence in Open and Distance e-Learning and will serve other universities in building capacity in distance and e-learning education. It will certify critical expertise for Open and Distance e-Learning institutions and practitioners and institutionalize research to generate new knowledge and improve practice in the area.
15. The University will admit both local and international students hence create opportunities for international publicity, knowledge sharing, cultural exchange and eventually, branding Kenya. This will position Kenya as an exporter of higher education. Kenyan citizens in the diaspora will also provide their children with access to a Kenyan education.
16. The recent recognition of Kiswahili as one of the official languages of the African Union will create a market for the proposed University which will launch the programme in its second year. Overall, the proposed University will also earn the Country foreign exchange.

2.3 Current Status

17. The Technical Working Committee undertook various critical activities such as developing the requisite constitutive documents, namely, the Charter, Blueprint and Proposal and the proposed University's instruments such as the logo, seal and mace. Other pertinent documents include: Open Distance and E-Learning Policy; Student handbook; Student rules and regulations; Admission criteria; Staff terms and conditions of service; Five-year strategic plan; ICT infrastructure requirements, and digital library requirements.
18. The documents were approved by the Commission for University Education and the Cabinet, and was submitted to the National Assembly for approval as required by Section 24(1) of Universities Act (No. 42 of 2012). Upon approval, the Cabinet Secretary for Education shall submit the same to His Excellency the President for award of Charter.
19. The proposed University will initially offer the eight flagship programmes. These include 6 bachelor's programmes:
 - i. Bachelor of Data Science;
 - ii. Bachelor of Science in Cyber Security and Digital Forensics;
 - iii. Bachelor of Technology Education;
 - iv. Bachelor of Entrepreneurship and Business;
 - v. Bachelor of Economics and Statistics; and,
 - vi. Bachelor of Agri-Technology and Food Systems.
20. The proposed University will offer the following 2 postgraduate programmes:
 - i. Leadership and Accountability; and,
 - ii. Learning Design and Technology.

21. The physical seat of the proposed University will be located at Konza Technopolis while its virtual presence will be supported on a Learning Management System with both physical and cloud servers. Currently the seat is currently being hosted at the National Commission for Science, Technology and Innovation (NACOSTI) headquarters on a temporary basis. The admission of the first batch of students is projected to happen in September, 2023.

2.4 Summary of the Draft Charter for the Open University of Kenya

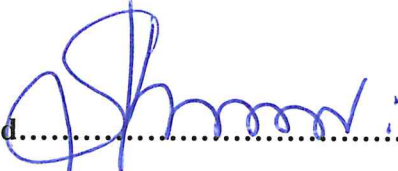
22. **Part I** provides for preliminary provisions.
23. **Part II** provides for the establishment and incorporation of the university, object and functions of the University, establishment of learner support centres; designation, conferment, granting, cancellation and withdrawal of Degree, Diplomas and other awards and award of scholarships
24. **Part III** provides for Membership and governance of the University, which includes;
- a) Membership of the University
 - b) The Chancellor
 - c) The Council
 - d) The Vice-Chancellor
 - e) The Deputy Vice-Chancellor
 - f) The Senate
 - g) The University Management Board
 - h) The Convocation
 - i) The Alumni Association
 - j) The Students' Association
 - k) Performance of functions during incapacity of the Office holder.
25. **Part IV** is on financial provisions.
26. **Part V** is on miscellaneous provision which include; instruments of governance, instruments of authority, the statutes, protection of name and variation and revocation of the Charter.

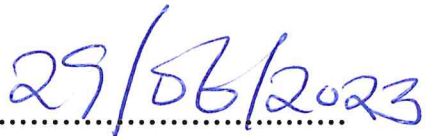
3.0 COMMITTEE OBSERVATIONS

27. The Committee having engaged with the Cabinet Secretary, Ministry of Education on Thursday, 29th June, 2023 in its consideration of the draft Charter observed that the Cabinet at its 1st Special Meeting held on 27th April, 2023 considered and approved the Cabinet Memorandum on the Establishment of the Open University of Kenya. The Cabinet also approved the transmittal of the grant of Cabinet approval on the establishment of the Open University for approval by Parliament.
28. The Committee also observed that the draft Charter had also been reviewed by the Office of the Attorney General for forwarding to Parliament for approval pursuant to Section 24(1) of the Universities Act (No 42 of 2012).
29. The Committee further observed that the proposed Open University of Kenya will expand access to university education through flexible mode of study and by expanding options and opportunities for training, in-service skills upgrading, capacity building and continuing education.

4.0 COMMITTEE RECOMMENDATION

Having examined the draft Charter for the establishment of the Open University of Kenya, the Committee **recommends that the House approves the award of Charter for the establishment of the Open University of Kenya pursuant to Section 24(1) of the Universities Act (No. 42 of 2012)**

Signed.....

Date.....

**THE HON. CHEPKONGA SAMUEL KIPRONO, CBS, MP
(CHAIRPERSON)**

**MINUTES OF THE 37TH SITTING OF THE COMMITTEE ON DELEGATED
LEGISLATION HELD ON TUESDAY, 29TH JUNE, 2023 AT THE SMALL DINING,
NEW WING, MAIN PARLIAMENT BUILDINGS AT 10.00 A.M.**

PRESENT

1. The Hon Samuel Kiprono Chepkonga, CBS, M.P., Chairperson
2. The Hon. Robert Gichimu Githinji, M.P., Vice Chairperson
3. The Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS, MP
4. The Hon. Nicholas S. Tindi Mwale, M.P.
5. The Hon. Maj. (Rtd). Abdullahi Bashir Sheikh, MP
6. The Hon. Gideon Kipkoech Kimaiyo, M.P.
7. The Hon. Ruku Geoffrey Kariuki Kiringa, M.P.
8. The Hon. Paul Chebor, M.P.
9. The Hon. Onchoke Charles Mamwacha. M.P
10. The Hon. Kibet Kirui Komingoi, M.P.
11. The Hon. Laura Amina Mnyazi, M.P.

APOLOGIES

1. The Hon. Robert Mbui, CBS, M.P
2. The Hon. Jared Okello Odoyo M.P.
3. The Hon. Linet Chepkorir M.P.
4. The Hon. Maj. (Rtd). Dekow Barrow Mohamed, M.P.
5. The Hon. Joseph Kamau Munyoro, M.P.
6. The Hon. Joyce Kamene, M.P
7. The Hon. Pauline Lenguris, M.P
8. The Hon. John Paul Mwirigi, M.P.
9. The Hon. Adow Kuno Yakub, M.P.
10. The Hon. Innocent Maino Mugabe, M.P.

SECRETARIAT

- | | | |
|---------------------------|---|---------------------------|
| 1. Ms. Esther Nginyo | - | Clerk Assistant I |
| 2. Mr. Wilson Dima Dima | - | Principal Legal Counsel I |
| 3. Mr. Brian Langwech | - | Clerk Assistant III |
| 4. Mr. Jacknorine Buleemi | - | Clerk Assistant III |
| 5. Ms. Winny Otieno | - | Clerk Assistant III |
| 6. Mr. Charles Ayari | - | Audio Officer |
| 7. Mr Manuel Leparachao | - | Sergeant-at-Arms |

IN ATTENDANCE

MINISTRY OF EDUCATION

- | | | |
|------------------------|---|-------------------------------|
| 1. Hon Ezekiel Machogu | - | Cabinet Secretary |
| 2. Mr Mike Kuria | - | CEO CUE |
| 3. Mr Isaac Gathirwa | - | Chief Legal Officer Legal CUE |
| 4. Mr. Joshua Wabwere | - | Legal Officer MOE |

- | | | |
|---------------------------|---|-------------|
| 5. Ms. Alice Kande | - | Ag CEO KNQA |
| 6. Ms. Agness Mercy Wahom | - | KUCCPS CEO |
| 7. Mr. Joseph Musyoka | - | CISE |
| 8. Mr Geoffrey Monali | - | UFB CEO |

AGENDA

1. Prayers
2. Preliminaries
3. Adoption of the Agenda
4. Confirmation of previous minutes
5. Matters Arising
6. **Briefing by the Cabinet Secretary Ministry of Education on the Universities Regulations, 2023. Legal Notice No. 56 of 2023 and the Draft Charter for Open University of Kenya**
7. Any Other Business; and
8. Adjournment.

MIN. DAA&OSC/CDL/242/2023

PRELIMINARIES

The Chairperson called the Meeting to order at 10.26 a.m. after which prayers were said by Hon. Onchoke Charles Mamwacha. M.P. The Chairperson then welcomed all present to the meeting with a round of introductions.

MIN. DAA&OSC/CDL/243/2023

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted as was proposed by The Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS, MP and seconded by Hon. Kibet Kirui Komingoi, M.P.

MIN. DAA&OSC/CDL/244/2023

CONFIRMATION OF MINUTES

Confirmation of the previous Minutes was deferred to the next meeting.

MIN.DAA&OSC/CDL/245/2023

MATTERS ARISING

No matter arose under this Agenda item.

MIN. DAA&OSC/CDL/246/2023

BRIEFING BY THE CABINET SECRETARY MINISTRY OF EDUCATION ON THE UNIVERSITIES REGULATIONS, 2023. LEGAL NOTICE NO. 56 OF 2023

Hon Ezekiel Machogu, Cabinet Secretary, Ministry of Education briefed the Committee on the on the Universities Regulations, 2023.as follows; That

1. **Part I** of the regulation provides for preliminary provisions which is the citation, interpretation of the various terminologies used in the text of the regulations and the scope to covered in the process of implementation of the regulations.

2. **Part II** of the regulation provides for eligibility and application procedure of establishing a university, inspection of universities operating under letter of interim authority and revocation of the said letter, application for award of charter, accreditation process for award of charter, requirement for accreditation report, grant of charter , mergers and acquisition , change of sponsorship of a university, withdrawal of a sponsor of a university, accreditation of foreign universities , institutionalization of quality assurance , institutional quality audit, impromptu quality audit , inspection or investigation, promotion of quality teaching research , industry linkages , innovation and community, university data and information and university information system .
3. **Part III** of the regulation provides for eligibility for establishment of a technical university and conditions for declaration, procedure for declaration and inspection of proposed technical universities. It further provides for consideration of technical inspection report, declaration quality audit and privileges of a technical university.
4. **Part IV** of the regulation provides for establishment of specialized degree awarding institutions, criteria of establishing the same, accreditation process, consideration of the inspection report, audit and declaration of a specialized degree awarding or research institution.
5. **Part V** of the regulation provides for establishment of a constituent college. It provides for application, consideration, operation, tenure and revocation of legal order establishing a constituent college.
6. **Part VI** of the regulation provides for establishment of a university campus. It provides for the process of application, consideration for application, operation and tenure and further, the process for application to establish an open, distance and E-learning center.
7. **Part VII** of the regulations provides for the process of accreditation or approval of academic programmes. It further provides for engagement of professional bodies in accreditation or approval of academic programmes, conditions for credit accumulation and requirement for universities to develop internal quality assurance for academic programmes.
8. **Part VIII** of the regulation provides for the process of application for foreign university intending to collaborate with a local university or institution authorized to operate on Kenya. It further provides for obligations on both foreign and local universities entering into a collaboration agreement, process of approval of collaboration, maintenance of register of universities granted authority to collaborate and revocation of authority.
9. **Part IX** of the regulation provides for the process of application for a local University intending to collaborate with a local university or institution authorized to operate in Kenya.

10. It further provides for a collaboration review committee, the power of the committee to grant authority to collaborate, publication of grant and revocation of the authority to collaborate.
11. **Part X** of the regulation provides for application for license to operate student recruitment agencies and activities of foreign universities. The same provides for condition for operating a student recruitment agency and monitoring student recruitment agencies. It further provides for the effects of the license; obligation of an agency and maintenance of student recruitment agencies
12. **Part XI** of the regulation provides for recognition and equation of degrees diploma and certificates conferred or awarded by a foreign university and institution. This further provides for principles of recognition and equation, evaluation of foreign qualification and criteria for recognition and equation of qualification.
13. **PART XII** of the regulations provides for general provisions in terms of fees, penalties, review and appeals, transitional arrangements, continuation of time, preparation of standards and guidelines and declaration of standards and guidelines. Further the regulation provides for revocation of legal notice no. 76 of 2014.
14. **The First Schedule** of the regulations provides for governance and management of a university.

MIN/DAA&OSC/CDL/239/2023

**BRIEFING BY THE CABINET
SECRETARY, THE DRAFT CHARTER
FOR OPEN UNIVERSITY OF KENYA**

Hon Ezekiel Machogu, Cabinet Secretary, Ministry of Education briefed the Committee as follows, That;

5. **Part I** provides for preliminary provisions.
6. **Part II** provides for the establishment and incorporation of the university, object and functions of the University, establishment of learner support centres; designation, conferment, granting, cancellation and withdrawal of Degree, Diplomas and other awards and award of scholarships
7. **Part III** provides for Membership and governance of the University, which includes;
 - a) Membership of the University
 - b) The Chancellor
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 - e) The Deputy Vice-Chancellor
 - f) The Senate
 - g) The University Management Board
 - h) The Convocation
 - i) The Alumni Association
 - j) The Students' Association
 - k) Performance of functions during incapacity of the Office holder.

9. **Part V** is on miscellaneous provision which include; instruments of governance, instruments of authority, the statutes, protection of name and variation and revocation of the Charter.
10. Having considered and interrogated the draft Charter, the Committee adopted it as was proposed and seconded by the Hon. Charles Onchoke Mamwacha and the Hon. Robert Gichimu, MP respectively.

MIN. DAA&OSC/CDL/240/2023 ANY OTHER BUSINESS

There was no deliberations under this agenda

MIN. DAA&OSC/CDL/241/2023 ADJOURNMENT

There being no other business, the meeting was adjourned at Twenty Minutes past Twelve O'clock.

SIGNED:

THE HON. SAMUEL CHEPKONGA, CBS. M.P.


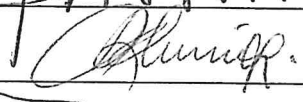
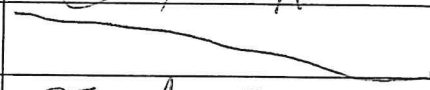
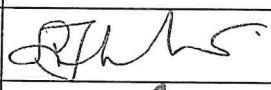

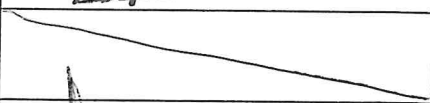
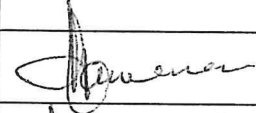
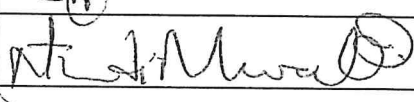
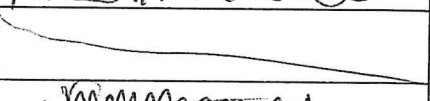
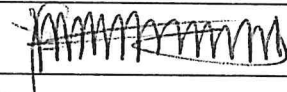
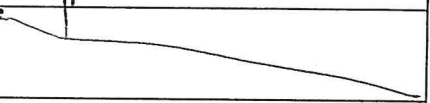
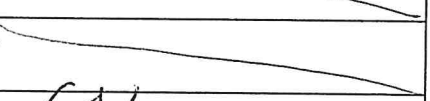
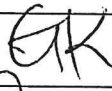
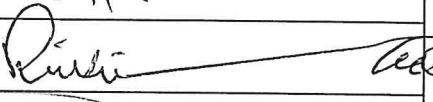
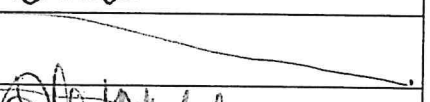
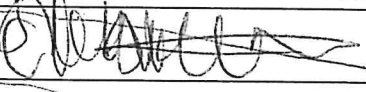
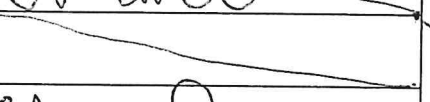
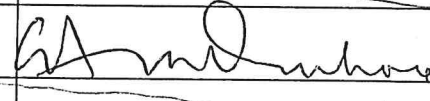
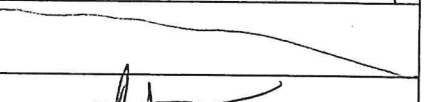

CHAIRPERSON, COMMITTEE ON DELEGATED LEGISLATION

DATE:

COMMITTEE ON DELEGATED LEGISLATION ATTENDANCE REGISTER

DATE: 29/06/2023 VENUE: Small Dining New Wing STARTING TIME: 10:00AM
ENDING TIME:

AGENDA: THE UNIVERSITIES REGULATIONS, 2023

	NAME	SIGNATURE
1.	The Hon. Chepkonga Kiprono Samuel, CBS, M.P, Chairperson	
2.	The Hon. Githinji, Robert Gichumi, M.P. Vice-Chairperson	
3.	The Hon. Mbui, Robert, CBS, M.P.	
4.	The Hon. Sunkuli Julius Lekakeny, EGH,EBS,MP	
5.	The Hon. Abdullahi Bashir Sheikh, M.P.	
6.	The Hon. Mwirigi, John Paul, M.P.	
7.	The Hon. Kamene, Joyce, M.P.	
8.	The Hon. Mwale, Nicholas S. Tindi, M.P.	
9.	The Hon. Odoyo, Jared Okello, M.P.	
10.	The Hon. Komingo, Kibet Kirui, M.P.	
11.	The Hon. Dekow Barrow Mohamed, M.P.	
12.	The Hon. Munyoro, Joseph Kamau, M.P.	
13.	The Hon, Kimaiyo, Gideon Kipkoech, M.P.	
14.	The Hon. Ruku, Geoffrey Kariuki Kiringa, M.P.	
15.	The Hon. Chepkorir, Linet, M.P.	
16.	The Hon. Chebor, Paul, M.P.	
17.	The Hon. Lenguris, Pauline, M.P.	
18.	The Hon. Mamwacha Onchoke Charles, M.P.	
19.	The Hon. Yakub, Adow Kuno, M.P.	
20.	The Hon. Mnyazi, Amina Laura, M.P.	



Commission for University Education

Office of the Chief Executive

CUE/8/112/49

7th June, 2023

Hon. Ezekiel Machogu, CBS
Cabinet Secretary
Ministry of Education
Jogoo House "B"
P.O. Box 30040-00200
NAIROBI

Thro'

Dr. Beatrice M. Inyangala
The Principal Secretary
State Department of University Education
Ministry of Education, Science and Technology
P.O. BOX 300400-00100
NAIROBI

CHARTER FOR THE OPEN UNIVERSITY OF KENYA

The Commission during its Special Board meeting held on 7th June 2023 approved recommendations for award of Charter to the proposed Open University of Kenya. The aforementioned recommendations were based on institutional inspection undertaken on 2nd and 3rd June, 2023 at the temporary site at NACOSTI building. The Commission in its deliberations appreciated the uniqueness of the proposed Open University of Kenya, being the first university to be established without being mentored by an existing university, hence lack of a governing organ to incur expenses.

The purpose of this letter is therefore to convey the resolution of the Commission, to your office and request you to convey the same, upon your satisfaction and approval of Parliament, to His Excellency the President for consideration for award of Charter to Open University of Kenya.

PROF. MIKE KURIA, PhD
COMMISSION SECRETARY/CHIEF EXECUTIVE OFFICER

MK/ig

Redhil Rd. off Limuru Rd., Gigiri, P. O. Box 54999-00200 Nairobi, Kenya.

Tel: +254 (020) - 7205000, 0726 - 445566, 0717- 445566, 0780 - 656575

Email: ceo@cue.or.ke Website: <http://www.cue.or.ke>



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REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY-GENERAL
&
DEPARTMENT OF JUSTICE

Our ref: AG/LDD/674/2/ VOL. VIII

14th June, 2023

The Principal Secretary
Ministry of Education
State Department for University Education and Research
Jogoo House "B"
Harambee Avenue
P.O Box 30040-00100
NAIROBI

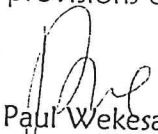
RE: THE OPEN UNIVERSITY

This has reference to your letter dated the 8th June, 2023, Ref. MOE/SDHER/CON/2/33 forwarding to this Office a draft Charter for the proposed Open University for our action.

We have reviewed the draft Charter for the proposed Open University in line with the Universities Act, 2012.

Enclosed herewith please find one original and four copies of the revised draft Charter for the Open University of Kenya for onward transmission to Parliament as required under section 24 of the Universities Act, 2012.

Upon approval and award of the Charter, let us have three copies of the signed Charter for publication. Please note that you are required to comply with the provisions of the Statutory Instruments Act, 2013.


Paul Wekesa

Senior Parliamentary Counsel

FOR: ATTORNEY-GENERAL

Copy to: Hon. J. B. N. Muturi, EGH
Attorney-General

Hon. Mr. Shadrack J. Mose
Solicitor-General

SHERIA HOUSE, HARAMBEE AVENUE
P.O. Box 40112-00100, NAIROBI, KENYA. TEL: +254 20 2227461/2251355/07119445555/0732529995
E-MAIL: info.statelawoffice@kenya.go.ke WEBSITE: www.attorney-general.go.ke

DEPARTMENT OF JUSTICE
CO-OPERATIVE BANK HOUSE, HAILLE SELLASIE AVENUE P.O. Box 56057-00200, Nairobi-Kenya TEL: Nairobi 2224029/ 2240337
E-MAIL: legal@justice.go.ke WEBSITE: www.justice.go.ke

ISO 9001:2008 Certified



Ms. Linda Murila
Chief State Counsel



EXECUTIVE OFFICE OF THE PRESIDENT
CABINET OFFICE

SECRET

Telegraphic Address

Telephone: +254-20-22275621/2/3

When replying please quote

Ref. No. **CAB/GEN.3/1/1 VOL.XX/(53)**
and date

STATE HOUSE

P.O. Box 40530-00100
Nairobi, Kenya

..27th April, 2023, 20.....

Dr. Richard Belio Kipsang, PhD., CBS
Principal Secretary
State Department for Basic Education
Ministry of Education
NAIROBI

Dr. Esther Thaara Muoria, PhD
Principal Secretary
State Department for TVET
Ministry of Education
NAIROBI

Dr. Beatrice I. Muganda, PhD
Principal Secretary
State Department for Higher Education & Research
Ministry of Education
NAIROBI

Dr. Chris Kiptoo, PhD., CBS
Principal Secretary
The National Treasury
The National Treasury & Economic Planning
NAIROBI

Mr. James Muhati
Principal Secretary
State Department for Economic Planning
The National Treasury & Economic Planning
NAIROBI

Eng. John K. Tanui, MBS
Principal Secretary

SECRET

Prof. Edward W. Kisiang'ani (PhD)

Principal Secretary

State Department for Broadcasting & Telecommunications

Ministry of Information, Communications & the Digital Economy

NAIROBI

Mr. Shadrack J. Mose

Solicitor- General

State Law Office

NAIROBI

THE ESTABLISHMENT OF THE OPEN UNIVERSITY OF KENYA

I refer to the 1st **Special Cabinet Meeting – 2023** held on 27th April, 2023; during which the Cabinet Secretary for Education presented a Cabinet Memorandum **CAB 23(71)** jointly with the Cabinet Secretary for the National Treasury & Economic Planning; the Cabinet Secretary for Information, Communication & The Digital Economy; and the Attorney-General.

The Memorandum sought to apprise Cabinet on the strategic national importance and need for a specialized university to offer programmes by Open and Distance e-Learning (ODEL). It also sought the approval of the nation's top policy organ for the establishment of the Open University of Kenya.

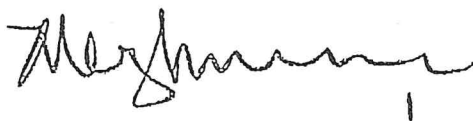
I wish to inform you that Cabinet **considered** the Memorandum and:

- I. **Noted** the contents of the Memorandum;
- II. **Noted** that the proposed Open University of Kenya seeks to expand access to university education through a flexible mode of study; and by expanding options and opportunities for training, in-service skills upgrading, capacity building, and continuing education;
- III. **Noted** that Section 24 (1) (b) of the Universities Act, 2012 provides for the establishment of a national open university as a specialized university to offer university programmes through distance learning and e-learning;
- IV. **Noted** that the prerogative for establishment of the national Open University is vested in the President, on the recommendation of the Council for University Education, and with the approval of Parliament;

SECRET

- V. **Noted** that the proposed university will accelerate transition to a digital economy by mainstreaming digital skills and capacity development in the priority areas of national development as espoused in the Bottom-Up Economic Transformation Agenda(BETA);
- VI. **Declared** the mandate of the proposed Open University of Kenya to be of strategic national importance;
- VII. **Approved** the establishment of the Open University of Kenya;
- VIII. **Authorized** the transmittal of the grant of Cabinet approval on the establishment of the Open University for consideration by Parliament; and
- IX. **Directed** the Cabinet Secretary for Education; the Cabinet Secretary for the National Treasury & Economic Planning; the Cabinet Secretary for Information, Communication & The Digital Economy; and the Attorney-General to take the appropriate further actions.

Please proceed and take appropriate action, as directed by **Cabinet**.



Mercy Wanjau, (Mrs.), MBS
SECRETARY TO THE CABINET

Copy to **Hon. Ezekiel Machogu, CBS**
Cabinet Secretary
Ministry of Education
NAIROBI

Prof. Njuguna Ndung'u, PhD., CBS
Cabinet Secretary
The National Treasury & Economic Planning
NAIROBI

Mr. Eliud Owalo
Cabinet Secretary
Ministry of Information, Communications &
the Digital Economy

SECRET

Hon. Justin B.N. Muturi, EGH
Attorney-General
State Law Office
NAIROBI

Mr. Felix K. Koskei
Chief of Staff &
Head of the Public Service
Executive Office of the President
NAIROBI

Mr. George N. Macgoye, EBS, OGW
Chief of Staff
Office of the Deputy President
Executive Office of the President
NAIROBI

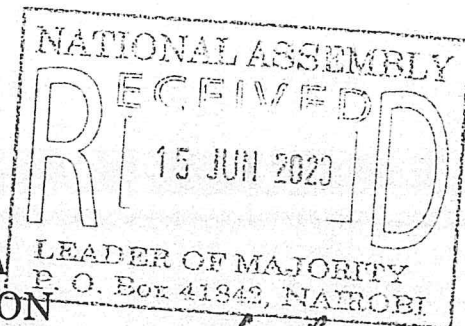
Mr. Joseph N. Busiega, MBS, ndc(K)
Chief of Staff
Office of Prime Cabinet Secretary
NAIROBI

Mr. Julius K. Korir, CBS
Principal Secretary
State Department for Cabinet Affairs
Office of the Deputy President
NAIROBI

CNA, Please expedite approval. 15/6/23.



REPUBLIC OF KENYA
MINISTRY OF EDUCATION
Office of the Cabinet Secretary



Telephone: Nairobi (020) 3318581
Email: cs@education.go.ke
Website: www.education.go.ke

Ref: MOE/SDHER/CON/2/33

Hon. Kimani Ichung'wah, MP
Leader of the Majority Party
National Assembly
Parliament Buildings
NAIROBI

Dear Sir,

RE: PARLIAMENTARY APPROVAL FOR THE ESTABLISHMENT OF THE OPEN UNIVERSITY OF KENYA

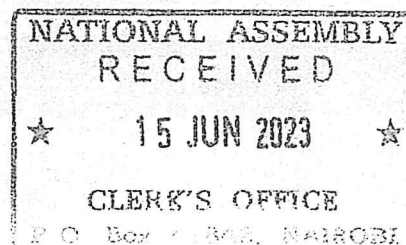
Reference is made to the captioned matter.

Section 24(1) (b) of the Universities Act, 2012 empowers the President, on the recommendation of the Commission for University Education through the Cabinet Secretary for Education, **and with the approval of Parliament**, to establish a national Open University as a specialized university, to offer university programmes through distance and e-learning mode. The section provides as follows:

"The President, on the recommendation of the Commission through Cabinet Secretary, and with the approval of Parliament may by award of Charter, establish—

- (a) *specialized degree-awarding or research institutions whose mandate shall be of strategic national importance; and*
- (b) *a national Open University as a specialized university under this section, to offer university programmes through distance and e-learning mode.*
[Emphasis supplied]

Regulation 43(3) of the Universities Regulations, 2023, outlines the appendices that should accompany an application for the establishment of a national Open University. These include a Cabinet Resolution declaring the mandate of the proposed national Open University to be of strategic national importance.



In this regard, the Cabinet, at its **1st Special Meeting -2023**, held on **27th April, 2023**, considered the Cabinet Memorandum on the Establishment of the Open University of Kenya. The Cabinet declared the mandate of the proposed Open University of Kenya to be of strategic national importance, and approved its establishment. **The Cabinet also approved the transmittal of the grant of Cabinet approval on the establishment of the Open University for consideration by Parliament.** A copy of the letter dated **27th April, 2023**, under Ref. No. CAB/GEN.3/1/1 VOL. XX/ (53), conveying the decision of the Cabinet, is enclosed herewith for your ease of reference.

The Commission for University Education, in exercise of its statutory mandate, has since approved the recommendations for the award of Charter to the proposed Open University of Kenya. A copy of the letter dated **7th June, 2023**, under Ref. No. CUE/8/112/49, communicating the Commission's decision, is enclosed herewith for your ease of reference.

The draft Charter has also been reviewed by the Office of the Attorney-General, and cleared for forwarding to Parliament. A copy of the letter from the Office of the Attorney-General, dated 14th June, 2023 under Ref. No. AG/LDD/674/2/VOL. VIII, is enclosed herewith for your ease of reference. A copy of the draft Charter is also provided herewith.

The purpose of this letter, therefore, is to request you to undertake the necessary processes as required to facilitate Parliamentary consideration and approval for the establishment of the Open University of Kenya.

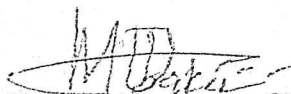
Upon approval by Parliament, the undersigned will make the necessary recommendation to His Excellency the President to grant a Charter to the proposed Open University of Kenya.

As announced by His Excellency the President on **1st June, 2023** during his Madaraka Day Speech, the proposed University is to be granted a Charter in the course of **this month**. The first cohort of students is to be admitted in time to commence studies in **September, 2023**.

In view of the foregoing, I should be most grateful for your usual expedition in addressing the request herein. I am at hand to provide any clarification and or additional information that may be required.

I remain grateful for your continued support.

Yours sincerely,



Hon. Ezekiel Machogu, CBS

CABINET SECRETARY

Copy to: **Hon. Moses Wetangula, EGH**
Speaker of the National Assembly
National Assembly
Parliament Buildings
NAIROBI

Mr. Felix Koskei

Chief of Staff and Head of the Public Service
Executive Office of the President
State House
NAIROBI

Dr. Beatrice Inyangala, PhD

Principal Secretary
State Department for Higher Education and Research
Ministry of Education
NAIROBI



LEGAL NOTICE NO.....

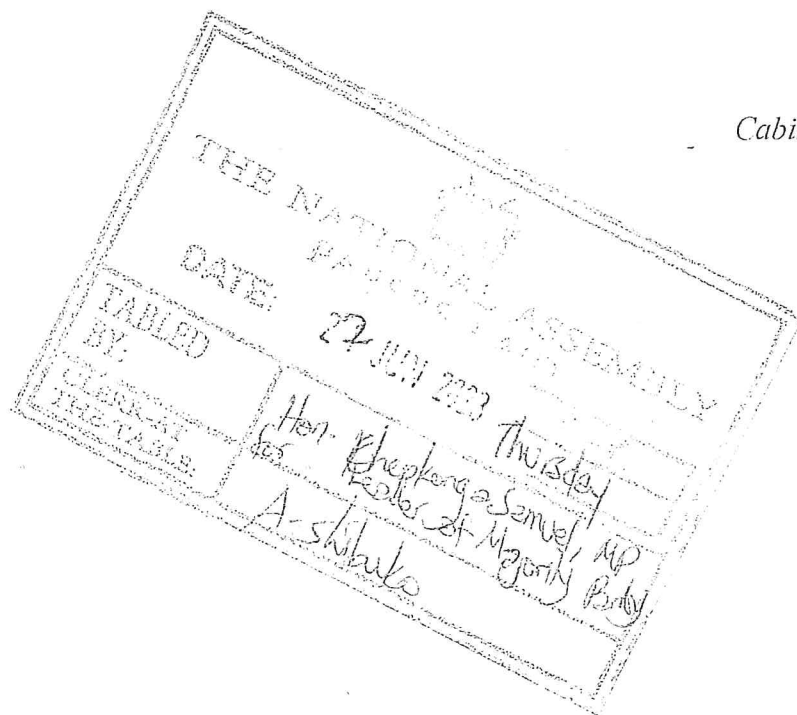
THE UNIVERSITIES ACT, 2012
(No. 42 of 2012)

CHARTER FOR OPEN UNIVERSITY OF KENYA

IN EXERCISE of the powers conferred by section 24(1)(b) of the Universities Act, 2012 the Cabinet Secretary for Education certifies that the Charter set out in the Schedule hereto has been granted to Open University of Kenya in accordance with the provisions of the Act.

Dated the 14TH day of JUNE 2023


EZEKIEL MACHOGU,
Cabinet Secretary for Education.



SCHEDULE

THE UNIVERSITIES ACT

(No. 42 of 2012)

OPEN UNIVERSITY OF KENYA

PREAMBLE

WHEREAS the Government of Kenya wishes to establish an institution in the name of Open University of Kenya, situated in Konza Technopolis, Machakos County, in the Republic of Kenya;

AND WHEREAS, the said Open University of Kenya has applied to the Commission for University Education, for the grant of a Charter to provide for the establishment, control, governance and administration of the University and for the connected purposes, in the manner prescribed by the Universities Act, 2012;

AND WHEREAS the Commission for University Education has visited and inspected the said institution, and is satisfied that the objects of Open University of Kenya are consistent with the provisions of section 24 of the Act and the advancement of university education in Kenya;

AND WHEREAS the Commission for University Education is also satisfied that Open University of Kenya has complied with the provisions of the Universities Act, 2012;

AND WHEREAS the Commission for University Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary, Ministry of Education, on the said institution, and the Cabinet Secretary, Ministry of Education is satisfied that Open University of Kenya should be granted this Charter;

AND WHEREAS the Cabinet Secretary, Ministry of Education has submitted the Charter to me with recommendations thereon;

AND WHEREAS Parliament has approved the establishment of the said Open University of Kenya in accordance with the requirements of the Universities Act, 2012;

AND WHEREAS I am satisfied that the granting of the Charter to Open University of Kenya will be of benefit to the advancement of university education in Kenya;

NOW THEREFORE, by these presents, be it known that in exercise of the powers conferred upon me by section 24(1)(b) of the Universities Act, 2012, I, William Ruto, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, grant the Charter annexed hereto to the Open University of Kenya.

OPEN UNIVERSITY OF KENYA CHARTER

ARRANGEMENT OF PARAGRAPHS

PART I – PRELIMINARY

- 1- Short Title.
- 2- Interpretation.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

- 3- Establishment and incorporation of the university.
- 4- Vision.
- 5- Mission.
- 6- Philosophy.
- 7- Objects and functions of the University.
- 8- Establishment of learner support centres.
- 9- Designation, Conferment, Granting, Cancellation and Withdrawal of Degree, Diplomas and other awards.
- 10- Award of Scholarships.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

- 11- Membership of the University.
- 12- The Chancellor.
- 13- The Council.
- 14- The Vice-Chancellor.
- 15- The Deputy Vice-Chancellors.
- 16- The Senate.
- 17- The University Management Board.
- 18- The staff of the University.
- 19- The Convocation.
- 20- The Alumni Association.
- 21- The Students' Association.
- 22- Performance of functions during incapacity of the office holder.

PART IV – FINANCIAL PROVISIONS

- 23- Financial Year.
- 24- Funds of the University.
- 25- Investments of Funds.
- 26- Annual Estimates.
- 27- Accounts and Audit.

PART V – MISCELLANEOUS PROVISIONS

- 28- Instruments of Governance.
- 29- Instruments of Authority.
- 30- The Statutes.
- 31- Protection of Name.
- 32- Variation and Revocation of this Charter.

OPEN UNIVERSITY OF KENYA CHARTER

PART I—PRELIMINARY

1. Short Title

This Charter shall be cited as the Open University of Kenya Charter.

2. Interpretation

In this Charter, unless the context otherwise requires—

“academic staff” means any person appointed to teach, train, do research or transfer technology at the University and any other employee designated as such by the Council;

“Act” means the Universities Act, No. 42 of 2012;

“administrative staff” means employees of the University on administrative terms of service including Registrars, the Finance Officer, procurement officer, accountants, administrators and such other members of staff, not being engaged as academic members of staff, as the Council may from time to time determine;

“Alumni” means any person who is a graduate or a former student of the University;

“Alumni Association” means the organisation of all graduates and former students of the university as established under paragraph 20 of this Charter;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for university education;

“Centre” means a learner support centre of the University established under paragraph 8 of this Charter;

“Chancellor” means the Chancellor of the University appointed under paragraph 12 of this Charter;

“Commission” means the Commission for University Education established under section 4 of the Act;

“Convocation” means the Convocation of the University established under paragraph 19 of this Charter;

“Council” means the Council of the University established under paragraph 13 of this Charter;

“Dean” means the dean of a faculty appointed in accordance with the Statutes;

“Deputy Vice-Chancellor” means a Deputy Vice-Chancellor appointed by the Council of the University under paragraph 15 of this Charter;

“Director” means a person appointed by the Vice-Chancellor as a Director in the University under the Statutes;

“faculty” means a faculty of the University established under the Statutes;

“financial year” means the financial year of the University as provided for in paragraph 23 of this Charter;

“graduate” means a person upon whom a degree of the University has been conferred or to whom a qualification of the University has been awarded as determined by the Senate;

“Institute” means an institute of the University established under the Statutes;

“Lecturer” means a member of the staff of the University who is, in terms of appointment, a professor, professor emeritus, adjunct professor, or an associate professor, senior lecturer, lecturer, assistant lecturer, tutorial fellow, teaching assistant, or a person who holds any other teaching or research post which the Council has recognized as a post having academic status in the University;

“non-academic staff” means any member of staff of the University that is not engaged as a teaching staff under their terms of appointment;

“Registrar” means a Registrar of the University appointed under the Statutes;

“School” means a school of the university established by the Statutes;

“Senate” means the Senate of the University established under paragraph 16 of this Charter;

“staff association” means an association of the staff recognized by the Council as being representatives of the staff of the University;

“Statutes” means Statutes of the University made by the Council under paragraph 30 of this Charter;

“student” means a person registered by the University for the purposes of receiving instructions in a particular area of study with a view to obtaining a qualification of the University or any other person who is determined by the Senate to be a student;

“students’ association” means an association of students as established under paragraph 21 of this Charter;

“University” means the Open University of Kenya as established under section 24(1)(b) of the Act;

“University Management Board” means the University Management Board of the University established under paragraph 17 of this Charter; and

“Vice-Chancellor” means the Vice Chancellor of the University appointed under paragraph 14 of this Charter.

PART II —ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and Incorporation of the University

(1) There is hereby established a University to be known as Open University of Kenya.

(2) The University shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

(a) suing and being sued;

- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money;
- (d) receiving bequests and gifts which shall be used for the purposes stated by the persons making such bequests and gifts; and
- (e) carrying out or performing any such functions or acts, including entering into such contracts as may be necessary or expedient, for the proper performance and furtherance of the provision of this Charter, which may lawfully be done by a body corporate.

4. Vision

The innovative university for inclusive prosperity.

5. Mission

To provide affordable, flexible, quality learning experiences which enable individual acquisition of knowledge, skills and values in students' chosen fields of study; nurture talents and create opportunities for innovative practices shaping learners into researchers, leaders, entrepreneurs and global citizens.

6. Philosophy

The University is established to provide education to all, building on prior learning. Education is continuous and every person has a right to education.

7. Objects and Functions of the University

(1) The objects of the University shall be to—

- (a) advance and disseminate knowledge by teaching and research through open and distance means of courses and seminars and in other relevant ways;

- (b) provide education of university and professional standards for its students and promote the educational well-being of the community generally;
- (c) contribute towards the expansion of higher education learning opportunities in Kenya and across the globe;
- (d) provide quality, transformative and inclusive education;
- (e) provide a multi-level system of education, training and research that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
- (f) provide a platform for students to acquire knowledge, train and transform themselves;
- (g) stimulate critical inquiry and thought and engage in innovation and commercialisation for the benefits of society;
- (h) facilitate life-long learning through provision of adult and continuing education;
- (i) advance knowledge and its practical application by research, innovation and other means;
- (j) participate in technological innovation as well as in the discovery, preservation, transmission and enhancement of knowledge and to stimulate the intellectual life in the economic, social, cultural, scientific, and technological development;
- (k) develop and offer new programmes of study including those that culminate into degrees, diplomas and certificates by—
 - (i) devising and implementing new academic programmes;
 - (ii) conducting examinations for students;

(iii) appointing external examiners; and

(iv) approving examination results.

(l) determine the qualifications and eligibility of persons to be admitted to pursue any course at certificate, diploma, undergraduate and graduate studies at the University;

(m) provide adequate equipment and facilities necessary for the provision of high quality and innovative education and undertake research and extracurricular activities;

(n) develop an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society; and

(o) establish academic partnerships and linkages with other universities, research institutions and industry.

(2) In discharging the objects referred to in subparagraph (1)—

(a) admission to the University as a candidate for degree, diploma, certificate, or other award shall be open to all persons, accepted as qualified by the Senate, without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, age, physical ability or gender, and without discrimination based on methods of acquisition of prior learning and competences;

(b) no barrier based on any such distinction shall be imposed upon any person as a condition of their becoming, or continuing to be, a professor, lecturer, graduate or student of the University, or of their holding any office therein, nor shall any preference be given to, or advantage withheld from any person on the grounds of any such distinction; and

(c) the University shall charge such fees or levy as the Council may approve, from students admitted to the University for defraying expenses connected with their education.

8. Establishment of Learner Support Centres

(1) The Council may, on the advice of the Senate, establish learner support centres across the country to enhance accessibility, support to students, assessment, opportunity for lecturers to develop and record e-learning materials with a view to supporting the realisation of the Mission and Vision of the University.

(2) A centre established under this paragraph shall not be a governance structure of the University but only seek to provide support to students.

(3) The Council shall make and where necessary, amend guidelines and frameworks on the operationalisation and running of the centre from time to time on the recommendation of the Senate.

9. Designation, Conferment, Granting, Cancellation and Withdrawal of Degrees, Diplomas and other awards

(1) The University shall have the power to designate degrees, diplomas, certificates, and any other awards under such terms and conditions as may be provided for by the Statutes.

(2) The University shall have the power to confer degrees and award diplomas, certificates and any other awards under such terms and conditions as may be provided for by the Statutes.

(3) The University may, in accordance with such conditions as prescribed in the Statutes, confer an honorary degree to any person who has, in the opinion of the Council, rendered distinguished service to the advancement of any branch of learning or who has otherwise rendered service in any field of human endeavour worthy of such a degree or distinction.

(4) Subject to this Charter, the Council may, on the recommendation of the Senate, cancel or withdraw such certificates, diplomas, degrees, including honorary degrees, or any other awards as may be provided for by the Statutes.

10. Award of Scholarships

Subject to this Charter, the University may award scholarships, fellowships, bursaries, prizes and other awards which may be provided for by the Statutes.

PART III —MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

11. Membership of the University

- (1) The members of the University shall be—
- (a) the Chancellor;
 - (b) the Council;
 - (c) the Vice-Chancellor;
 - (d) the Deputy Vice-Chancellors;
 - (e) the Principals of Constituent Colleges;
 - (f) the Principals of Colleges and Campus within the University;
 - (g) the Senate;
 - (h) the University Management Board;
 - (i) the Registrars;
 - (j) the University Librarian;
 - (k) the Chief Legal Officer;
 - (l) the Lecturers;
 - (m) the Librarian;
 - (n) the Finance Officer;
 - (o) the Dean of Students;
 - (p) the members of the Governing Body of each Constituent College;
 - (q) the students;

- (r) the Alumni;
- (s) the administrative staff;
- (t) the non-academic staff;
- (u) the convocation; and
- (v) such other persons as may be declared members of the University by the Council on the recommendation of the Senate.

(2) The members of the University shall enjoy such rights and privileges as may be specified in the Statutes.

12. The Chancellor

(1) The President shall, unless the President deems it fit to appoint another person, be the Chancellor of the University.

(2) The Chancellor—

- (a) shall be the titular head of the University and shall in the name of the University, confer degrees and grant diplomas, certificates and other awards of the University;
- (b) may from time to time, direct an inspection of the University or an inquiry into the teaching, research or any other work of the University;
- (c) may arrange for visitation into the general administration and organization of the University in such a manner as may be provided by the Statutes;
- (d) may from time to time give advice to the Council which the Chancellor considers necessary for the betterment of the university; and
- (e) shall enjoy such powers and privileges and perform such other functions as may be provided for by the Statutes.

13. The Council

(1) There shall be a Council of the University whose members shall be appointed in accordance with the Act.

(2) The Council shall consist of —

- (a) the Chairperson, who shall be appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for university education;
- (c) the Principal Secretary in the Ministry for the time being responsible for finance;
- (d) the Principal Secretary in the Ministry for the time being responsible for information and communication technology;
- (e) four members appointed by the Cabinet Secretary through an open process in accordance with the Act, ensuring that there are balanced competencies, gender equity, and the inclusion of stakeholders, persons with disabilities, the marginalized and other minority groups; and
- (f) the Vice-Chancellor, who shall be the Secretary and an *ex-officio* member.

(3) Subject to this paragraph, a member of the Council, other than an *ex-officio* member, shall hold office for a term of three years and shall be eligible for re-appointment for one further term.

(4) The office of a member of the Council shall become vacant if the member—

- (a) not being an *ex-officio* member, resigns from the office by notice in writing addressed to the appointing authority through Vice-Chancellor;
- (b) is unable to exercise the functions of his office by reasons of by reasons of physical or mental infirmity to the satisfaction of the appointing authority;

- (c) fails to attend three consecutive Council meetings without authorization from the Chairperson;
- (d) is adjudged bankrupt by a court of competent jurisdiction;
- (e) is convicted of an offence and is sentenced to imprisonment for a period of six months or more; and
- (f) dies.

(5) Where the office of a member of the Council becomes vacant, the Vice-Chancellor shall notify the Cabinet Secretary within fourteen days of the vacancy.

(6) The procedure, conduct and regulation of the affairs of the Council shall be determined in accordance with this Charter and the Statutes.

(7) The Council shall exercise prudent leadership, innovative enterprise, and good judgement in directing the University and shall always act in the best interest of the University.

(8) Subject to this Charter, the functions of the Council shall be to—

- (a) mobilise resources for the University;
- (b) receive, on behalf of the University, donations, endowments, gifts, grants or other moneys and make disbursements therefrom to the University or other bodies or persons;
- (c) subject to the provisions of the Act and after consultation with the Senate, make Statutes, for the University;
- (d) make appointments authorised by the Act and the Statutes and to determine the terms and conditions of service for all staff of the University;
- (e) to determine the methods of recruitment, appointment and promotion of all staff of the University;
- (f) provide for the welfare of the staff and students of the University;

- (g) after consultation with the Senate, make regulations governing the conduct and discipline of the students of the University;
- (h) after consultation with the University Management Board, make regulations governing the recruitment, promotion, conduct and discipline of the staff of the University;
- (i) determine, on recommendations of the Senate, all fees payable to the University;
- (j) approve the annual budget of the University;
- (k) subject to the laid down government procedures approve the sale, purchase, exchange, lease, or take on, lease moveable and immovable property on behalf of the University;
- (l) subject to the laid down government procedures, approve the borrowing of money on behalf of the University, and for that purpose and subject to the Act, to mortgage or charge all or any part of the property unless the conditions of the property so held provide otherwise, and to give such other security whether upon moveable and immovable property or otherwise as the Council may deem fit;
- (m) subject to the laid down government procedures, approve the investment of any money belonging to the University including any unutilised income, in such stock, funds, fully paid shares or securities as the Council may, from time to time, deem fit, in accordance with the general law for the investment of trust moneys or in the purchase of freehold or leasehold properties, including rents and, subject to the Act, with the powers of varying such investment from time to time by sale or re-investment or otherwise;
- (n) on the recommendation of the Senate, provide in accordance with the Statutes, for the creation of new divisions, faculties, schools, institutes, departments, centres or other bodies of learning, research and production in the University, whether formed by the sub-division of any one or more than one of any such new body or otherwise, and for the abolition from time to time of any such body, and to approve the establishment,

abolition or subdivision of any such body however so described;

- (o) approve regulations governing the conduct and discipline of the students of the University;
- (p) after consultations with the University Management Board, approve regulations governing the recruitment, conduct and discipline of the staff of the University;
- (q) recommend the person to be appointed as the Vice Chancellor;
- (r) monitor and evaluate the implementation of strategies, policies, and the management criteria and plans of the University;
- (s) constantly review the viability and financial sustainability of the University, and shall do so once every year;
- (t) ensure that the University complies with all the relevant laws, regulations, governance practices, accounting and auditing standards; and
- (u) perform such other duties as may be provided for in the Statutes and may have such other powers as contained in the Act.

(9) The Council may delegate to any of its committees, member or employee, the exercise of some of its functions or duties set out in this Charter or any other written law.

14. The Vice-Chancellor

(1) There shall be a Vice-Chancellor of the University who shall be appointed in accordance with the Act.

(2) The Vice-Chancellor shall be the chief executive officer of the University and shall—

- (a) be the academic and administrative head of the University;

- (b) have overall responsibility for the direction, organisation, administration and programmes of the University; and
- (c) have such other responsibilities and duties as may be provided for in this Charter, the Statutes and the instrument of engagement.

(3) The Vice-Chancellor shall hold office for a period of five years and shall be eligible for re-appointment for a further term of five years.

15. The Deputy Vice-Chancellors

(1) There shall be such number of Deputy Vice-Chancellors as may be appropriate, who shall be appointed in accordance with the Act, and who shall be under the general authority of the Vice-Chancellor and shall exercise such powers and perform such duties as may be provided for in the Statutes.

(2) A Deputy Vice-Chancellor shall hold office for a period of five years and shall be eligible for re-appointment for a further term.

16. The Senate

(1) There shall be a Senate of the University which shall be in responsible for academic matters of the University.

(2) The Senate shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principal of each Constituent College;
- (d) the Principal of each College and Campus within the University;
- (e) the Deans of Schools or Faculties;
- (f) the Chairpersons of the teaching departments of the University;
- (g) one representative of each of the school boards or faculty boards nominated by relevant board from among its members;

- (h) the Professors of the University;
- (i) the Dean of Students;
- (j) the University Librarian;
- (k) the Finance Officer;
- (l) the Registrars;
- (m) the Director for the time being responsible for various units in the University;
- (n) the Chief Legal Officer;
- (o) two representatives of the students' organization, who shall however not be entitled to attend deliberations of the Senate considered by the Chairperson to be confidential or which relate to examinations, the general discipline of students, and other related matters;
- (p) one representative of each of the staff union; and
- (q) such other members as the Senate may determine in accordance with the Statutes.

(3) The Deputy Vice-Chancellor (Academic Affairs), shall be the Secretary to the Senate.

(4) The powers and duties of the Senate shall be to—

- (a) satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University;
- (b) propose Statutes to be made by the Council regarding the eligibility of persons for admission to degree, diploma and certificate programmes;
- (c) propose Statutes to be approved by the Council regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other awards of the University;

- (d) decide which persons have attained such standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other awards of the University;
- (e) initiate proposals relating to the conduct of the University's academic affairs generally and to make representation thereon to the Council;
- (f) recommend to the Council the establishment, abolition or harmonisation of Schools, Faculties, Institutes, Units, Departments, and Centres as the Senate may determine from time to time;
- (g) subject to the Act, make recommendations to the Council for the establishment, abolition or supervision of degrees and other academic programmes and their titles in the University;
- (h) set dates of the academic year and to determine the schedule of academic programmes within an academic year;
- (i) approve all syllabi of the University;
- (j) regulate the conduct of examinations;
- (k) approve the examination results;
- (l) make regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;
- (m) develop, implement and promote quality assurance systems and structures in all University operations;
- (n) approve progression of students from one level to another including exit, re-entry and termination of studentships;
- (o) receive proposals from various boards of faculties, institutes and schools, and to consider their recommendations and make appropriate decisions;

- (p) review the Statutes from time to time and to present recommendations thereon to the Council provided that all Statutes shall be reviewed at least once every five years;
- (q) approve admissions, credit and inter or intra school transfers;
- (r) determine procedures to be followed in the award of certificates, diplomas and conferment of degrees and other awards;
- (s) promote research and innovation within the University;
- (t) promote the welfare of students and staff within the University;
- (u) propose regulations and procedures for the discipline, welfare and mentorship of students for the approval of the Council;
- (v) oversee the discipline, mentorship and social wellness and psychosocial support of students;
- (w) determine general policy matters relating to library, technological infrastructure, instructional designs, learning modules, learning management system, electronic laboratories, student support facilities and requisite academic services considered necessary for furtherance of the academic objectives of the University;
- (x) promote cooperation and linkages with other Universities, industry and other relevant institutions;
- (y) recommend to the Council, the criteria for promotion and appointment of academic staff; and
- (z) determine the design of academic dress and prescribe its use.

(5) The Senate shall exercise such other powers as may be conferred on it by the Act, the Statutes or by the regulations and to do such other acts as the Council may authorise.

(6) Notwithstanding the provisions of this Charter, the Council shall not initiate any action with respect to academic matters or reject or amend any regulations relating to academic matters, as proposed by the Senate without further reference to the Senate.

17. The University Management Board

(1) There shall be a University Management Board which shall be responsible for the implementation of the University policies as provided for in this Charter and the Statutes.

(2) The University Management Board shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Registrars;
- (d) the Finance Officer;
- (e) the Director Information and Communication Technology;
- (f) the Dean of Students;
- (g) the University Librarian;
- (h) the Chief Legal Officer; and
- (i) such other member of senior management as the Council determine in accordance with the Statutes.

(3) The Chairperson of the University Management Board may invite other officers of the University to attend a meeting of the University Management Board when specific matters pertaining to their departments are being discussed and such officers shall be in attendance but not be eligible to vote.

(4) The Registrar (Administration and Planning) shall be the Secretary to the University Management Board.

(5) The University Management Board shall assist the Vice-Chancellor in the day- to-day management of the University and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical and financial resources of the University;
- (b) ensuring that resources are available to various units of the University to ensure efficient operations;
- (c) making proposals to the Council and the Senate on policies that have a University wide application;
- (d) coordinating and implementing the University strategic and development plans;
- (e) ensuring the decisions of the Council are implemented;
- (f) implementing the University policies;
- (g) recommending to the Council budgets for approval of programmes for various sections of the University;
- (h) forming management committees as may be appropriate to perform such functions and discharge such responsibilities as it may determine for efficient running of the University;
- (i) monitoring and evaluating the University projects and use of resources; and
- (j) performing any other duties related to the management of the University as may be assigned by the Council from time to time.

18. The Staff of the University

(1) The Academic staff of the University shall consist of—

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellors;
- (c) the Deans of the University;
- (d) the University Librarian; and
- (e) all members of staff who are engaged in teaching and research.

(2) The non-academic staff of the University shall consist of, such other members of staff engaged in general administration as the Council may, from time to time, determine including all the staff of the University engaged in laboratory, field instruction, workshops and such similar environs in the teaching departments and the staff engaged in general duties as the Council may from time to time determine.

(3) The members of staff of the University shall, subject to this Charter, be appointed either—

- (a) in the manner and upon the terms and conditions of service prescribed by the Statutes; or
- (b) in the case of a person seconded to the service of the University from the service of another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding entity.

(4) The Council may, subject to such restrictions as it may impose, delegate, either generally or specifically, to any person, committee, or body, the power to appoint any member of the staff of the University.

(5) The members of staff of the University shall—

- (a) be subject to the general authority of the Council and of the Vice-Chancellor; and
- (b) be employed in accordance with the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment.

19. The Convocation

(1) There shall be Convocation of the University which shall consist of graduates of the University and such other persons as may be prescribed by the Statutes.

(2) The Convocation shall have the right to meet and discuss any matter relating to the University and transmit resolutions thereon to the Council and the Senate, and may exercise such other functions as the Statutes may prescribe.

20. The Alumni Association

(1) There shall be an Alumni Association of the University which shall consist of all persons whose names appear on the Alumni Association register, to be compiled and kept by the Secretary of the Association and such other members as may be prescribed in the Statutes.

(2) The functions and powers of the Alumni Association shall be prescribed in the Statutes.

21. The Students' Association

(1) There shall be a Students' Association established in accordance with the provisions of the Act, this Charter and the Statutes.

(2) The Student's Association shall elect a Students' Council, and not more than one-third of the Council shall be of the same gender.

(3) The functions of the Students' Council shall be to—

(a) oversee and plan, in consultation with the Senate, students' activities for the promotion of academic, spiritual, moral, harmonious communal life and social well-being of all students;

(b) draw to the attention of the appropriate authority, where necessary, special needs from particular students;

(c) offer suggestions to the Senate on matters affecting the well-being of students; and

(d) undertake such other functions as may be provided in its governance instrument, as approved by the Council.

22. Performance of Functions During Incapacity of the Office Holder

(1) In the event of the incapacity of the Vice-Chancellor, the Council shall appoint one of the Deputy Vice-Chancellors to carry out the functions of the Vice-Chancellor during the period of incapacity for a maximum period of one hundred and eighty calendar days.

(2) In the event of the incapacity of one of the Deputy Vice-Chancellors, the Council may appoint one of the other Deputy Vice-Chancellors, or a Dean of Faculty to perform the functions of the Deputy Vice-Chancellor during the incapacity for a maximum period of one hundred and eighty calendar days.

(3) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Council may appoint one of the Deans of Faculties to perform the functions of the Vice-Chancellor during the incapacity for a maximum period of one hundred and eighty calendar days.

(4) In the event of the simultaneous incapacity of the Vice-Chancellor, the Deputy Vice-Chancellors, and the Deans of Faculties, the Council shall appoint a member of the academic staff at the level of Professor to perform the functions of the Vice-Chancellor during the incapacity for a maximum period of one hundred and eighty calendar days.

(5) In the event of the incapacity of any member of staff of the University other than the Vice-Chancellor and Deputy Vice-Chancellors, the Vice-Chancellor may appoint a suitable person to perform the functions of the said officer during the incapacity for a maximum period of one hundred and eighty calendar days.

(6) In this paragraph, "incapacity" includes absence from Kenya or inability for any other reason to perform the functions of the office concerned or as may be provided for in the Statutes.

(7) At the expiry of the period prescribed in this paragraph, the position in respect of which the vacancy has arisen shall be filled following the prescribed procedure.

PART IV —FINANCIAL PROVISIONS

23. Financial Year

(1) The financial year of the University shall be the period of twelve months commencing on the 1st July and ending on 30th June in the following year.

(2) In the event of any change in the financial year, and for the purposes of the transition from the old financial year to a new financial year consequent upon the change, the transitional period, whether more or less

than twelve months, shall be deemed for the purposes of this Charter to be a financial year.

24. Funds of the University

The funds of the University shall comprise—

- (a) such sums as may be granted to the University by the Exchequer;
- (b) such monies or assets as may accrue to or vest in the University in the course of performance of its functions under this Charter and the Statutes; and
- (c) all monies from any other source provided for or donated or lent to the University with the approval of the Council.

25. Investments of Funds

(1) The Council may invest any of the funds of the University in securities, treasury bonds, trust funds or in any other securities which the National Treasury may, from time to time, approve.

(2) The Council may place on deposit with such banks as it may determine any moneys not immediately required for the purposes of the University.

26. Annual Estimates

(1) Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the University for the financial year concerned, and in particular shall provide for—

- (a) the payment of the salaries, allowances and other charges in respect of the staff of the University;
- (b) the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University;

- (c) the proper maintenance of the buildings and grounds of the University;
- (d) the proper maintenance, repair and replacement of equipment and other movable property of the University;
- (e) the funding of the cost of teaching, research and outreach activities of the University;
- (f) development purposes; and
- (g) the creation of such funds to meet future or contingent liabilities in respect of retiring benefits insurance or replacement of building or equipment and in respect of such other matters as the Council may deem fit.

(3) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Cabinet Secretary for approval, and after the Cabinet Secretary has approved, the Council shall not increase any sum provided in the estimates without the consent of the Cabinet Secretary.

(4) No expenditure shall be incurred for the purpose of the University except in accordance with the annual estimates approved under subparagraph (3) or in pursuance of an authorisation of the Council given with the prior approval of the Cabinet Secretary.

27. Accounts and Audit

(1) The Council shall cause to be kept proper books of accounts of the income, expenditure and assets of the University.

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Auditor-General, the accounts of the University together with—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University on the last day of that financial year.

(3) The accounts of the University shall be audited and reported upon in accordance with the provisions of the Public Audit Act, 2017 and any other relevant law.

(4) The Auditor General, shall submit to the Council the report of examination and audit of accounts, within a period specified in the Statutes.

PART V — MISCELLANEOUS PROVISIONS

28. Instruments of Governance

(1) The University shall conspicuously display all its instruments of governance.

(2) Where any instrument is revoked under this Charter, the University shall, within fourteen days of such revocation, return the original instrument of governance to the Commission subject to the provisions of this Charter.

29. Instruments of Authority

(1) Subject to this Charter, the University shall possess the following instruments of Authority—

- (a) the University Mace;
- (b) the Common Seal;
- (c) the University Logo; and
- (d) the Assessment Report.

(2) The common seal of the University shall be kept in such custody and used only as the Council shall direct.

(3) The common seal of the University shall be authenticated by the signatures of the Vice Chancellor together with any other person duly authorised by the Council.

(4) The common seal of the University when affixed to any document and duly authenticated shall be judicially and officially noticed, and, unless

and until the contrary is proved, any order or authorisation of the Council under this paragraph shall be presumed to have been duly given.

(5) All documents required by law to be under Seal, made on behalf of the Council and all decisions of the Council shall be under the hand of the Chairperson, the Vice Chancellor or any other member of the Council duly authorised by the Council on its behalf.

(6) The Mace shall be kept in such custody as the Council may direct.

(7) The Mace shall be used as specified in the Statutes.

(8) No person, body, authority or organisation performing any function related to administration, registration of companies, business, trade, advertisement, calling, profession, use the Common Seal and Logo of the Open University of Kenya except with the consent of the Council or authorised representative of the Council.

30. The Statutes

(1) In the performance of its functions under this Charter, the Council may, subject to this Charter, make Statutes generally for the governance, control and administration of the University and for the better carrying into effect of the purposes of this Charter, and in particular for the—

- (a) establishment of Learner Support Centres;
- (b) establishment of colleges, faculties, schools, institutes and centres of the University;
- (c) description of degrees, diplomas, certificates and other academic qualifications;
- (d) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (e) conduct of examinations;
- (f) prescribing fees and other charges;
- (g) prescribing the rules and regulations for the conduct and organisation of student affairs;

- (h) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of the staff of the University;
- (j) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and
- (k) providing for or prescribing anything, which, under this Charter may be provided for or prescribed by the Statutes.

(2) Notwithstanding subparagraph (1), the Council shall not make, amend or revoke any Statutes relating to the functions and privileges of the Chancellor, Vice-Chancellor or Senate without reference to the Senate.

(3) The Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three-quarters of the members present and voting, being not less than half of the total membership of the Council.

(4) The Statutes or regulations made by the Council under this Charter shall be published in the Gazette.

31. Protection of Name

(1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words, "Open" together with the word "University of Kenya" in any order, unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who, except with the written consent of the Council, uses the words "Open" together with the words "University of Kenya" together in any order and in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall, on conviction, be liable a fine not exceeding one million shillings or imprisonment for a term not exceeding three years, or to both.

(3) Notwithstanding the foregoing, nothing in this paragraph shall be construed as preventing the bona-fide use by any person of any title in

pursuance of the grant to the person of a degree, diploma or certificate by the University.

32. Variation and Revocation of this Charter

This Charter may be varied, amended or revoked in accordance with the provisions of the Act.

Given under my hand and the Public Seal of the Republic of Kenya on

the.....Day of 2023.

WILLIAM RUTO,
President.

Dated the.....day of.....2023

EZEKIEL MACHOGU,
Cabinet Secretary for Education.



EXECUTIVE OFFICE OF THE PRESIDENT
CABINET OFFICE

SECRET

Telegraphic Address
Telephone: +254-20-22275621/2/3
When replying please quote

STATE HOUSE
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Nairobi, Kenya

Ref. No. CAB/GEN.3/1/1 VOL.XX/(53)
and date

27th April, 2023, 20.....

Dr. Richard Belio Kipsang, PhD., CBS
Principal Secretary
State Department for Basic Education
Ministry of Education
NAIROBI

Dr. Esther Thaara Muoria, PhD
Principal Secretary
State Department for TVET
Ministry of Education
NAIROBI

Dr. Beatrice I. Muganda, PhD
Principal Secretary
State Department for Higher Education & Research
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Dr. Chris Kiptoo, PhD., CBS
Principal Secretary
The National Treasury
The National Treasury & Economic Planning
NAIROBI

Mr. James Muhati
Principal Secretary
State Department for Economic Planning
The National Treasury & Economic Planning
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Eng. John K. Tanui, MBS
Principal Secretary

SECRET

Prof. Edward W. Kisiang'ani (PhD)

Principal Secretary

State Department for Broadcasting & Telecommunications

Ministry of Information, Communications & the Digital Economy

NAIROBI

Mr. Shadrack J. Mose

Solicitor- General

State Law Office

NAIROBI

THE ESTABLISHMENT OF THE OPEN UNIVERSITY OF KENYA

I refer to the 1st Special Cabinet Meeting – 2023 held on 27th April, 2023; during which the Cabinet Secretary for Education presented a Cabinet Memorandum CAB 23(71) jointly with the Cabinet Secretary for the National Treasury & Economic Planning; the Cabinet Secretary for Information, Communication & The Digital Economy; and the Attorney-General.

The Memorandum sought to apprise Cabinet on the strategic national importance and need for a specialized university to offer programmes by Open and Distance e-Learning (ODEL). It also sought the approval of the nation's top policy organ for the establishment of the Open University of Kenya.

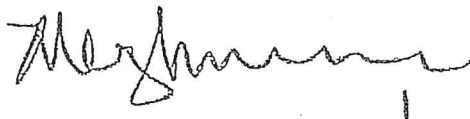
I wish to inform you that Cabinet **considered** the Memorandum and:

- I. **Noted** the contents of the Memorandum;
- II. **Noted** that the proposed Open University of Kenya seeks to expand access to university education through a flexible mode of study; and by expanding options and opportunities for training, in-service skills upgrading, capacity building, and continuing education;
- III. **Noted** that Section 24 (1) (b) of the Universities Act, 2012 provides for the establishment of a national open university as a specialized university to offer university programmes through distance learning and e-learning;
- IV. **Noted** that the prerogative for establishment of the national Open University is vested in the President, on the recommendation of the Council for University Education, and with the approval of Parliament;

SECRET

- V. **Noted** that the proposed university will accelerate transition to a digital economy by mainstreaming digital skills and capacity development in the priority areas of national development as espoused in the Bottom-Up Economic Transformation Agenda(BETA);
- VI. **Declared** the mandate of the proposed Open University of Kenya to be of strategic national importance;
- VII. **Approved** the establishment of the Open University of Kenya;
- VIII. **Authorized** the transmittal of the grant of Cabinet approval on the establishment of the Open University for consideration by Parliament; and
- IX. **Directed** the Cabinet Secretary for Education; the Cabinet Secretary for the National Treasury & Economic Planning; the Cabinet Secretary for Information, Communication & The Digital Economy; and the Attorney-General to take the appropriate further actions.

Please proceed and take appropriate action as directed by **Cabinet**.



Mercy Wanjau, (Mrs.), MBS
SECRETARY TO THE CABINET

Copy to **Hon. Ezekiel Machogu, CBS**
Cabinet Secretary
Ministry of Education
NAIROBI

Prof. Njuguna Ndung'u, PhD., CBS
Cabinet Secretary
The National Treasury & Economic Planning
NAIROBI

Mr. Eliud Owalo
Cabinet Secretary
Ministry of Information, Communications &
the Digital Economy

SECRET

Hon. Justin B.N. Muturi, EGH
Attorney-General
State Law Office
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Mr. Felix K. Koskei
Chief of Staff &
Head of the Public Service
Executive Office of the President
NAIROBI

Mr. George N. Macgoye, EBS, OGW
Chief of Staff
Office of the Deputy President
Executive Office of the President
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Mr. Joseph N. Busiega, MBS, ndc(K)
Chief of Staff
Office of Prime Cabinet Secretary
NAIROBI

Mr. Julius K. Korir, CBS
Principal Secretary
State Department for Cabinet Affairs
Office of the Deputy President
NAIROBI

SECRET



REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY-GENERAL
&
DEPARTMENT OF JUSTICE

Our ref: AG/LDD/674/2/ VOL. VIII

14th June, 2023

The Principal Secretary
Ministry of Education
State Department for University Education and Research
Jogoo House "B"
Harambee Avenue
P.O Box 30040-00100
NAIROBI


RE: THE OPEN UNIVERSITY

This has reference to your letter dated the 8th June, 2023, Ref. MOE/SDHER/CON/2/33 forwarding to this Office a draft Charter for the proposed Open University for our action.

We have reviewed the draft Charter for the proposed Open University in line with the Universities Act, 2012.

Enclosed herewith please find one original and four copies of the revised draft Charter for the Open University of Kenya for onward transmission to Parliament as required under section 24 of the Universities Act, 2012.

Upon approval and award of the Charter, let us have three copies of the signed Charter for publication. Please note that you are required to comply with the provisions of the Statutory Instruments Act, 2013.


Paul Wekesa

Senior Parliamentary Counsel

FOR: ATTORNEY-GENERAL

Copy to: Hon. J. B. N. Muturi, EGH
Attorney-General

Hon. Mr. Shadrack J. Mose
Solicitor-General

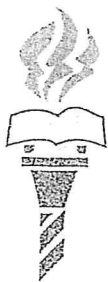
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Commission for University Education

Office of the Chief Executive

CUE/8/112/49

7th June, 2023

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CHARTER FOR THE OPEN UNIVERSITY OF KENYA

The Commission during its Special Board meeting held on 7th June 2023 approved recommendations for award of Charter to the proposed Open University of Kenya. The aforementioned recommendations were based on institutional inspection undertaken on 2nd and 3rd June, 2023 at the temporary site at NACOSTI building. The Commission in its deliberations appreciated the uniqueness of the proposed Open University of Kenya, being the first university to be established without being mentored by an existing university, hence lack of a governing organ to incur expenses.

The purpose of this letter is therefore to convey the resolution of the Commission, to your office and request you to convey the same, upon your satisfaction and approval of Parliament, to His Excellency the President for consideration for award of Charter to Open University of Kenya.

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BLUEPRINT FOR THE ESTABLISHMENT OF

THE OPEN UNIVERSITY OF KENYA

Technical Committee

for Establishment of the Open University of Kenya

April 15, 2023



LETTER OF TRANSMITTAL

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ACKNOWLEDGEMENT

The members of The Open University of Kenya (OUK) Establishment Committee would like to express sincere thanks to the Hon. Ezekiel Machogu, Cabinet Secretary of Education, for appointing them to carry out the challenging but rewarding task of planning, designing, and coordinating the establishment of OUK. We would also like to thank the Principal Secretary, State Department for Higher Education and Research, Dr Beatrice Muganda Inyangala for her unwavering support and critical technical advise extended to the team while working both physically and virtually through the various tasks of coming up with a functional OUK within a short time.

The Committee is also grateful to the staff of the Ministry of Education for offering the requisite technical, logistical and administrative support. The Committee in the course of its work interacted and got support from Vice-Chancellors of both public and private universities, stakeholders from public and private universities, as well as officers of the critical state agencies, institutes and cooperations.

The Committee is grateful for the work previously done in the original blueprint (2010) by the committee led by Prof. Peter Kinyanjui. The Chief Executive Officer and Staff of Commission for University Education also gave the Committee necessary advisory services while the members of the secretariat worked tirelessly to ensure that the activities of the committee were done effectively.

Last but not least the Committee wishes to thank all those who took time to contribute to the realisation of the Blueprint on the Open University of Kenya. Their input was invaluable in assisting us to realise our goals and aspirations.

Technical Committee, The Open University of Kenya

Nairobi, 2023.



EXECUTIVE SUMMARY

This document presents the purpose, design, nature, scope and implementation plan for the establishment of the Open University of Kenya (OUK).

The need for an open university has been expressed at various times since 1960 because of the continued limited access and transition to higher education in Kenya as well as the need for expanded vocational skills. The issue of workforce development is one that developing countries like Kenya cannot afford to take lightly either at the undergraduate level or continuing education levels, particularly in this age of the Fourth Industrial Revolution.

Some educational economists have observed that at least of a nation's workforce must have tertiary education if it is going to compete in the new global economy. They also add: "Seeking to meet this demand requires a conceptualisation of massification that is not currently under consideration" [Teferra and Altbach, 2003]

But it will be noted that the need for the Open University was given considerable attention and urgency more recently by Sessional Paper No. 1 of 2005 on Education Training and Research [MoE, 2005] Public Universities Inspection Board [P. Kinyanjui, 2007], National Strategy for University Education [Wandiga, 2008], Road Map for Open University [Rumble, 2008], and the Draft Universities Bill [Universities-Act, 2012; B.E.-Act, 2013]. These reports observed that the universities in Kenya then absorbed only 9% of the prospectives, leaving out the other qualified candidates.

Statistics indicate that only an estimate of 23.1% of all KCSE candidates qualified for direct admission to public universities between 1994 and 2008. Out of this, only

5.7% got admitted in 2006, rising to 6.6% in 2008. This rise was due to the addition of the Kenya and Mombasa Polytechnics, Meru College of Technology, Kilifi College of Agriculture, Narok and Kabianga Teacher's Colleges and Kenya Science College as constituent colleges. However, the total cost of this efforts has not been at all commensurate with the outcome.

The policy documents and commission reports called for the establishment of an Open University as a measure to expand access to education and particularly to increase transition to university education. Subsequently, the Planning and Implementation Committee was constituted in July 2009 based on the [Rumble, 2008], to plan and coordinate the establishment of the Open University of Kenya.

The Committee began its work with a review of the terms of reference, preparation of a work plan and budget to support carrying out the terms of reference (TORs) and related activities. The work by the Committee is based on the foundation built the Committee that was led by Prof. Peter Kinyanjui, [B. Kinyanjui, 2010] i.e., the Blueprint for the Establishment of the Open University of Kenya (2010).

The vision of OUK will be “The innovative university for inclusive prosperity”. Its Mission shall be “To provide affordable, flexible, quality learning experiences which enable individual acquisition of knowledge, skills and values in students” chosen fields of study; nurture talents and create opportunities for innovative practices shaping learners into researchers, leaders, entrepreneurs and global citizens’. The Open University of Kenya derives its philosophy from the following premises:

- a) “Every person has the right to education” Section 43 (f) of the Constitution of Kenya 2010.
- b) “Kenya intends to create a globally competitive and adoptive human resource base to meet the requirements of a rapidly industrialising economy through life-long training and education” Kenya Vision 2030.
- c) The Open University would be “open as to people, open as to places, open as to methods and open as to ideas” [Crowther, 1969], the founding Chancellor of the UK Open University. Further, [Osuji C., 2022] suggests that open university

provides: Access and equity for the whole national development; reduction in capacity challenges; human capacity building; providing solutions to probable perennial difficult problems; spinoff effects provided for other sectors; a means of transforming higher education sub-sector.

The Committee has identified objectives for the university which include among others:

- a) Promote the expansion of higher education through utilisation of modern digital technologies in the delivery of programmes.
- b) Create equity and equality in the provision of opportunities for higher education.
- c) Ensure that proper mechanisms for quality assurance are in place.
- d) Provide an environment which is conducive for development of human resource capacity that is necessary for national and global economic growth.

The university shall be a body corporate established through a Legal Notice, under Section 3(1) of the State Corporations Act as an autonomous institution, with its own governance structure and control of both its funds and programmes.

The Committee agreed with the [Rumble, 2008] Report and strongly recommends that the headquarters of the Open University should be in Nairobi since it will depend heavily on liaison with government ministries, ICT and broadcasting agencies, the private sector, printers and publishers and staff in other universities. However, the actual operations and delivery of services will be decentralised at the regional offices and local study centres throughout the country.

The Committee considered several alternatives for establishing a “home” for the Open University in the shortest time possible. A number of existing institutions were considered bearing in mind their capacities, buildings and facilities, room for expansion and growth and infrastructures currently in place. The Committee finally decided that the headquarters of The Open University of Kenya will be housed at the Konza Technopolis.

The Committee recommends that the medium and long-term needs of the Open University of Kenya will be specified in its strategic and operational plan for the first three years and beyond. It is emphasised here, however, that future investment by the Open University Kenya will not be in brick and mortar but rather in the development of infrastructure, learning materials, ICT and learner support services. The first guiding principle here will be that no student will be unduly disadvantaged because of the distance from the main campus. The second principle is that the Open University will make maximum use of existing resources, facilities, and staff wherever they are to be found in the country and beyond.

It is therefore important that the Open University of Kenya is viewed, not as a competitor with other public and private universities in the country, but as a collaborator in the task of building capacity towards the attainment of Kenya Vision 2030 and in the implementation of the new constitution. The Committee has recommended three schools, with seven programmes that are to be implemented in the first phase.

The university will use online and blended delivery mode involving e-learning, supplemented by various technologies as appropriate. In these circumstances, the most appropriate structures will be those that routinise the design and delivery of courses and the accompanying materials, and that provide structured bedrock of support services to all learners.

Given sufficient backing and resources, the OUK will quickly develop into a systemic structure based on the inter-relationship of three key sub-systems, namely:

- a) A sub-system that manages the institution and ensures that it is sustained as a business concern through the operation of its leadership, planning, financial management, technology management, facilities, quality assurance structures, etc;
- b) A sub-system that develops curricula, produces and distributes the programmes, courses and materials to the learners;
- c) A sub-system that develops systems to support the learners, including admissions, registration, fees payment, allocation to resources, allocation to learner

support centres, examination centres, teaching and support and advisory services, assessment, examinations, certification, and graduation.

The Committee has endeavoured to provide details of these sub-systems and how they are inter-related. The outcome is the blueprint of the Open University of Kenya presented to the Ministry of Education. The Committee recommends that a core team be appointed of a Vice Chancellor and other core appropriate administrative support staff to carry forward the actual implementation for the establishment of the OUK. The core implementation team should ideally work with the Technical Committee until the open university is realised.

A budget of KES 1,855,664,819 has been proposed for the first year of operation of the OUK to meet the bulk of the initial costs towards establishing physical facilities, Information Communication technology and support, design, production, acquisition of learning/teaching materials and learner support services. The total personnel emoluments for the proposed Open University will account for only 30% of the total budget compared to over 80 % in the Kenyan Public universities. This is because of the smaller number of core staff required for an open university since the larger number will be employed on contract, piece- work or part time basis.

If this budget were to be financed wholly from the students' fees, each of the 7,100 students proposed in the first intake would be required to pay KES 156,582 for that financial year assuming the development costs are amortised over a five-year period. Working on the principle of affordability and in comparison, with other open distance institutions it is proposed that the fees payable by students for identified degree programmes should range between KES 10,400 and KES 10,900 per module. The fees proposed for the post- graduate diploma courses is KES 130,000 per year.

The Committee makes it clear that any increase in student enrolment will not necessarily call for corresponding increase in the core staff and fixed costs, hence economies of scale will be achieved after several years when substantial numbers of students are enrolled.

However, as a new institution, the OUK will require considerable investment of re-

sources well in advance of its ability to enrol students on its courses. The Government is expected to meet the recurrent and development grants of the total budget in the first year of operation. The product of that investment and its economic efficiency will be realised over several years. The Committee is convinced that investment in an Open University for Kenya is sound and timely.

The Committee has forwarded the following documents ready for action by the Ministry of Higher Education, Science and Technology to facilitate the opening of the Open University of Kenya:

- a) Blueprint for the establishment of the OUK;
- b) Proposal for the Open University of Kenya for approval (submitted online);
- c) The Open University of Kenya Bill 2011(online)
- d) The Draft Charter



GLOSSARY OF ACRONYMS

C

CAT: Continuous Assessment Tests (Tasks) 41, 42, 60

COL: Commonwealth of Learning 65–67

COVID-19: Coronavirus disease; an infectious disease caused by the SARS-CoV-2 virus 4, 8, 17

CUE: Commission for University Education 19, 69, 71, 73–75

D

DVC: Deputy Vice-Chancellor 35

E

EAC: East African Community 10

ERP: Enterprise Resource Planning 54, 56

G

GOK: Government of Kenya 65–67

I

ICT: Information and Communication Technology 25, 29, 31, 48, 52, 56, 63, 64, 71, 73

K

KCSE: Kenya Certificate of Secondary Education 19, 20

KICD: Kenya Institute of Curriculum Development 45

KPSEA: Kenya Primary School Education Assessment 10

M

MOOCS: Massive Open Online Courses 19, 22

O

ODeL: Open, Distance, and eLearning 4, 10, 15, 19

OUK: The Open University of Kenya i, iii, v–vii, xii–xiv, 4, 7–11, 14–16, 19–25, 37, 40–42, 49, 50, 54, 56–60, 69–76, 102–107

P

PUIB: Public University Inspection Board 10

S

SDG: Sustainable Development Goal 23

U

UN: United Nations 14

UNISA: University of South Africa 10, 66

V

VLE: Virtual Learning Environment 43, 45, 55, 56, 58–60



GLOSSARY OF SELECTED TERMS

A

adult education: teaching and learning that emphasises the principles of adult learning, often known as andragogy, as compared to pedagogy, or child-centred learning. 65, 105

assessment: the measurement of knowledge skills, and attitude. 45, 51

asynchronous: A modality of learning that allows students to view instructional materials during each learning time frame, i.e., module or week, at any time they choose and does not include a live lecture component. 44, 51, 56

B

blended learning: Also referred to known as technology-mediated instruction, web-enhanced instruction, or mixed-mode instruction. It is an approach that combines online educational materials and interaction online with physical classroom methods. 45, 54

E

e-learning: A structured learning experience that is delivered electronically. It often includes performance support content. Many different elements make up an e-learning program, such as virtual, live, recorded lectures, videos, audio, quizzes, simulations, games, activities, and other interactive elements. 39, 47, 57, 103

I

instructional designer: the person on the course team which understands research in open and distance learning and adult pedagogy, is the collector of wisdom

and successful techniques in open and distance learning and is able to apply this knowledge to the course in question by collaborating with the course writers. 63

S

summative assessment: Assessment that occurs at the completion of a course or project, which provides a summary account of its effectiveness. 51

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Though open and distance learning is not new in Kenya, the growth of the local providers and its acceptance as one of the graduation pathways is relatively new. It entered Kenya's education system during the colonial era, and its e-learning component was incorporated into higher education institutions in late 1990s. For 30 years during the postcolonial period it got stunted. During this period the country was engaged in the expansion of conventional universities. During the colonial period, some Kenyans acquired their further qualifications through distance learning provided by such institutions as Rapid Results College, University of London external studies division and British Tutorial College in the United Kingdom and Rhodes University and University of Good Hope (now the University of South Africa), South Africa.

Since independence in 1963, the driving forces behind the need for reforms in education have been the need to address access, equity, quality and relevance. The various ways that have been used to address these challenges have included, *inter alia*: increasing schools, colleges and universities through public and private participation; adoption of quota system and gender consideration in admission; training and retraining of teachers; provision of infrastructure that support teaching and learning; and reforming the curriculum. The challenges facing the education sector have been identified through public participation. This public participation involved the setting of Education Commissions and Task Forces. The first Commission was the Ominde Commission of 1964. Although Ominde's Commission objective was to undertake exhaustive enquiry into all aspects of education in Kenya, it never

gave priority to the university sector other than as a training ground for secondary school teachers, provision continuing education and the need to consider for admission on their merit students with unusual entry qualifications into an engineering programme at University College (currently the University of Nairobi). The unusual qualifications implied recognition of prior learning. The element of continuing education gave birth in subsequent Commissions to the concept of distance learning.

After the Ominde Commission, subsequent Commissions and the Task Forces other than the Public Universities Inspection Board did not put serious emphasis on the mainstreaming of distance learning in Kenya's education system. The establishment of African Virtual University (AVU) in 1997 as Pan African intergovernmental organisation marked the entry and acceptance of e-learning in higher education. However, distance learning establishment has been left to institutional discretion and hence remained underdeveloped and underfunded learning units. The new forces that are bringing about the rethinking about higher education institutions include inter alia: the cost of sustaining conventional universities; leaving nobody behind with respect to access to education through opening up more access routes breaking conventional barriers, introducing flexible learning modes, and making programmes affordable. When admission to university does not depend wholly on formal grades, age, capacity to pay, gender or geographical location, many of those who missed earlier opportunities or are likely to be disabled by rigid admission criteria will be able to access education and fulfil their aspirations.

Even with heavy investment that has been put in conventional institutions in the last 60 years of independence, only 3.5% of the population have completed university. It has long been suggested that at least 12-15% of a nation's workforce must have tertiary education if it is going to compete in the new global economy. This demands conceptualisation of massification of education through such pathways as distance learning in order to make higher education and training available to the majority.

Currently in Kenya, 4% of the population have access to a university education. It has long been suggested that at least 12-15% of a nation's workforce must have

tertiary education if it is going to compete in the new global economy. This demands conceptualisation of massification of education, such as enhancing Open Education in order to make higher education and training available to the majority.

The need for increased access to higher education has been recognised since the 1960s, as articulated in the Ominde report (1964). Over the years, the government has invested significantly in higher education for training and research. The primary purpose for the establishment of an open university is to open up opportunities for many more Kenyans and others to access university education, by breaking conventional barriers. When admission to university does not depend on formal grades, age, capacity to pay, gender or geographical location, many who missed the opportunity will be able to access training to empower them for life and equip them for quality employment and nation building. Secondly, many who badly need higher education and training, or re-skilling are occupied in regular or vulnerable work that is not dispensable. Flexibility in provision of the needed education and training makes it more attractive and convenient, where students are able to learn at the time and place of their choice, all year round. Furthermore, considering the numbers of young and older Kenyans in need of higher education and training, delivery mode that require minimal physical infrastructure lend themselves to benefiting from economies of scale, so that it becomes possible to offer free education to many.

The need for a Kenyan Open University has been given considerable attention, for example in Sessional Paper No, 1 of 2005 on Education Training and Research [MoE, 2005], Public Universities Inspection Board [P. Kinyanjui, 2007], National Strategy for University Education [Wandiga, 2008] Report, Road Map for Open University [Rumble, 2008] Report and the Draft Universities Bill [Universities-Act, 2012; B.E.-Act, 2013]. Initially, the immediate need was to cater for those who qualified through the conventional system but were unable to get places in Kenyan Universities. Since 2016, however, all those who have qualified formally from secondary school have been offered a place in the 36 public and 30 private universities, as well as in some universities operating on Letter of Interim Accreditation. The cohort of Kenyans

who have remained unreached by university education are those scoring lower grades in secondary school for different reasons, and some who qualify and cannot afford. There are also large numbers of older Kenyans who desire to improve their knowledge and skills, but the restrictive system of conventional universities locks them out.

Versions of open university education have been available in Kenya for many decades. Initially, some Kenyans accessed open and distance education from universities abroad, and some continue to do so. The University of Nairobi had a successful College of Adult and Distance Education that addressed the growing demand for adult education through distance teaching in the 1983. Besides these early initiatives in enhancing access to adult learners, Kenyan universities have been running open and distant programmes for their regular academic and professional training over the last two decades.

In 2020, in the unprecedented season of social economic lock-downs due to the COVID-19 pandemic epidemic, the education system in Kenya (as the world over) innovated by shifting to virtual delivery of education and training through e-platforms, social media, radio and TV. The pandemic has shifted the mode of learning in higher education from reliance on traditional face-to-face to increasingly use of online learning management systems. The use of both Asynchronised and Synchronised learning platforms has become a common practice. However, an important lesson was learnt on the value of internet-based delivery. Distance learning is no longer alien to Kenyans, nor is it considered inferior anymore.

As the skills and competencies required to support livelihoods continue to be more diverse, complex and dynamic, a more robust and responsive educational system is called for.

1.1. Justification for the Establishment of The Open University of Kenya

What do we learn from the ODeL historical trend on the justification of OUK?

Throughout human history, education as a process of knowledge and skills acquisition has neither been confined to one mode of learning, or delivery nor to one type of setting. Indeed, its delivery mode has always been dependent on the level of technological advancement. Invariably, face-to-face or in-person encounter has been the predominant mode of delivery of instructions. This mode will continue being in place despite the emergence of other modes. Print-based mode of delivery of learning emerged as a result of the availability of print technology. The shift from print was propelled by the ubiquitous nature of e-learning and today most institutions are embracing open, distance and e-learning in lieu of print-based mode. Indeed, the growth of the globe shift to distance learning was heralded by the establishment of the Open University of the United Kingdom (OU-UK) in 1969. OU-UK became a catalyst for change in its admission criteria, production of learning materials that have received international acceptance and delivery of instructions. Today OU-UK course materials are widely used by traditional universities in a multitude of different countries. The OU-UK slogan of being “open to people, open to places; open to methods; and open to ideas” has revolutionized the conception of the place and the role of a university in society. In this respect, many countries have followed the OU-UK philosophy of university education being open and hence established their own open universities. Table 1.2 shows a sample of distance learning institutions that have been established since 1969 and their enrollments.

Institution	Country	Year Founded	Enrollment*
University of South Africa	South Africa	1873	420,000
National Centre for Distance Education	France	1939	350,000
Open University of United Kingdom	Britain	1969	250,000
Athabasca University	Canada	1970	43,000
National University of Distance Education	Spain	1972	260,000
Sukhothai Thammathirat Open University	Thailand	1978	217,000
China TV University	China	1979	1,000,000
Korea National Open University	South Korea	1982	142,000
Anadolu University	Turkey	1982	1,900,000
University of Terbuka	Indonesia	1984	646,000

Institution	Country	Year Founded	Enrollment*
Indira Gandhi National Open University	India	1985	4,000,000
Payame Noor University	Iran	1988	940,000
The Open University of Tanzania	Tanzania	1992	92,000
Zimbabwe Open University	Zimbabwe	1999	30,000
Virtual University of Pakistan	Pakistan	2002	100,000
National Open University of Nigeria	Nigeria	2002	515,000

* Figure are for between 1994 and 2020

Table 1.2: Some Post OU-UK Distance Learning Institutions

These distance learning institutions and many others not listed above offer all programmes that are being offered in conventional universities. The popular programs on offer are in order of business and economics; followed by social sciences and applied sciences; third in order are life sciences, medicine and health, engineering and technology, and humanities and arts. The smallest numbers of distance education programs are recorded in environmental science, law, and natural sciences. Within the African continent open universities enrol between 25% and 37% of total enrollment of university students. The leading universities are The Open University of Tanzania with 41%; University of South Africa with 37%; Zimbabwe Open University with 33%; and the Open University of Nigeria with 26%.

The global and the regional trend show that any programme can be offered through distance learning and that open universities provide an additional pathway to higher education.

[Osuji C., 2022] suggests that open university have the potential to contribute towards: access and equity for the whole national development; reduction in capacity challenges; human capacity building; providing solutions to probable perennial difficult problems; spinoff effects provided for other sectors; a means of transforming higher education sub-sector.

OUC is therefore envisaged to buttress the national human resource capacity being produced by other universities. The Open University of Nigeria, Zimbabwe Open University, and the Open University of Tanzania are over 20 years old and have enjoyed political support from the country's top leadership since their inception.

[Islam T. Rahman, 2006] conducted a study on quality and processes of Bangladesh Open University (BOU) course material development. One of their findings included: that BOU, which was established to reach traditionally excluded, hard to reach students, had phenomenally increased student enrolment of 600 thousands within a span of 13 years; had much higher enrolment of all traditional universities in Bangladesh and this was attributed to the quality of courses they offered to diverse students.

Yesmin & Amin (2022, March) identifies the Open university ability to meet the challenges of "access and equity to higher education to large segment of the population and disadvantaged groups such as those living in remote and rural areas ...who wish advancement or acquire knowledge through studies in various" (p.78). Yesmin & Amin view the open and distance learning approach not only contributes to social and economic development, it "plays a decisive role in the creation of a knowledge-based economy" (page 78).

The rise of knowledge as a key resource of the global economy is a reality of our generation. In today's world, the economy is becoming more knowledge-based, with diverse knowledge intensive activities and grounded in value-added industries. More than never before, there is a greater reliance on highly skilled human resource /capital to meet the global market needs. As never before, the Kenyan education competency -based curriculum is designed to empower learners to become innovative, creative, and skilled in managing knowledge as a resource.

OUC's growth in programmes and student numbers is expected to be progressive. OUC was expected to be operational by 2008 (Public Universities Inspection Board, 2006) and hence its operationalisation after 14 years of dormancy is a strong indication of the goodwill for support from the government.

What can we learn from COVID-19 on justification of OUK?

Globally, university affordability has been strained by COVID-19. Many parents and adults lost their jobs or business. In the USA, about 7% of university students left the university to find full-time employment or alternative education options. To save on cost, those who attended private universities before COVID-19 have shifted to state universities. One important aspect that makes open universities affordable is the opportunity that is given to the learners to pay according to the modules they take and the flexible part-time study. Since open universities structure and deliver their courses in a modular approach, tuition fees are lower by between 30 and 39% of the fees paid by students attending conventional universities. COVID-19 and its variants may not go away on this planet earth and hence mitigation measures are required in order to minimise its disruption of learning and narrowing of access to education. As a result of COVID-19 African countries faced unprecedented challenges as learning institutions were closed and the few that did not close faced the challenges of how to deal with teaching and learning. A Communique of the African Union STC-EST 3 noted on April 9th 2020 that the effects of COVID-19 were “worsening existing weaknesses in Africa’s Education systems”. The Communique further acknowledged “that unless we collectively act now to protect Education systems by providing alternative learning platforms and complementary programmes, societies and economies will feel the burden long after COVID-19”. As a result of unprecedented lock-downs of 2020 due to the COVID-19 epidemic, education providers shifted to virtual delivery of learning and training of teachers through e-platforms, social media, radio and TV. The pandemic has shifted the mode of learning in higher education from reliance on traditional face-to-face to increasingly use of online learning management systems. The use of both Asynchronised and Synchronised learning platforms has become a common practice. However not all learners accessed the learning platforms due to poor access to internet, electricity, location and socioeconomic barriers. The establishment of OUK is intended to adopt open distance and eLearning in order to build resilience through the provision of alternative learning platforms and be the national training hub in technology-enhanced teaching and learning.

What can we learn from Previous Education Commissions on justification of OUK?

The conception of distance learning as a viable vehicle for increasing access to education at all levels in Kenya has gradually evolved as evidenced in the various national education commissions that have looked into education reforms since independence and the government policy documents that have recognised the need for it being mainstreamed. These include:

- Kenya Education Commission Report (1964)
- The Presidential Working Party on the Establishment of the Second University (Mackay Report) 1981
- Sessional Paper No.6 of 1988 on Education and Manpower Training for the Next Decade and Beyond
- [Sessional, 2009] Sessional Paper No.1 of 2005 on a Policy Framework for Education, Training and Research
- [BluePrint, 2003] Kenya Vision 2030
- [P. Kinyanjui, 2007] Public Universities Inspection Board on Transformation of Higher Education and Training in Kenya (2006)
- [Rumble, 2008] Rumble Report: Establishing A Distance-Teaching National University in Kenya (2008)
- [Wandiga, 2008] National Strategy for University Education (2008-2015)-(Wandiga Report, 2008)
- [Universities-Act, 2012] Universities Act of 2012
- Sessional Paper No.14 of 2012 on Reforming Education and Training Sectors in Kenya
- [Sessional, 2008a] Sessional Paper No. 1 of 2019 on a Policy Framework for Reforming Education, Training, and Research for Sustainable Development
- [MoE, 2018] National Education Sector Strategic Plan (2018-2022).

All these twelve reports and policy documents recognised three key aspects of distance learning in enhancing access to higher education, namely: opening up opportunities for lifelong learning; increasing flexibility of programmes being of-

ferred; and its cost-effectiveness. The recommendations of the Public University Inspection Board [Kabiru and Kinyanjui, 2006] moved the idea of distance learning from periphery to centre stage in education discourse by recommending the mainstreaming of distance learning through the formulation of appropriate policies and establishment of an Open University of Kenya by 2008. This is the first time in Kenya that strong emphasis was placed on distance learning in a government report. The PUIB report observed that the high cost of attending a conventional public university as a full fee-paying student and the non-flexible admission criteria limit access to higher education. Other key observations of PUIB include the need for the country to explore alternative methods of expanding opportunities to a diverse range of Kenyan learners and learning from experiences from other countries where ODeL programmes have been implemented. One other challenge that emerged is that public universities in Kenya have to some extent lost some of their strong regional and international makeup in terms of proportion of foreign students enrolled. The establishment of OUK is envisaged to: fill the gaps that the various commissions on education reforms have identified; become a vehicle for enhancing EAC regional integration through provision of education through distance learning mode in Member States; and export of education. Open universities attract foreign students. In the Open University of the United Kingdom the proportion of foreign students is 1%; Open University of Tanzania with 1% the majority are from Rwanda, Namibia and Kenya; UNISA with 10%; and the National Open University of Nigeria with 15%.

What can we learn from the 100% transition policy on justification of OUK?

Under the government policy of 100% transition from primary to secondary the 1.2 million children who sat for the Kenya Primary School Education Assessment (KPSEA) in 2022 will be seeking university admission in 2030. Assuming a drop out rate of 5% per annum [Sessional, 2008c] a large number of over 1.03 million will still complete Grade 12. Even though others will join other training institutions, the balance will still be large. This is still a tsunami of applicants. The conventional universities may not be able to accommodate this number of applicants. A uni-

versity that requires minimal physical infrastructure lends itself to benefiting from economies of scale. The proposed The Open University of Kenya will indeed in this situation supplement and complement the conventional universities. Further, the new school curriculum is expected to produce job creators and hence there will be a sizable number of school leavers who may want to continue with flexible part-time learning while developing or building their business. Flexibility in provision of the needed education and training that will be in-built in OUK makes it more attractive and convenient as those engaged in other activities are able to learn at the time and place of their choice all year round, unless required for occasional practical lessons in a different location.

What can learn from Regional and Continental Developments on justification of OUK?

As a result of the globalisation of the world economy and rapidly developing co-operation and integration of processes, the internationalisation of education has also become an important requirement. The revitalisation and strengthening of the East African Community, the development of the African Continental Free Trade Area and the resulting enlarged markets and opportunities for labour mobility have brought with them new possibilities for those who will have the right knowledge and skills to access cross border employment and trade. As Africa opens up, it is increasingly essential to harmonise education qualification, enhance skills portability and facilitate credit transfer for more Africans to access education and training as well as work across the continent. This is necessary for Africa to reap demographic dividends and claim the 21st century. Additionally, the Science, Technology and Innovation Strategy for Africa's Agenda 63 (STISA) envisions an Africa whose transformation is led by innovation and which will create a knowledge-based economy. OUK will recognise this trend as it crafts its identity into the future as a transcontinental higher education provider.

What do we learn from the ICT revolution on justification of OUK?

Conventional methods of teaching are no longer sufficient to meet the 21st cen-

tury education requirements, so significant changes must be made to make education more accessible, open, flexible, professional, and responsive to change. By leveraging technology, an open university in Kenya can provide opportunities for lifelong learning and help to meet the skill requirements of the 21st century, making it a valuable addition to the country's educational landscape. The higher education sector is currently experiencing a technological revolution, particularly with the growth in the adoption of e-learning strategies and the emergence of mobile telephony. The convergence of information, communication and computing technologies has made possible the development and delivery of innovative content packaged in portable hand-held smart devices. In addition, the successful utilisation of the mobile in the money industry seems to be slowly but surely creeping into the education sector. With a little innovative and creative effort, there is no reason why educational content cannot be accessed or delivered through a smartphone in real time. Indeed, the trend in the 21st century is increasingly placing emphasis on knowledge skills and the paradigm shift is towards the acquisition of relevant higher education with a lot of research and hence a need to increase resources provided for this sector.

Technology has potential to support OUK achieve its mandate because:

- First, technology provides opportunities to individually engage learners in deep, authentic learning experiences, at their pace and regardless of time and place;
- Secondly, technology has fuelled many innovations that have had tremendous influence on societies and economies across the world;
- Thirdly, highly technologically established institutions now use information technology to facilitate development of highly skilled human resource to support knowledge-based economy
- Actions needed to support Innovative and Effective Use of Technology in Achieving goals of OUK

1). **Create a Learner-Centred learning culture:** Technology is used to support Learner-Centred, personalised and real-world experiences for all learners. The learners use the technology, both online and digital learning to access,

share and create knowledge. At the institutional level, the actions could be:

- Establish a vision for technology supported Learner-Centred learning and attainment competencies.
- Have in a place a coherence alignment for use of technology across curriculum, teaching and online teaching.

2). **Create a Research and Innovation Culture:** where educators constantly review, participate to share and apply research and evidence-based practices to advance innovative teaching and learning. Educators should test innovative use of digital resources and digital content in their online classrooms or learning environment. They need to establish digital learning environments that enable innovation to include:

- Learning, content and resource management systems
- Document management
- Communication and collaboration tools/systems
- Search and navigation tools
- Web 2.0 and social media tools /systems
- Digital repositories for digital resources /digital content

At the institutional levels, actions could be:

- Create culture of innovation in the use of technology for learning, teaching, management and administration.
- Review policies and practices to ensure they support the use of research based teaching, digital resources, support systems and digital learning environments.
- Encourage and build capacity of educators in technology applications.

3). **Continuous Professional Development:** educators develop, maintain and apply the knowledge, skills and attributes that enable them to use technology effectively and innovatively. Technology can be a powerful vehicle to ensure educators get the follow up, feedback, and ongoing support they need to shift their practice. They could include:

- Using technology to provide options in the type, duration, pedagogy, medium and formality of professional development.

- Differentiate professional development offerings.
- 4). **Institutional Leadership:** which includes establishing governance structures that cultivate innovation and build capacity within the system to leverage technology in support of learner centred and system efficiency. This requires clarity and coherence in policies and procedure that govern educational uses of technology in the institution. At the institutional levels, actions could be:
- Incorporate planning systems that are innovative and effective on uses of technology to support learning, teaching and administration.
- 5). **Access and Infrastructure:** The access to appropriate devices, reliable infrastructure, high-speed networks and digital learning environment are essential in achieving the vision of technological learning environment. Equitable access to technology as well as to online and digital learning are critical components

At the institutional levels, actions could be:

- Ensure equitable learner access to devices, other technologies including assistive technology
- Ensure the administration of safe and secure networks, infrastructure and technologies
- Provide and maintain timely technical support and services

1.2. Uniqueness of the University

The Open University of Kenya is being established to support and strengthen the provision and access to higher education in-country and across the borders. OUK seeks to make a difference in the delivery of learning through making education accessible to a wide range of learners who have been constrained by lack of flexibility in learning and lack of openness in traditional mode of education delivery. OUK is therefore envisaged to be a unique university in the country in a number of ways including in-building the following ingredients:

Openness

The UN convention and the Kenyan Constitution recognize education as a fundamental human right and a common good to the community. This noble

position of education has remained elusive as a result of constraints imposed by admission requirements. OUK will unlock these constraints through the adaption of the principle of openness in admission. OUK sees openness as a way of fostering access and equity in education through providing a second chance to continue with learning at any point or age. Without compromising on quality, national and international credibility of OUK's qualifications upon graduation, OUK will put in place the best ODeL practices. The openness as practice in OUK implies three things, namely: putting fewer restrictions on admission; provision of more control to learners in terms of when and where they can access their learning materials; and ensuring that learning materials developed by OUK for use by learners are open to public scrutiny.

Flexibility

The border between flexibility and openness in distance learning is porous. OUK will be a learner-centred environment underpinned by flexibility in learning. This is a principle of access. The facets of this flexibility will be the time and place of study. The time of learners' study will accommodate exigencies of their work as they can engage with their studies at any time that is convenient to them. The only time learners will be required to adhere to a specific time is when there is a scheduled discussion or chat or assessment. With respect to place, learners are not required to be at OUK and hence can choose a place where they can concentrate and at their convenience. In this respect the location of a learner is not a problem. To access the online course the learner needs only be able to access the internet and pay for the bundles. With this flexibility, OUK will be able to offer programmes to those who work in high mobility jobs such as the armed forces. The other ingredients of OUK learning practices will be allowing self-pacing, by creating a situation whereby learners are not confined in terms of course completion to the rigid semester system prevailing in traditional universities and hence can move through their course at their own pace. When a candidate is satisfied that he/she has mastered the course requirement he/she can apply to be given an examination. OUK will allow non-government sponsored students to register for examina-

tions when they are ready or next offered.

In addition, flexible learning will provide participants with alternative ways of learning and course delivery. The advantages of flexible learning are:

- The approach allows learners to access courses online when it is convenient for them.
- Participants are learning and interacting with activities that are suited for online delivery.
- Allows for completion of a programme while engaged alongside other life fulfilling obligations
- There are no limits in class enrolment and enables participants to engage with lecturer and classmates

Affordability

Affordability has been a major deterrent to access to higher education. This is linked to how courses are structured and delivered. While in a conventional university an on-campus student can take up to seven courses in a semester, distance learners who share their time with other responsibilities cannot take a load of seven courses and hence subject to the limit of courses to be taken, OUK will allow a distance learner to have a choice on the number of courses they can take and pay for.

Inclusiveness

Sustainable Development Goal 4 calls for nations to ensure that no one is left behind in access to education at all levels and training by 2030. While private and public universities in the country have increased exponentially in number since the 1990s, the cost of tuition for fees-paying students is high. Without scholarships and subsidies targeting the marginalised groups such as women and the poor and those living in difficult circumstances such as semi and arid lands are alienated from access to higher education. This calls into question the capacity of the conventional universities to contribute to “leaving no one behind” in Kenya by 2030. Several attempts have been made in the past to increase access to university education for vulnerable communities through the quota system in admission. However, the quota system pegged on al-

lowance of two points of the cut off point for a specific program alone has not made a significant impact on vulnerable groups' participation in higher education. Quota admission system is not equal to flexible admission being proposed for OUK. OUK envisages two pathways of increasing inclusivity in participation in higher education: First, the incorporation of the principles and practices of openness, flexibility, affordability, and the recognition of prior learning widens the inclusivity net. Second, the e-learning mode of delivery of instruction has the potential of reaching every learner, provided that the area has power, electricity, good telecommunication penetration and internet connectivity. The people living with disability, women engaged in family affairs or those who are restricted by their culture from being away from home, and those living or working in difficult circumstances such as prisons, camps, armed forces, or small island villages do not need to relocate in order to access education.

Online Learning Mode

Globally, online learning is a growing phenomenon that the developing nations cannot afford to ignore how it is transforming the higher education landscape. As [Betts, 2017] puts it, online learning is a "new norm" in higher education. However, offering online learning to supplement traditional modes of teaching and learning is not equivalent to or a miniature of an open university. Online learning is one of the many methods of delivering distance learning. Online learning will be the engine of course delivery at OUK. Though learning will incorporate the blended mode that takes into account limited face-to-face and hands-on learning, where applicable, the primary mode of instruction will be through e-learning mode. While AVU as an intergovernmental organisation has been delivering e-learning courses since 1997 it has had little or no impact in increasing access to higher education in Kenya, partly because it had no programmes that Kenyans could register for. OUK will therefore be the only single mode ODeL institution in the country. In this respect OUK will be the hub of distance learning in Kenya in terms of training and innovations in e-learning. During the peak of COVID-19 in 2020 e-learning proved to be

the only resilient mode of learning delivery and invariably enhanced its acceptability as a mode of delivery of instructions.

Single Mode

Two types of institutions have been involved in the provision of distance learning, namely; the dual mode institutions and the single mode institutions. Dual mode institutions are those learning institutions that offer their programmes through both conventional and distance learning modes. All public universities were legally established to teach solely on-campus students whether while on campus or off campus. In early 2000 Kenyan conventional universities moved to a dual mode system. Though they claim to offer distance learning, their practices are conventional in nature.

The challenges of the dual mode institutions with respect of services and learning offered to the learners include:

lecturers' duality of assignments; treatment of teaching distance learning stream as a part-time activity; commercialization of distance learning stream; and the treatment of distance learning units as peripheral units with temporary staff on deployment basis from other departments.

In dual mode institutions lecturers teach both on-campus and distance learners. Besides conventional teaching, in these institutions there are two types of online learners—those who take part of their courses online and the working class. Duality of assignment to lecturers renders them from giving adequate time to working class learners. The second challenge faced by dual mode institutions in service provision is the treatment of distance learning activities as part-time activities. This means that distance learning is not a mainstream activity of the university. In this context, lecturers' perception is that their pre-occupation is on on-campus learners rather than online learners. The growth of dual mode institutions was driven by the need to create an alternative revenue source rather than increase access among the vulnerable groups in the society. The admission to Module II/self-sponsored was on the basis of ability to pay. The single mode universities have been established solely to teach at a distance and are more efficient and advantageous in distance learning provi-

sion. The World Bank (1992) described single mode universities as “top-of-the-line” in distance learning. In single mode institutions all financial and human resources are dedicated to serving distance learners. The establishment of OUK as a single mode University will therefore consolidate the human and financial resources for maximum delivery of learning.

Recognition of Prior Learning

The concept of prior learning has not been well interrogated and embraced in our higher education system. The Public Universities Inspection Board (2006) articulated well the essence of prior learning by stating in its recommendation that:

“access to tertiary institutions should be opened to those who have acquired knowledge, skills and competencies in non-formal settings in addition to the current practice of admitting students who have gone through the formal school system and attained the required academic admission criteria” (E, p.38)

This position has not been in-built in admission criteria. In 1970s individuals were being admitted to public universities through Mature Age entry route. The approach recognizes knowledge, skills and competences acquired from workplace training; work experience in a relevant field and short courses. In early 1990s universities introduced bridging or foundations courses for those who were seeking admission but had low grades in compulsory courses that were required for a degree programme. This access route is no longer in place. Currently, conventional universities require formal qualifications for admission. Those who missed to acquire formal qualifications or certifications are denied further learning. Fortunately, technology has opened many avenues of self-development.

Today MOOCS provides self-development and in many cases learners do not receive certificates upon completion of the modules. Self-development cannot be discarded on grounds of earlier or past poor academic records at KCSE. As an ODeL institution, OUK will incorporate upon approval by CUE prior learning in its admission policy.

The incorporation of prior learning in OUK admission criteria will be a cure of the “diploma/certificate disease” the country has suffered from since independence. The skills demanded in the 21st century is downgrading the fixation of anchoring every employment opportunity to academic certification. Though most of those in Jua Kali and building construction have secondary education qualifications their hands-on skills or experiential learning have not been recognized. The failure to recognize hands-on skills has denied many Kenyans an opportunity to access employment opportunities abroad or secure local contracts. A KCSE graduate who has had five years of supervised experience in a special aspect of construction work cannot be dismissed as unqualified. Further studies at the university level should be enhanced by experiential learning acquired through work experiences.

Progressive Certification

In many instances, the society has been on the side of blaming the victims of socio-economic circumstances or locational barriers in their failure to acquire the pre-requisite requirements for formal admission. For these victims, the acquisition of qualifications has been a road of turns and twists. For example, the Teachers Service Commission requires that those who aspire to join the teaching profession and do not have a C+ grade in KCSE can undertake a diploma programme. However, upon the completion of their diploma, they cannot be registered as teachers; this cadre of graduates is required to proceed to degree level qualification. The challenge inbuilt in this policy is that the diploma graduates have to apply to join a degree programme and start afresh. OUK plans to remove this barrier and time wasting system through segmentation or tranching of a programme into modules that when a learner completes, he/she is awarded a certificate, or diploma. The advantages of this approach to a learner, includes: flexibility, affordability, time saving, and provision of opportunity to use the acquired qualifications for employment or promotion at any stage of study. The proposed approach also gives the learner an opportunity to re-enter the programme at ease at a later date. As per the Technical and Vocational, Education and Training Authority (TVETA),

a certificate and a diploma programme is expected to take 1,200 hours and 2,400 hours of all learning related activities including contact hours, respectively.

The Commission for University Education recommends a degree programme of at least 1800 hours, one third of which should be tutorials and seminars, assignments, independent and private studies, preparation of projects and assessments. Generally courses take 3 credit hours or 39 instructional hours where a semester runs for 13 weeks. The CUE define an instructional hour as one (1) contact hour if it is a lecture; two (2) contact hours if it is tutorial-designed or open learning designed sessions as will be the case in the Open University of Kenya; three (3) hours in the lab-designed or practicum sessions or five (5) contact hours in a farm or workESop. The Open University of Kenya will adopt the seminar types of modules. Each one of the listed courses in an academic programme will constitute a module and will constitute about 3 credits. The module will carry a set of topics in the course. The module will carry a set of topics in the course.

At The Open University of Kenya each course will dedicate 15 instructional hours (1 credit hour) for synchronous or asynchronous learning, and a minimum of 26 instructional hours each of 2 contact hours in open learning. On the assumption that a course/module requires 39-65 open learning hours to be completed, breaking down a degree programme into modules that correspond to these segments will be as follows:

Certificate	16 modules equivalent to 720 credits
Diploma	32 modules equivalent to 1440 credits
Degree	48 modules equivalent to 2160 credits

This segmentation is indeed an aspect of flexibility. On admission a learner must indicate the track he/she wants to follow so that guidance on the modules to be followed can be given.

Exporting Education

E-learning is borderless and hence the establishment of OUK as an e-learning University in Kenya will serve the educational needs of those in diaspora and

attract international students. Through the provision of borderless higher education, OUK will put Kenya in the leagues of nations that provide and export higher education across the borders. In this respect, Kenyan citizens in diaspora will have an opportunity for their children to take such courses as Kiswahili when developed as either a short course or long term programme. With respect to the recent development in the African Union with regard to the recognition of Kiswahili as one of AU official languages, Kiswahili is poised to be a continental language and OUK will take the advantage through coming up with programmes for this new market. Kiswahili will open the way for other OUK programmes to enter the continental market.

High Impact Community Service

One of the mandates of the University is community service. The era of a university being an ivory tower has passed. Alternative ways of widening access to learning has been opened up mainly by western universities through the provision of free tailor-made courses being delivered through such platforms as MOOCS. OUK-community nexus will be through the provision of free short-courses of high impact in transforming lives in communities such as agriculture and Small and Medium and Entrepreneurship (SME). In the spirit of contributing to food security in the community, OUK plans to offer free in its first year of operation such short-time courses as poultry keeping and environmental conservation.

CHAPTER

2

ESTABLISHMENT OF THE OPEN UNIVERSITY OF KENYA

2.1. Name

This University shall be called The Open University of Kenya (OUK).

The need for its establishment is anchored on the Government policy to expand and increase access to education at all levels. As the country strives to attain the goals of Kenya Vision 2030 and the Sustainable Development Goals, in addition to implementing the 2010 Constitution, the Government has prioritised SDG Goal 4 of leaving nobody behind.

The establishment of The Open University of Kenya will provide opportunities for higher education to large numbers of students who have been unable to gain access to conventional institutions due to their locations or socio-economic background. The Open University of Kenya is expected to admit the first batch of students in September, 2023. For a start, it intends to offer programmes leading to the award of Degrees in Agriculture; Business and Entrepreneurship; Education Technology; Data Science; Agri-Technology and Food Systems; and Cyber and Digital Forensic.

2.2. Location of The Open University of Kenya

The Open University of Kenya will be located in Konza Technopolis 64km south of Nairobi, in the Machakos/Makueni/Kajiado Buffer Zone.

2.3. Legal Framework

The Open University of Kenya (OUK) will be established under Section 24 of the Universities Act 2012.

2.4. Vision

The innovative university for inclusive prosperity.

2.5. Mission

To provide affordable, flexible, quality learning experiences which enable individual acquisition of knowledge, skills and values in students' chosen fields of study; nurture talents and create opportunities for innovative practices shaping learners into researchers, leaders, entrepreneurs and global citizens.

2.6. Philosophy

The Open University of Kenya is established to provide education to all, building on prior learning. Education is continuous and every person has a right to education. We are committed to make it accessible to all who need it regardless of where they are. The Open University of Kenya breaks down boundaries and barriers to learning in all their forms. We use technology to mitigate the effects of geographical, economic and social barriers. We subscribe to the philosophy that quality education makes human beings equal.

2.7. Core Values

The University will operate on the following core values:

- a) Excellence
- b) Inclusivity
- c) Innovation
- d) Integrity

2.8. Aims

The aims of The Open University of Kenya shall be to:

- a) Expand learning opportunities in higher education
- b) Provide inclusive access to higher education
- c) Establish collaboration with other institutions of higher learning for purposes of optimisation of resource utilisation.
- d) Contribute towards the development and expansion of higher education in-country and across the border.

2.9. Objectives

The objectives of the Open University shall be to:

- a) Create an inclusive, accessible, affordable learning environment.
- b) Provide quality transformative education.
- c) Institutionalise recognition of prior learning and skills portability.
- d) Build collaboration and networking among institutions to optimise resource utilisation.

2.10. Strategies

The University shall:

- a) Mobilise resources to support the operations the University
- b) Put in place facilities to accommodate the needs of the learners
- c) Develop robust policies that enhance the achievement of the vision and mission of the University.
- d) Establish appropriate organisational structures for effective management of learning.
- e) Develop interactive instructional mechanisms
- f) Deploy appropriate ICT infrastructure.
- g) Establish effective student support services.
- h) Institutionalise internal quality assurance mechanisms.

i) Institutionalise Lifelong Learning

3.1. Organs of Governance

The governance of the University shall be vested in the following bodies:

- a) The Chancellor;
- b) The University Council;
- c) The University Senate;
- d) The University Management Board;
- e) The Student's Association
- f) Alumni Association

3.1.1. The University Council

a) Membership

There shall be a Council of the University which shall consist of:

- I. Chairperson
- II. Principal Secretary of the Ministry for the time being in charge of University education;
- III. Principal Secretary of the Ministry for the time being in charge of Finance;
- IV. Five persons appointed by the Cabinet Secretary through an open process in accordance with the Universities Act;
- V. Vice Chancellor, who shall be an ex-officio member and Secretary to Council;

A member of the Council, other than an ex-officio member, shall hold office