

EXAMINING GOVERNANCE MECHANISMS IN INSTITUTIONS OF HIGHER LEARNING IN KENYA

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Abstract

The paper examines the governance mechanisms in institutions of higher learning in Kenya. Descriptive research design incorporating thematic analysis approach is employed. Secondary data was obtained from published literature, government reports, organizational records, academic journals, datasets, and online databases. In realizing the study objectives, thematic analysis have been adopted. The study has established that there was inadequate legal and regulatory frameworks that led to transparency, accountability, and integrity issues in higher education governance, fostering corruption and eroding public trust. In addition, there is insufficient government investment resulting in funding gaps, infrastructure deficits, and compromised education quality and accessibility. There is also a centralized decision-making that limited institutional autonomy, stifled innovation, and hampered responsiveness to local needs. There has been by extension, weak quality assurance and accreditation processes that diminished the credibility of higher education, raising concerns about academic rigor and graduate employability. Finally, the study has found that there are inadequate investments in human capital development, faculty training, and research infrastructure that impeded teaching, research, and institutional growth, thus hampering Kenya's global competitiveness in knowledge creation and innovation. The study proposes that, legal and regulatory frameworks to promote transparency, accountability, and integrity in higher education governance, combating corruption and safeguarding academic freedom must be enhanced.

1 Introduction

The governance of higher institutions of learning in Kenya faces significant challenges stemming from the lack of similar standards among educational governance officers [1]. Despite the legal framework in place to promote ethical conduct, there exists a gap between policy formulation and implementation, leading to various consequences for the education sector and society at large. The failure to have uniform standards in the governance of higher institutions of learning has far-reaching consequences [2]. Firstly, it erodes public trust in the education sector, leading to a lack of confidence in the quality and integrity of academic processes. This, in turn, undermines the credibility of academic qualifications awarded by these institutions, potentially devaluing the educational credentials of graduates. Secondly, the absence of ethical governance

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practices can foster corruption, nepotism, and favoritism within educational institutions [3]. This not only compromises the principles of fairness and meritocracy but also hampers the recruitment and promotion of qualified personnel, thereby hindering academic excellence and innovation. Finally, the mismanagement of resources due to unethical practices results in the inefficient allocation of funds, which could otherwise be utilized to improve infrastructure, enhance research capabilities, and expand access to education. This exacerbates inequalities in educational opportunities and perpetuates socio-economic disparities within society [4].

The Government of Kenya has implemented various interventions to address the lack of ethical standards in the governance of higher institutions of learning. The Public Officer Ethics Act Cap 183 provides a legal framework for regulating the conduct of public officers, including educational governance officers [5]. This legislation establishes codes of conduct aimed at preventing the misuse of office for personal gain and promoting accountability in public service delivery. Additionally, the Employment Act of 2012 safeguards the rights of employees and employers in Kenya, including those within the education sector [6]. By ensuring fair treatment and protection against exploitation, this legislation contributes to creating a conducive work environment conducive to achieving common goals. The Universities Act of 2013 on the other hand provides guidelines for the governance and management of universities in Kenya, emphasizing transparency, accountability, and adherence to established norms. This legislation aims to promote ethical conduct among administrators, faculty members, and students, thereby fostering a culture of integrity and excellence within higher education institutions [7].

2 Research Aim

Despite these interventions, there remained a need for further study to examine the governance mechanisms in the governance of higher institutions of learning in Kenya comprehensively. The study was expected to explore the governance structure; mechanisms in place to ensure transparency, accountability, and integrity as well as resource allocation management. Additionally, it also assessed the challenges and barriers to ethical governance within the education sector and proposes strategies for enhancing ethical standards and accountability. This would ensure that policymakers, educators, and stakeholders can gain valuable insights into promoting good governance practices and ensuring the integrity and effectiveness of higher education in Kenya.

3 Theoretical Framework

This paper adopted Stakeholder Theory, proposed by Edward Freeman in 1984. It argues that organizations should consider the interests of all stakeholders affected by their decisions and actions, rather than prioritizing solely shareholder interests. The theory posits that stakeholders, including employees, customers, suppliers, communities, and society at large, have a vested interest in the organization's activities and should be actively engaged in decision-making processes [8]. The paper provides valuable insights into how governance practices within higher education institutions are influenced by the interests and perspectives of various stakeholders.

The study identified formal governance structures, such as the governing council, academic senate, and executive management, as crucial forums for decision-making within higher education institutions. These structures serve as platforms for stakeholder engagement and collaboration, where representatives from different stakeholder groups participate in deliberation, coordination, and accountability processes. Stakeholder Theory therefore emphasizes the importance of involving stakeholders in decision-making processes [9]. The study highlights that decision-making authority is distributed among different governance bodies based on their mandates and responsibilities. This distribution ensures that stakeholders have a voice in governance practices and that decisions align with institutional goals and objectives.

Stakeholder Theory suggests that organizations should allocate resources in a manner that considers the interests of all stakeholders [10]. The study notes that higher institutions of learning in Kenya employ processes and mechanisms to allocate and manage resources to support their academic mission and contribute to educational and research goals. This allocation process needs to reflect the interests and priorities of stakeholders, including faculty, staff, students, and external

partners which Stakeholder Theory advocates for. Based on the study findings, incorporating stakeholder perspectives and interests into governance reforms, these recommendations aim to promote responsible stewardship of resources, build public trust, and enhance the overall effectiveness of higher education institutions as outlined by stakeholder theory.

4 Research Design and Methodology

The study used a descriptive research design through thematic analysis approach. Thematic analysis is a qualitative analytical approach used to identify, analyze, and interpret patterns (themes) within qualitative data. Thematic analysis was used to analyze textual documents and other qualitative data sources to identify common themes, patterns, and meanings relevant to the research question. In essence, thematic analysis is a flexible and widely used qualitative research method that can be applied across different research designs to explore, interpret, and understand the richness and complexity of qualitative data [11]. Secondary data was collected and it involved gathering and analyzing existing data that had been collected by someone else for a purpose other than the current research project. This type of data came from various sources, including published literature, government reports, organizational records, academic journals, datasets, and online databases [12].

5 Discussion

5.1 The governance structure

The study explored in to how the governance structure of higher institutions of learning in Kenya was like and how decisions were made as well as how authority distributed within these institutions. The study revealed that in Kenya, the governance structure of higher institutions of learning typically includes various stakeholders, each with specific roles and responsibilities. Higher institutions of learning in Kenya are typically overseen by a governing council or board of trustees who are responsible for setting the strategic direction and policies of the institution. These boards often comprise individuals from diverse backgrounds, including representatives from the government, academic staff, students, alumni, and external stakeholders. The governing council usually appoints the institution's top executives, such as the Vice-Chancellor or Principal. The day-to-day operations of the institution are managed by an executive team led by the Vice-Chancellor or Principal. This team is responsible for implementing the policies and directives set by the governing council, as well as overseeing academic programs, research activities, administrative functions, and financial management. Higher institutions of learning typically have an academic senate or council responsible for academic affairs which is composed of senior academic staff and is responsible for overseeing curriculum development, academic standards, student admissions, examinations, and other academic matters.

Within each institution, there are multiple faculties or schools, each comprising academic departments or units such as faculty members, including professors, lecturers, and researchers, play a crucial role in teaching, research, and academic governance within their respective departments. Department heads or deans oversee the day-to-day operations of their departments and represent their departments in broader institutional decision-making processes. Students often have representation in the governance structure of higher institutions of learning through student unions or councils. Student representatives may participate in various decision-making bodies, such as the governing council, academic senate, or faculty boards, advocating for student interests and concerns.

From the above, the research therefore notes that decisions within higher institutions of learning in Kenya are typically made through a combination of formal governance structures, including meetings of the governing council, academic senate, executive management, and other committees or working groups. Authority is distributed among these bodies based on their respective mandates and responsibilities, with ultimate decision-making authority usually resting with the governing council or board of trustees. Additionally, consultation and collaboration among stakeholders, including faculty, staff, students, and external partners, may inform decision-making processes within institutions.

5.2 Mechanisms that ensure transparency, accountability and integrity

When the question as to what mechanisms are in place to ensure transparency, accountability, and integrity was explored, interesting finding was discovered. The mechanisms were indeed in place and they aimed to promote good governance practices and foster public trust in the education sector. In fact, higher institutions of learning in Kenya are governed by laws, regulations, and policies that outline standards of conduct, accountability mechanisms, and procedures for governance. For example, the Universities Act provides a legal framework for the governance and management of universities, outlining the roles and responsibilities of various stakeholders and establishing processes for decision-making and oversight. Governing councils or boards of trustees of higher institutions of learning on the other hand are responsible for overseeing the institution's operations and ensuring compliance with legal and regulatory requirements. These governing bodies play a crucial role in setting strategic direction, monitoring performance, and holding management accountable for their actions.

Higher institutions of learning was also noted to have internal control systems in place to safeguard assets, prevent fraud and misuse of resources, and ensure compliance with policies and procedures. These internal controls may include financial controls, procurement procedures, risk management practices, and audit processes to monitor and evaluate the institution's performance and adherence to governance standards. Some of them interestingly have been able to maintain transparency in their operations by disclosing information to stakeholders, including students, faculty, staff, donors, and the public. This has included publishing annual reports, financial statements, academic performance data, and other relevant information on the institution's website or through other communication channels.

An external oversight body, such as the Commission for University Education (CUE) in Kenya has also been identified as playing a role in monitoring and regulating higher education institutions to ensure compliance with quality standards, governance requirements, and academic integrity. These bodies conduct periodic reviews, inspections, and audits of institutions to assess their performance and identify areas for improvement. Overall, these mechanisms work together to promote transparency, accountability, and integrity in the governance of higher institutions of learning in Kenya, ensuring that they operate in the best interests of students, faculty, staff, and the wider society.

5.3 Resource Allocation

In understanding resource allocation in higher learning institutions, the question on how resources are allocated and managed within higher institutions of learning in Kenya, and what processes are in place to ensure efficient and effective use of these resources was explored. The study found that resources allocation and management within higher institutions of learning in Kenya involve various processes and mechanisms aimed at ensuring efficient and effective utilization of available resources. Firstly, is the budgeting process: Here, higher institutions of learning in Kenya typically develop annual budgets outlining their financial plans and resource allocation priorities. The budgeting process involves identifying sources of revenue, such as tuition fees, government funding, research grants, and donations, and allocating these funds to different departments, programs, and activities based on strategic priorities and operational needs. Secondly, is the strategic planning: Here, institutions often develop strategic plans that guide resource allocation decisions and long-term investment priorities. These plans articulate the institution's mission, vision, goals, and objectives, and provide a framework for aligning resource allocation with strategic priorities, such as enhancing academic quality, expanding research capacity, improving infrastructure, and promoting innovation. Thirdly, is the Financial Management Systems where higher institutions of learning maintain financial management systems to track and monitor the inflow and outflow of funds, expenditures, and financial performance. These systems help ensure compliance with financial regulations, transparency in financial reporting, and accountability in resource utilization.

Fourthly is the Resource Allocation Committees where some institutions have committees or task forces responsible for reviewing and recommending resource allocation decisions. These committees may include representatives from different departments, academic units, administrative

offices, and student bodies, and they play a role in assessing funding requests, prioritizing resource needs, and making recommendations to senior management or governing bodies. Fifthly, is the performance monitoring and evaluation where institutions are able to monitor and evaluate the performance of resource allocation decisions to assess their impact on institutional goals and objectives. This may involve tracking key performance indicators, conducting financial audits, evaluating program outcomes, and soliciting feedback from stakeholders to identify areas for improvement and optimize resource allocation strategies. Lastly, is transparency and accountability where institutions maintain transparency and accountability in resource allocation and management by adhering to financial regulations, disclosing financial information to stakeholders, and engaging in open dialogue about resource allocation decisions. This fosters trust and confidence among stakeholders and promotes responsible stewardship of institutional resources.

It was noted that employing these processes and mechanisms, higher institutions of learning in Kenya strive to allocate and manage resources in a manner that supports their academic mission, enhances institutional effectiveness, and contributes to the achievement of educational and research goals.

5.4 Challenges or barriers exist in the governance of higher institutions of learning in Kenya

This question was quite patient if ethical governance is to be improved in higher institutions of learning. Upon careful review of existing secondary data on the subject, the following findings were arrived at. Several challenges and barriers exist in the governance of higher institutions of learning in Kenya and they hinder effective decision-making, transparency, accountability, and overall institutional performance.

The first key factor that is a challenge is political interference in the governance of higher institutions of learning which undermine academic autonomy, compromise institutional integrity, and distorts decision-making processes. Politicization of appointments, funding allocations, and academic programs often impede the ability of institutions to operate independently and uphold academic freedom. Corruption and fraud pose significant challenges to governance in higher education institutions in Kenya. Mismanagement of funds, embezzlement, bribery, and other forms of corruption usually divert resources away from academic activities, erode public trust, and damage the reputation of institutions. Corruption also undermines transparency, accountability, and fairness in decision-making processes. Higher institutions of learning in Kenya often face financial constraints due to inadequate government funding, limited revenue streams, and competing budget priorities. Insufficient funding always hinder the delivery of quality education, limit research capacity, constrain infrastructure development, and exacerbate inequalities in access to higher education.

While institutional autonomy is essential for academic freedom and innovation, some higher education institutions in Kenya often lack sufficient autonomy to make independent decisions regarding academic programs, faculty appointments, and resource allocation. Excessive centralization of decision-making authority by government bodies or regulatory agencies impedes institutional autonomy and hinders responsiveness to local needs and priorities. Ensuring quality assurance and accreditation standards in higher education can be challenging, particularly in a context where regulatory frameworks may be weak or inconsistently enforced. Inadequate mechanisms for assessing and monitoring academic quality, accreditation processes, and program outcomes can compromise the credibility and reputation of institutions and undermine the value of degrees awarded. Many higher education institutions in Kenya also by extension face challenges related to inadequate infrastructure and facilities, including classrooms, laboratories, libraries, and IT infrastructure. Insufficient investment in infrastructure can hinder teaching and learning activities, limit research opportunities, and impede institutional growth and development.

6 Summary

Formal governance structures, such as the governing council, academic senate, and executive management, play a crucial role in decision-making processes within higher institutions

of learning in Kenya. These structures provide a framework for deliberation, coordination, and accountability in governance practices.

Decision-making authority is distributed among different governance bodies based on their mandates and responsibilities, with the governing council or board of trustees typically holding ultimate decision-making power. This distribution ensures that decisions are made in accordance with institutional goals and objectives.

The research underscores the importance of stakeholder consultation and collaboration in informing decision-making processes within higher institutions of learning in Kenya. Involving faculty, staff, students, and external partners fosters inclusivity, transparency, and legitimacy in governance practices.

Higher institutions of learning in Kenya employ processes and mechanisms to allocate and manage resources in a manner that supports their academic mission, enhances institutional effectiveness, and contributes to the achievement of educational and research goals. Effective resource allocation is essential for promoting excellence in teaching, research, and service delivery.

The research identifies challenges related to inadequate mechanisms for assessing academic quality, accreditation processes, and program outcomes, as well as insufficient investment in infrastructure and facilities. Addressing these challenges is critical for safeguarding the credibility and reputation of institutions and fostering a conducive learning and research environment for students and faculty.

7 Conclusion

There were inadequate legal and regulatory frameworks that contribute to a lack of transparency, accountability, and integrity in higher education governance. Without clear guidelines and enforcement mechanisms, corruption, nepotism, and favoritism may prevail, undermining the credibility of institutions and eroding public trust.

There were insufficient government investment in higher education results in funding gaps, limited revenue sources, and infrastructure deficits. This led to overcrowded classrooms, outdated facilities, and inadequate resources for teaching, research, and student support services, ultimately compromising the quality and accessibility of education.

Centralized decision-making structures restrict the autonomy of higher education institutions, hindering their ability to innovate and respond to local needs. Bureaucratic processes, political interference, and micromanagement impeded academic freedom, stifle creativity, and limited the capacity of institutions to adapt to changing educational landscapes.

There were weak quality assurance mechanisms and accreditation processes undermining the credibility and standards of higher education. Inconsistent evaluation criteria, lax enforcement of standards, and accreditation irregularities diminished the value of degrees awarded by institutions, leading to concerns about academic rigor and graduate employability.

There also existed lack of transparency and accountability mechanisms within higher education institutions which fostered a culture of secrecy and mistrust. Inadequate financial reporting, limited stakeholder engagement, and weak audit processes allowed for mismanagement of resources, financial irregularities, and ethical breaches, eroding public confidence in institutional governance.

There was inadequate investment in human capital development, faculty training, and research infrastructure hampers teaching, research, and learning outcomes. A shortage of qualified faculty, limited research funding, and outdated technology impeded institutional growth and development, hindering Kenya's ability to compete globally in knowledge creation and innovation.

8 Recommendations

The paper recommends the following:

The government at both levels should enhancing legal and regulatory frameworks to promote transparency, accountability, and integrity in higher education governance, including measures to combat corruption, ensure institutional autonomy, and safeguard academic freedom.

The government should prioritizing investment in higher education to improve funding levels, expand revenue sources, and address infrastructure deficits, thereby enhancing the quality and accessibility of education.

Empowering higher education institutions to make independent decisions regarding academic and administrative matters, including faculty appointments, curriculum development, and resource management, to foster innovation and responsiveness to local needs should be encouraged.

The government through its various institutions should strengthen quality assurance mechanisms, accreditation processes, and standards to ensure the delivery of high-quality education, uphold academic standards, and enhance the credibility of degrees awarded by institutions.

The government should enhance transparency and accountability mechanisms within higher education institutions, including financial reporting, audit processes, and stakeholder engagement, to promote responsible stewardship of resources and build public trust.

Investing in human capital development, faculty training, research infrastructure, and technological advancements to enhance teaching, research, and learning outcomes and support institutional growth and development should be done by both levels of the government.

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