

Approved for tabling in the House.

8/6/2022



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

DATE:	09 JUN 2022	DAY:	Thursday
TABLED BY:	Hon (Prof) Abel Oath mp		
CLERK OF THE TABLE:	G. Chebet		

TWELFTH PARLIAMENT – SIXTH SESSION

DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH

REPORT ON: -

PUBLIC PETITION REGARDING VIOLATION OF THE RIGHT TO RELEVANT
EDUCATION AND TRAINING BY EGERTON UNIVERSITY SUBMITTED BY A
GROUP OF EGERTON UNIVERSITY STUDENTS



Published by: -

Directorate of Departmental Committees
Clerk's Chambers
National Assembly
Parliament Buildings
NAIROBI

May, 2022

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MINUTES OF THE 24TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH HELD ON SATURDAY, 4TH JUNE 2022, IN SIMBA HALL, BOMA HOTEL, AT 2.30 PM

PRESENT

1. Hon. Florence M. Mutua, MP – **Chairperson**
2. Hon. Geoffrey Odanga, MP
3. Hon. (Dr.) Pamela Ochieng, MP
4. Hon. (Eng.) Nzambia Kithua, MP
5. Hon. (Prof.) Zadoc Ogutu, MP
6. Hon. Eric Muchangi, MP
7. Hon. Eve Obara, MBS, MP
8. Hon. Jerusha Momanyi, MP
9. Hon. Joseph Tonui, MP
10. Hon. (Dr.) Wilson Kogo, MP
11. Hon. John Paul Mwirigi, MP

ABSENT WITH APOLOGY

1. Hon. Wambugu Ngunjiri, MP - **Vice- Chairperson**
2. Hon. Jackson Lekumontare, MP
3. Hon. Omboko Milemba, MP
4. Hon. Peter Lochakapong, MP
5. Hon. Wilson Sossion, MP
6. Hon. (Dr.) Daniel Kamuren Tuitoek, MP
7. Hon. Gichuki Mugambi, MP
8. Hon. Mohammed Ali Lokiru, MP

COMMITTEE SECRETARIAT

1. Ms. Grace Wahu – Clerk Assistant III
2. Mr. Eric Kanyi – Fiscal Analyst I
3. Ms. Mercy Wanyonyi – Legal Officer I
4. Ms. Winnie Kulei – Research Officer II
5. Mr. Collins Mahamba – Audio Officer
6. Mr. David Milimo – Hansard Officer III

MIN. NO. EDUC/2022/116: PRELIMINARIES

The meeting was called to order at 2.35 p.m. A word of prayer was said by Hon. Eric Muchangi, MP. The agenda of the meeting was adopted having been proposed by Hon. Jerusha Momanyi, MP, and seconded by Hon. John Paul Mwirigi, MP.

MIN. NO. EDUC/2022/117: CONFIRMATION OF MINUTES

Confirmation of minutes was deferred to the next sitting.

MIN. NO. EDUC/2022/118: ADOPTION OF THE REPORT ON THE PUBLIC PETITION REGARDING THE RIGHT TO RELEVANT EDUCATION AND TRAINING BY EGERTON UNIVERSITY SUBMITTED BY A GROUP OF EGERTON UNIVERSITY STUDENTS

COMMITTEE OBSERVATIONS

The Committee considered the Report and made the following observations: -

A. Accreditation of Universities' Academic Programmes

1. The process of accreditation of universities' academic programmes is guided by the Section 5 of the Universities' Act, 2012 and Regulations No. 48, 49 and 50 of the Universities Regulations, 2014. Before a university launches a new academic programme, the Commission for University Education shall conduct an inspection and evaluation and be satisfied that the institution concerned has adequate physical, human, library and financial resources, relevant curriculum content amongst other requirements.
2. Section 5A (3) of the Universities Act, 2012 provides that the Commission may, before approving any academic programme consult with any relevant body established by written law to regulate the profession to which the academic programme relates where such law empowers the professional body to approve or accredit courses offered at any university or colleges.

B. Accreditation Status of BSc Water and Environmental Engineering Programme offered by Egerton University

3. Egerton University did not obtain the requisite approval from the Commission for University Education before introducing the of BSc Water and Environmental Engineering programme. The University lacked the requisite training equipment to launch Bachelor of Science in Water and Environmental Engineering at the time of launching the programme in 2014.
4. Egerton University did not consult the Engineers Board of Kenya for advice to ensure that the engineering program design meets the standards that have been set out by the Board in accordance with the Fourth Schedule of the Engineers Rules 2019.
5. Students who have undertaken engineering programs that are unaccredited and unrecognised by the Commission for University and the Engineers Board of Kenya cannot be registered by the Board and risk missing out on employment opportunities. Further, it is a waste of resources for the parents and students thus negatively affects the economy.
6. Egerton University is offering other engineering courses namely BSc. Electrical and Control Engineering, BSc. Civil and Structural Engineering, BSc. Mechanical Engineering and Technology and BSc. Mechanical and Manufacturing which are yet approved and accredited by the Engineers Board of Kenya as at March, 2022. Graduates from such courses cannot therefore be accredited by EBK to practice engineering.

C. Recourse for the Unaccredited Engineering Graduates

7. Egerton University Council has approved to offer the eight (8) remedial courses all affected students to bridge from Bachelor of Science in Water and Environmental Engineering (WEEN) to Bachelor of Science in Civil and Environmental Engineering (CEEN) at no extra tuition cost to the graduates. The university will invite the graduates to register for a one special semester for the courses.
8. The University has scheduled three special semesters to mop up over 200 affected students with the first semester beginning September 2022. The special semesters will save time for the graduates.

CHAIRPERSON'S FOREWORD

This Report contains the Committee's proceedings on the consideration of a public petition regarding violation of the right to relevant education and training by Egerton University. The Petition was presented to the National Assembly pursuant to Article 119 of the Constitution, Standing Order 220 and Section 4(1b) of the Petition to Parliament (Procedure) Act No. 22 of 2012 by a group of engineering course graduates of Egerton University namely Mr. David Okoti Olumasai of National Identification Number 31297235, Ian Nyaga Gicobi of National Identification Number 32416254 and Elvin Onyango Mangeni of National Identification Number 32744119 on behalf of their colleagues.

The petition was presented in the House on 17th August, 2021 in accordance with Standing Order 225(b) and was committed to the Departmental Committee on Education and Research pursuant to Standing Order 227 (1) for consideration and reporting to the House.

In the petition, the petitioners' recount that in 2014, Egerton University enrolled them to pursue Bachelor of Science (Water and Environmental Engineering) which they successfully completed and graduated in 2019. However, in the process of undertaking the course, the petitioners learnt that the programme had not been approved and accredited by the regulatory body, Engineers Board of Kenya, (EBK) as required under section 7(1)(i) of the Engineers Act, 2011. The petitioners claim that this has curtailed their right to relevant education and training as well as access to employment under Article 55 of the Constitution.

The petitioners prayed that the National Assembly through the Departmental Committee on Education and Research:-

1. Intervenes to ensure that the management of Egerton University immediately facilitates the petitioners to undertake eight (8) remedial units necessary for them to upgrade from Bachelor of Science (Water and Environmental Engineering) degree which is not accredited to the accredited Bachelor of Science (Civil and Environmental Engineering) degree at no extra cost;
2. Inquiries into the circumstances under which the University continued to offer an accredited degree in Bachelor of Science (Water and Environmental Engineering) with a view of recommending immediate cessation of enrolment of students to the programme; and
3. Makes any other recommendations the Committee may deem fit in addressing the plight of the petitioners.

In considering the petition, the Committee held a total of five sittings during which it received both oral and written submissions from the petitioners and respondents. The Committee thereafter considered and deliberated on the prayers by the petitioner and responses by the respondents.

The records of evidence adduced, documents and notes received by the Committee form the basis of the Committee's observations/findings and recommendations as outlined in the Report and can be obtained in the Parliament Library.

The Committee wishes to record its appreciation to the Office of the Speaker and the Clerk of the National Assembly for facilitating the Committee to fulfil its mandate. The Committee is also grateful to all stakeholders who appeared before the Committee to present their submission on the

petition and finally the staff of the National Assembly for the services they rendered. It is their commitment and dedication to duty that made the work of the Committee and production of this report possible.

On behalf of the Departmental Committee on Education and Research and pursuant to National Assembly Standing Order 227 and 199(6), I beg to table the Report of the Committee on the Petition regarding the violation of the right to relevant education and training by Egerton University

Hon. Florence Mutua, CBS, MP

Chairperson, Departmental Committee on Education and Research

1.0 PREFACE

1. The Departmental Committee on Education and Research is established under the National Assembly Standing Order 216.

1.1 Mandate of the Committee

2. The Committee is mandated, among others, to: -

- i) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
- ii) study the programmes and policy objectives of Ministries and departments and the effectiveness of the implementation;*
- iii) study and review all legislation referred to it;*
- iv) study, assess and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with their stated objectives;*
- v) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
- vi) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
- vii) examine treaties, agreements and conventions;*
- viii) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- ix) consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- x) examine any questions raised by Members on a matter within its mandate.*

1.2 Subjects

3. The subjects falling within the purview of the Departmental Committee on Education, and Research are:-

- (i) Education,
- (ii) Training and
- (iii) Research.

4. The Committee oversees the underlisted State Departments in the Ministry of Education and the Teachers Service Commission.

- (i) State Department for Early Learning Basic Education
- (ii) State Department for University Education and Research
- (iii) State Department of Vocational and Technical Training
- (iv) State Department for Implementation of Curriculum Reforms

(v) State Department for Post Training and Skills Development

1.3 Committee Membership

5. The Committee comprises of the following members: -

Chairperson

Hon. Florence Mutua, CBS, MP
Busia County

Orange Democratic Movement Party

Vice Chairperson

Hon. Ngunjiri Wambugu
Nyeri Town Constituency

Jubilee Party

Hon. Geoffrey Makokha Odanga, MP
Matayos Constituency
Orange Democratic Movement Party

Hon. (Dr.) Pamela Ochieng, MP
Migori County
Orange Democratic Movement Party

Hon. (Eng.) Nzambia Kithua, MP
Kilome Constituency
Wiper Democratic Movement Kenya

Hon. (Prof.) Zadoc Abel Ogutu, MP
Bomachoge Borabu Constituency
Independent

Hon. Eric Muchangi Njiru, MP
Runyenjes Constituency
Jubilee Party

Hon. Eve Obara, MBS, MP
Kabondo Kasipul Constituency
Orange Democratic Movement Party

Hon. Jackson Lekumontare, MP
Samburu East Constituency
KANU Party

Hon. Jerusha Momanyi, MP
Nyamira County
Jubilee Party

Hon. Joseph Tonui, MP
Kuresoi South Constituency
Jubilee Party

Hon. Omboko Milemba, MP
Emuhuya Constituency
Amani National Congress

Hon. Peter Lochakapong, MP
Sigor Constituency
Jubilee Party

Hon. Wilson Sossion, MP
Nominated Member

Hon. Wilson Kogo, MP
Chesumei Constituency
Jubilee Party

Hon. (Dr.) Daniel K Tuitoek, MP
Mogotio Constituency
Jubilee Party

Hon. Gichuki Mugambi, MP
Othaya Constituency
Jubilee Party

Hon. John Mwirigi, MP
Igembe South Constituency
Independent

Hon. Ali Mohamed Lokiru
Turkana East Constituency
Orange Democratic Movement Party

1.4 Committee Secretariat

6. The Committee secretariat comprise the following officers: -

Mr. Philip Lekarkar
Clerk Assistant II
Lead Clerk

Ms. Grace Wahu
Clerk Assistant III

Mr. Eric Kanyi
Fiscal Analyst II

Ms. Winnie Kulei
Research Officer II

Mr. Collins Mahamba
Audio Officer

Ms. Catherine Mukunyi
Serjeant-at-Arms

Mr. David Milimo
Hansard Officer III

Ms. Rhoda Muchori
Hansard Officer III

2.0 CONSIDERATION OF THE PETITION

7. The Petition was presented to the National Assembly on 17th August, 2021 pursuant to Article 119 of the Constitution, Standing Order 220 and Section 4(1b) of the Petition to Parliament (Procedure) Act No. 22 of 2012 by a group graduates of engineering courses from Egerton University namely Mr. David Okoti Olumasai of National Identification Number 31297235, Ian Nyaga Gicobi of National Identification Number 32416254 and Elvin Onyango Mangeni of National Identification Number 32744119 on behalf of their colleagues.
8. The petition was subsequently committed to the Departmental Committee on Education and Research pursuant to Standing Order 227 (1) for consideration.
9. The Committee invited the petitioners to prosecute their petition and thereafter the Engineers Board of Kenya together with Egerton University to give their responses to the petition. Their views which informed the Committee findings and recommendations, are contained in this Report.

2.1 Submission by the Petitioners

10. The Committee heard from the Petitioners Messrs David Okoti Olumasai, Ian Nyaga Gicobi and Elvin Onyango Mangeni accompanied by other students on Tuesday, 28th September, 2021.
11. The petitioners who are graduates of Bachelor of Science (BSc) Water and Environmental Engineering from Egerton University (2019) and on behalf of their colleagues, drew the attention of the Committee to the following: -
12. That, Egerton University admitted a group of students in 2014 to pursue a course of Bachelor of Science in Water and Environmental Engineering and successfully completed the course in 2019. That in 2014, they learnt that the course was not accredited by the regulatory body, Engineers Board of Kenya (EBK);
13. That, in late 2014 the concerned students held a meeting with University Management concerning accreditation of the program and they were promised that the course would be accredited by early 2015;
14. That, by September, 2015 no substantial progress had been made by the University towards accreditation of the course which prompted the students to stage demonstrations on September 18th, 2015 leading to their indefinite suspension.
15. That, the University recalled them to resume training January 2016 with a promise that all was well in regard to accreditation. On readmission, they were informed that the Engineers Board of Kenya was expected to carry out an accreditation inspection of their program in 7 months' time (July, 2016).
16. That, in August, 2018 the Engineers Board of Kenya informed the University that for the programme to be accredited the name of the programme must be changed from Bachelor of Science in Water and Environmental Engineering (WEEN) programme to Bachelor of Science

in Civil and Environmental Engineering (CEEN). Further, the course content must be reviewed and students were required to take an additional eight units to satisfy the requirements of the new programme. Subsequently, a memorandum of understanding was signed with Masinde Muliro University of Science and Technology so that students could use engineering equipment of Masinde Muliro University while upgrading the course to meet the Engineers Board of Kenya (EBK) requirements.

17. That, in October 16, 2018 Chair of Civil and Environmental Engineering of Egerton University wrote to the Dean Faculty of Engineering of Egerton University informing him of the eight (8) remedial courses they were to take so that they bridge from BSc Water and Environmental Engineering to EBK recommended BSc Civil and Environmental Engineering.
18. That, up to graduation day on 29th November 2019 no progress had been made by the University to offer the students the eight remedial courses to meet the requirements of EBK. The students graduated with unaccredited BSc Water and Environmental Engineering.
19. That the direct implication is that the graduates cannot be registered by the Engineers Board of Kenya to offer professional services in accordance with Section 49 (1) (2) (3) (4) of the Engineers Act which prohibits the employment of persons not registered under the Act from offering engineering professional services or works.
20. Further, section 50(2) of the Act provides that “a person who is not registered as a professional engineer or firm shall not be entitled to submit engineering plans, surveys drawings, schemes, proposals reports design s of studies to any person or authority in Kenya.” Contravention of the sections of the Act amounts to offences and one can be liable to a fine of not less than Ksh. 500,000 or to imprisonment for a term not exceeding two years or both.
21. The students averred that Egerton University violated their right to relevant education and training by admitting and offering training in a programme not accredited by a professional regulator. This is a contravention of Article 55 (a) of the Constitution.
22. That, they have made the best efforts to have these matters addressed by the relevant authorities, all of which have failed to have a satisfactory response.
23. That, none of these issues raised in this petition is pending in any court of law or any other legal body.
24. The petitioners prayed that the Committee: -
 - (i) Directs the University to offer them the eight (8) remedial courses to bridge from BSc Water and Environmental Engineering to BSc Civil and Environmental Engineering at no cost in two months’ time from the date of this petition or;
 - (ii) Directs the University to pay each of them a total sum of Kshs. 750,000 (Kenya Shillings Seven Hundred and Fifty Thousand only) to enable them upgrade to EBK accredited BSc Civil Engineering from another institution and finally;
 - (iii) Stop enrolment of students into unaccredited BSc Water and Environmental Engineering;
 - (iv) Give any direction that will appropriately address the matter raised.

2.2 Submission by Egerton University

Egerton University Management led by the Vice Chancellor Prof. Isaac Kibwage, Prof. Deputy Vice Chancellor, Academic Affairs Prof. Bernad Aduda, Registrar, Academics, Prof. Mwanarusi Saidi and Dean of Students Prof. Japheth Onyango appeared before the Committee on 10th March, 2022 and responded to the petitioners' prayers as follows: -

25. The University has reviewed the Bachelor of Science in Water and Environmental Engineering (WEEN) programme to meet the Engineers Board of Kenya (EBK) requirements for Bachelor of Science in Civil and Environmental Engineering (CEEN). EBK in their December 2017 Report on Accreditation of Engineering Programmes at Egerton University found the course content of the reviewed curriculum sufficient and adequate. Thereafter, the Senate approved the reviewed curriculum of which implementation started in the 2018/2019 academic year.
26. A request to the Commission for University Education (CUE) for change of name from Bachelor of Science in Water and Environmental Engineering (WEEN) to Bachelor of Science in Civil and Environmental Engineering (CEEN) is in progress.
27. The eight remedial courses approved by EBK translate to a 9.5% (24 credit factors out of a total 252.2) change. The 9.5% change in the curriculum content is below 30% threshold required for a programme to be accredited afresh. The courses are:
 - (i) Highway Geometric Design
 - (ii) Geotechnical Engineering
 - (iii) Structural Masonry Design
 - (iv) Theory of Structures III
 - (v) Transportation Engineering II
 - (vi) Foundation Engineering
 - (vii) Pavement Design
 - (viii) Urban Drainage and Flood Protection
28. On the petitioners' prayer that the University offers the students the eight (8) remedial courses required to bridge from BSc. Water and Environmental Engineering to BSc. Civil and Environmental Engineering at no cost in two months' time from the date of this petition, the University Management submitted that the University was willing and ready to offer the said eight remedial courses.
29. Already the University Council had approved the eight courses to be offered at no extra tuition cost to the graduates. The University will invite the affected graduates to register for one special semester for the courses. There will be three such special semesters to mop up over 200 students, starting with the first semester of the academic year 2022/2023. The special semester will save time for the graduates.
30. On the prayer that the University pays each of the affected student a total sum of Kshs. 750,000 (Kenya Shillings Seven Hundred and Fifty Thousand) to enable them upgrade to EBK accredited BSc Civil Engineering from another institution, the University Management

responded that Egerton University will offer all the eight courses at no extra cost and hence it would not be necessary to pay the students or for them to transfer to another university.

31. On the prayer that the University stops enrolment of students into unaccredited BSc Water and Environmental Engineering, the University Management responded that the unaccredited programmes had been reviewed to comply with the requirements of the Commission for University Education and Professional regulatory bodies.

2.3 Engineers Board of Kenya

The Engineers Board of Kenya (EBK) led by the Registrar Eng. Margaret Ogai Registrar, EBK Board Member Prof. Eng. Silvester Abuodha, Secretary Engineering Board Council Member Eng. Martin Nzomo and Corporation Secretary/Director Legal Services, Ms. Fridah Ng'alu appeared before the Committee on 10th March, 2021 and submitted as follows: -

32. The Engineers Board of Kenya is a statutory body established under Section 3(1) of the Engineers Act 2011. The Board is responsible for the registration of engineers and engineering firms, regulation of engineering professional services, setting of standards, development and general practice of engineering.
33. Section 7(1)(i) of the Engineers Act 2011 gives the Board mandate to approve and accredit engineering programs in public and private universities and other tertiary level education institutions offering education in engineering. Further, the Fourth Schedule of the Engineers' Rules of 2019 provides for accreditation process.
34. A student entering an engineering degree course aims at becoming a professional Engineer (PE) as provided for under the Engineers Act 2011. Requirements for this title include academic education represented by an accredited University programme in engineering and training at the appropriate level and experience.
35. A sound and wholesome engineering education therefore forms the basis of a competent professional engineer hence the requirement for the accreditation of engineering programmes offered at the universities.
36. The accreditation process as provided under the Fourth Schedule of the Engineers Rules 2019 involves in-depth review and assessment of an engineering program to ensure that it meets the standards that have been set out by the Board. The process involves the review of Programme Design, Programme Curriculum Content, Faculty Staff Establishment, Institution's Training Facilities and Infrastructure Training Duration and Quality Assurance.
37. As concerns the current status of accreditation of engineering courses offered by Egerton University, only BSc Agricultural Engineering Programme has been accredited by the Board. The University presented a request for accreditation for the BSc. Civil and Environmental Engineering programme and the same is undergoing independent review by the Board as a resolution on the accreditation impasse raised in the petition is explored. The Board has not received a request for accreditation for the BSc. Water and Environmental Engineering programme offered by the University and has therefore not accredited.

38. The Board stated that it had received various applications from universities for accreditation of various programmes. The Board had set up visiting teams as provided in the Engineers' Rules 2019 to conduct independent reviews on the programmes and report and make recommendations to the Board. The reviews have been informed by the Board's desire to prepare universities for accreditation.
39. Further, the Board had received 175 applications for registration by persons who have studied unaccredited courses and the number keeps growing by the day.
40. Unaccredited universities usually do not have the same educational standards and policies as accredited ones and hence the quality and standards of the education offered cannot be guaranteed. This is of great importance especially in engineering given the role that engineers play in the society in ensuring sound infrastructure and hence huge public interest. The country has witnessed an increasing number of collapsed buildings and some preliminary investigations show that poor structural designs have contributed to the collapse hence the need to ensure quality education for the engineers.
41. The Board had engaged in consultations with the Commission on University Education, the Council of Deans of Schools of Engineering and the State Department of University Education and Research on the resolution of the accreditation impasse. This had led to the development of an MOU between CUE and professional bodies with accreditation functions in their establishing statutes. The MOU is aimed at ensuring collaboration and consultation in the accreditation processes under the purview of Section 5A (3) of the Universities Act of 2015.
42. One of the issues under discussion between the Board and the Council of Deans is the harmonization of engineering degree programmes across Kenyan Universities in terms of structure, content and naming to facilitate registration under the correct discipline upon graduation.
43. Further, the Board is seeking to develop collaboration with the Kenya Universities and Colleges Central Placement Service to build the capacity of students as they apply for university courses to ensure that they are well equipped to choose the right accredited courses.
44. The Board informed the Committee that it made a bid for provisional signatory status at the Washington Accord during the General Assembly Meeting in November, 2019 held in Melbourne, Australia.
45. Acceding to the Washington Accord will provide international recognition for Kenya's engineering education, Ease of international mobility of Kenya's professional engineers, uphold standards of engineering education amongst engineering bodies globally and Kenyan universities will become regional centres of excellence and attract international students from the region thus earning the country forex. Currently, South Africa is the only African country with signatory status.

3.0 COMMITTEE FINDINGS

The Committee made the following findings: -

Accreditation of Universities' Academic Programmes

- i. The process of accreditation of universities' academic programmes is guided by the Section 5 of the Universities' Act, 2012 and Regulations No. 48, 49 and 50 of the Universities Regulations, 2014. Before a university launches a new academic programme, the Commission for University Education shall conduct an inspection and evaluation and be satisfied that the institution concerned has adequate physical, human, library and financial resources, relevant curriculum content amongst other requirements.
- ii. Section 5A (3) of the Universities Act, 2012 provides that the Commission may, before approving any academic programme consult with any relevant body established by written law to regulate the profession to which the academic programme relates where such law empowers the professional body to approve or accredit courses offered at any university or colleges.

Accreditation Status of BSc Water and Environmental Engineering Programme offered by Egerton University

- iii. Egerton University did not obtain the requisite approval from the Commission for University Education before introducing the BSc Water and Environmental Engineering programme. The University lacked the requisite training equipment to launch Bachelor of Science in Water and Environmental Engineering at the time of launching the programme in 2014.
- iv. Egerton University did not consult the Engineers Board of Kenya for advice to ensure that the engineering program design meets the standards that have been set out by the Board in accordance with the Fourth Schedule of the Engineers Rules 2019.
- v. Students who have undertaken engineering programs that are unaccredited and unrecognised by the Commission for University and the Engineers Board of Kenya cannot be registered by the Board and risk missing out on employment opportunities. Further, it is a waste of resources for the parents and students thus negatively affects the economy.
- vi. Egerton University is offering other engineering courses namely; BSc. Electrical and Control Engineering, BSc. Civil and Structural Engineering, BSc. Mechanical Engineering and Technology and BSc. Mechanical and Manufacturing which are yet approved and accredited by the Engineers Board of Kenya as at March, 2022. Graduates from such courses cannot therefore be accredited by EBK to practice engineering.

Recourse for the Unaccredited Engineering Graduates

- vii. Egerton University Council has approved to offer the eight (8) remedial courses all affected students to bridge from Bachelor of Science in Water and Environmental Engineering (WEEN) to Bachelor of Science in Civil and Environmental Engineering (CEEN) at no

extra tuition cost to the graduates. The University will invite the graduates to register for a one special semester for the courses.

- viii. The University has scheduled three special semesters to mop up over 200 affected students with the first semester beginning September 2022. The special semesters will save time for the graduates.

4.0 COMMITTEE RECOMMENDATIONS

In response to the petitioners' prayers the Committee recommends: -

- i. Egerton University Council should offer remedial courses to all engineering graduates from the University who have not met the requirements for registration by the Engineers Board of Kenya to bridge to engineering programmes approved and accredited by the Commission for University Education and the Engineers Board of Kenya at no extra tuition cost,
- ii. That Egerton University should offer the said courses to engineering graduates of engineering programmes which are yet approved and accredited by the Engineers Board of Kenya pursuant to Section 7(1)(i) of the Engineers Act 2011. This includes graduates of BSc. of Science in Water and Environmental Engineering, BSc. Electrical and Control Engineering, BSc. Civil and Structural Engineering, BSc. Mechanical Engineering and Technology as well as BSc. Mechanical and Manufacturing
- iii. That the schedule for offering the remedial courses starts September 2022 and concludes by December 2024 through a planned schedule.
- iv. The Commission for University Education should undertake regular inspections, monitoring and evaluation of universities and ensure compliance with the provisions of Section 5 of the Universities Act and Regulations 48, 49 and 50 of the Universities' Regulations, 2014 relating to approval and accreditation of academic programmes offered by universities.
- v. The Kenya Universities and Colleges Central Placement Service should ensure that for any tertiary institution or University programme to be eligible to receive application and placement of government sponsored students, it must be approved by the Commission for University Education and the respective professional regulatory body.

SIGNED.....

DATE.....

HON. FLORENCE MUTUA, CBS, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH

4.0 COMMITTEE RECOMMENDATIONS

In response to the Petitioners' prayers, the Committee recommended: -

1. Egerton University Council should offer remedial courses to all engineering graduates from the University who have not met the requirements for registration by the Engineers Board of Kenya to bridge to engineering programmes approved and accredited by the Commission for University Education and the Engineers Board of Kenya at no extra tuition cost,
2. That Egerton University should offer the said courses to engineering graduates of engineering programmes which are yet approved and accredited by the Engineers Board of Kenya pursuant to Section 7(1)(i) of the Engineers Act 2011. This includes graduates of BSc. of Science in Water and Environmental Engineering, BSc. Electrical and Control Engineering, BSc. Civil and Structural Engineering, BSc. Mechanical Engineering and Technology as well as BSc. Mechanical and Manufacturing
3. That the schedule for offering the remedial courses should start in September 2022 and concludes latest by December 2024 through a planned schedule.
4. The Commission for University Education should undertake regular inspections, monitoring and evaluation of universities and ensure compliance with the provisions of Section 5 of the Universities Act and Regulations 48, 49 and 50 of the Universities' Regulations, 2014 relating to approval and accreditation of academic programmes offered by universities.
5. The Kenya Universities and Colleges Central Placement Service should ensure that for any tertiary institution or University programme to be eligible to receive application and placement of government sponsored students, it must be approved by the Commission for University Education and the respective professional regulatory body.

The Report on the Public Petition regarding the right to relevant Education and Training by Egerton University submitted by a group of Egerton University students was unanimously adopted having been proposed by Hon. Joseph Tonui, MP and Hon. (Dr.) Wilson Kogo, MP.

MIN. NO. EDUC/2022/119: ADOPTION OF THE REPORT ON THE PETITION REGARDING REFUSAL BY TEACHERS SERVICE COMMISSION TO ACKNOWLEDGE UNDERGRADUATE, GRADUATE AND POST-GRADUATE QUALIFICATIONS ATTAINED BY IN-SERVICE TEACHERS FROM RECOGNIZED UNIVERSITIES

COMMITTEE OBSERVATIONS

The Committee considered the Report and made the following observations: -

A. Recognition and automatic promotion of in-service teachers on attaining higher qualifications

1. That, prior to 2014, the Teachers Service Commission used to acknowledge and reward in-service teachers who had attained relevant higher qualifications in form of diplomas and bachelor's degrees in accordance to Part VI 73 and 74 of the Code of Regulations for Teachers,

2015. There was proper compensation for teachers who had attained higher qualifications which was a motivating factor to quality delivery of services.

2. That, from January, 2014, the Teachers Commission transited from the automatic promotion of teachers on attainment of higher qualifications as more teachers upgraded their academic qualifications which the policy fiscally unsustainable.
3. That, the Teachers Service Commission recognizes higher qualifications attained by in-service teachers however of promotion of such teachers is considered alongside other criteria such Career Progression Guidelines, authorized and funded vacancies within the teaching service which curtails automatic promotion on the basis of attaining higher academic qualifications.

B. Transition from Schemes of Service to the Career Progression Guidelines (CPGs)

4. That, historically career progression of teachers was governed by Schemes of Service for Teachers which included the Scheme of Service for Primary Teachers, the Scheme of Service for Graduate Teachers and the Scheme of Service for Technical Teachers.
5. That, in 2016 the Schemes of Service were replaced by the Career Progression Guidelines (CPGs) in which was informed by the Code of Regulation of Teachers and the advice on Job Evaluation on the worth of every job in the teaching service by the Salaries and Remuneration Commission.
6. That, in the course of transition and conversion of the previous job groups provided under the Schemes of Service into salary scales under the CPGs some teachers' cadres were left out in the vertical progression on the effective date of 9th January 2014.
7. Career Progression Guidelines have far-reaching amendments to the Code of Regulations for Teachers which must be approved by Parliament. Such changes cannot have the force of Law unless it is transmitted through parliament for approval.
8. That, many teachers employed by the Teachers Service Commission have progressively advanced their education earning diplomas, bachelors, masters and doctorate degrees. Acquisition of such higher qualification equips teachers with more knowledge and specialized skills which enhance their professional competencies and quality of delivery.

C. Promotion of Teachers and Clause 44 of the UNESCO/ILO on recognition of relevant qualification attained by in-service Teachers

9. That, clause 44 of UNESCO/ILO of which Kenya is a signatory codifies recognizing all relevant qualifications attained by in-service teachers in accordance with UNESCO/ILO recommendations of 1966 codifies intellectual rights of teachers who undertake and conclude relevant in-service courses and recommends for promotion teachers based on an objective assessment of the teacher's qualifications for the new post.

COMMITTEE RECOMMENDATIONS

In response to the petitioner's prayers, the Committee recommends that:-

1. The Teachers Service Commission should continue recognizing and acknowledging all relevant academic qualifications attained by in-service teachers in accordance with

UNESCO/ILO recommendations of 1966 that codifies intellectual rights of teachers who undertake and conclude relevant in-service courses.

2. That the Teachers Service Commission should promote all teachers eligible for promotion subject to meeting the relevant career progression criteria, availability of vacancies and funding giving priority to in-service teachers who attained higher qualifications.
3. That the Teachers Service Commission should submit budgetary requirement for promotion of all eligible teachers in 2023/24 financial year budget estimates for consideration by the National Assembly.
4. That the Teachers Service Commission should within six months of adoption of this report open negotiations with the teachers' unions on the Career Progression Guidelines and uphold the rights of teachers who have acquired relevant qualifications at the time of their in-service. Further, TSC shall give guidelines on relevant courses to be undertaken by teachers.
5. That, the Teachers Service Commission should ensure that any amendment to the Code of Regulations for Teachers is approved by Parliament and that the Career Progression Guidelines should not whatsoever affect or take away any existing benefit of serving teachers.
6. The Teachers Service Commission should promote all suitably qualified teachers' in cadres that were left out in the vertical progression during the transition to the CPGs these include P1 teachers who had acquired Bachelor of Education degrees in Secondary schools, teachers previously in the previous Job Group L who had no administrative responsibilities and any diploma teachers who joined service at job group J and had obtained Bachelor of Education degrees by the commencement of the 2016 CBA.

The Petition regarding refusal by the Teachers Service Commission to acknowledge undergraduate, graduate and post-graduate qualifications attained by in-service teachers from recognized universities was unanimously adopted having been proposed by Hon. Geoffrey Odanga, MP and seconded by Hon. (Dr.) Pamela Ochieng, MP.

MIN. NO. EDUC/2022/120: ANY OTHER BUSINESS

There was no other business

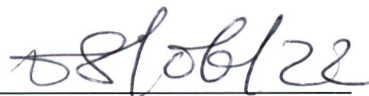
MIN. NO. EDUC/2022/121: ADJOURNMENT

There being no other business, the meeting was adjourned at 4.45 pm. The next meeting will be held on notice.

SIGN



DATE



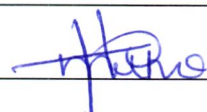
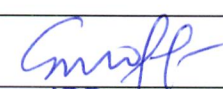
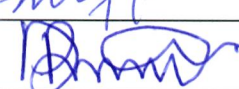

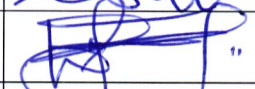



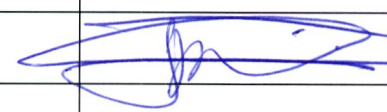
HON. FLORENCE MUTUA, CBS, MP

CHAIRPERSON, COMMITTEE ON EDUCATION AND RESEARCH

KENYA NATIONAL ASSEMBLY

COMMITTEE ON EDUCATION AND RESEARCH

Adoption of the Report on the Petition regarding Violation to the Right to Relevant Education and Training by Egerton University, submitted by a group of students

	NAME	
1.	Hon. Florence Mutua, CBS, MP - Chairperson	
2.	Hon. Ngunjiri Wambugu, CBS, MP - Vice Chairperson	
3.	Hon. Geoffrey Odanga, MP	
4.	Hon. (Dr.) Pamela Ochieng, MP	
5.	Hon. (Eng.) Nzambia Kithua, MP	VIRTUAL
6.	Hon. (Prof.) Zadoc Ogutu, MP	
7.	Hon. Eric Muchangi, MP	
8.	Hon. Eve Obara, MBS, MP	VIRTUAL
9.	Hon. Jackson Lekumontare, MP	
10.	Hon. Jerusha Momanyi, MP	
11.	Hon. Joseph Tonui, MP	
12.	Hon. Omboko Milemba, MP	
13.	Hon. Peter Lochakapong, MP	
14.	Hon. Wilson Sossion, MP	
15.	Hon. (Dr.) Wilson Kogo, MP	
16.	Hon. (Dr.) Daniel Kamuren Tuitoek, MP	
17.	Hon. James Gichuki Mugambi, MP	
18.	Hon. John Paul Mwirigi, MP	
19.	Hon. Mohammed Ali Lokiru, MP	

Hon. Speaker,
You may approve.
Arup Kimani
12/8



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY (FIFTH SESSION)

CONVEYANCE OF A PUBLIC PETITION

(No. 035 of 2021)

REGARDING VIOLATION OF THE RIGHT TO RELEVANT
EDUCATION AND TRAINING BY EGERTON UNIVERSITY

Honourable Members, Standing Order 225(2) (b) requires the Speaker to report to the House any petition, other than those presented by a Member. Further, Article 119 of the Constitution provides for the right of any person to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend or repeal any legislation.

In this regard, **Honourable Members,** I wish to report to the House that my office has received a Petition, signed by Messrs David Ckoti Olumasai of National Identification Number 31297235; Ian Nyaga Gicobi of National Identification Number 32416254 and Elvin Onyango Mangeni of National Identification Number 32744119 regarding Violation of the right to relevant education and training by Egerton University.

Honourable Members, the Petitioners recount that, in 2014, Egerton University enrolled them to pursue Bachelor of Science (Water and Environmental Engineering), which they successfully completed and graduated in 2019. However, in the course of undertaking the course, the Petitioners learnt that the programme had not been approved and accredited by Engineers Board of Kenya as required under section 7(1)(l) of the Engineers Act, 2011.

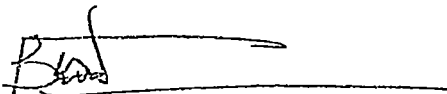
engineers and has fatally jeopardized their right to relevant education and training as well as access to employment under Article 55 of the Constitution.

Honourable Members, the petitioners therefore pray that the National Assembly, through the Departmental Committee on Education and Research –

- (1) intervenes to ensure the management of Egerton University to immediately facilitate the petitioners to undertake the eight (8) remedial units necessary for them to upgrade from Bachelor of Science (Water and Environmental Engineering) degree, which is not accredited, to the accredited Bachelor of Science (Civil and Environmental Engineering) degree at no cost;
- (2) inquires into the circumstances under which the university continued to offer an unaccredited degree in Bachelor of Science (Water and Environmental Engineering) with a view to recommending immediate cessation of enrolment of students to the programme; and,
- (3) makes any other recommendations the Committee may deem fit in addressing the plight of the petitioners.

Honourable Members, having determined that the matters raised by the petitioners are well within the authority of this House, I order that, pursuant to the provisions of Standing Order 227(1), this Petition be committed to the Departmental Committee on Education and Research. The Committee is required to consider the Petition and report its findings to the House and the Petitioners in accordance with Standing Order 227(2).

I thank you!



THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Date:17/8/2021.....

THE CLERK,
NATIONAL ASSEMBLY.
PARLIAMENT BUILDINGS.
Tel: 254 2 2221291 or 2848000
Fax: 254 2 2243694
E-mail: *clerk@parliament.go.ke*

DLPS
Please deal
@
06/07/21

RE: PETITION TO THE NATIONAL ASSEMBLY CONCERNING VIOLATION OF OUR RIGHT TO RELEVANT EDUCATION AND TRAINING.

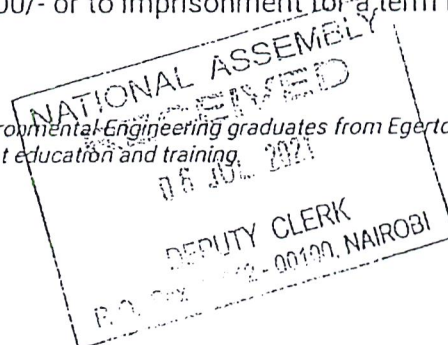
We, the undersigned,

Citizens of the Republic of Kenya, graduates of BSc Water and Environmental Engineering from Egerton University (2019) and on behalf of our colleagues;

DRAW the attention of the Parliament to the following:

1. Egerton University contravened article 55(a) of the constitution of Kenya as it admitted us in 2014 and graduated us in 2019 from BSc Water and Environmental Engineering which is not accredited by the regulatory body, Engineers Board of Kenya. This is a direct implication that we can not be registered by the Engineers Board of Kenya and offer professional services as Section 49 (1) (2) (3) (4) of the Engineers Act prohibits the employment of persons, not registered under the Act, from offering engineering professional services or works. Further, Section 50(2) of the Act provides "A person who is not registered as a professional engineer or firm shall not be entitled to submit engineering plans, surveys, drawings, schemes, proposals, reports, designs or studies to any person or authority in Kenya". Finally, Contravention of the above sections of the Act amounts to offences and one can be liable to a fine of not less than Kshs. 500,000/- or to imprisonment for a term not exceeding two years, or both.

Petition to the Parliament by BSc Water and Environmental Engineering graduates from Egerton University on the violation of their right to relevant education and training.



1.1 THAT, Egerton University started offering BSc Water and Environmental Engineering from 1997;

1.2 THAT, we held a meeting late 2014 with University management concerning accreditation of the program and we were promised to be accredited early 2015;

1.3 THAT, that by September,2015, no any substantial communication had been made in regard to accreditation from University management which prompted us to stage demonstrations on September 18,2015 leading to our indefinite suspension;

2. The University recalled us to resume training early January,2016 with a promise that all was well in regard to accreditation.

2.1 THAT, after getting back, we were instead informed that Engineers Board of Kenya was expected to carry out accreditation inspection of our program in 7 months' time (July,2016) and we were to be prepared;

2.2 THAT, by the end of 2017 after all that due patience with a series of meetings, no fruits had been borne;

2.3 THAT, in April 18,2018, we wrote to Kenya National Human Rights Commission complaining of infringement of our right to relevant education and training, had intensive conversation with Lawyer Edwin Nyipolo of the Commission but everything went mute the same 2018 abruptly;

3. That in August,2018 the University management stated that out of three conditions required by Engineers Board of Kenya to accredit a program, BSc Civil and Environmental Engineering course content (an upgrade from BSc Water and Environmental Engineering as required by EBK) had been approved and memorandum of understanding had been signed with Masinde Muliro University of Science and Technology so as we could use their engineering equipment.

3.1 THAT, on October 16,2018 Chair of Civil and Environmental Engineering of Egerton University wrote to the Dean Faculty of Engineering of Egerton University informing him of the eight (8) remedial courses we were to take so that we

Petition to the Parliament by BSc Water and Environmental Engineering graduates from Egerton University on the violation of their right to relevant education and training.

bridge from BSc Water and Environmental Engineering to EBK recommended BSc Civil and Environmental Engineering;

3.2 THAT, on April 18,2019 after a long wait for the said 8 remedial courses we consulted and we were advised to write to University's Registrar Academic Affairs which we did the same day;

3.3 THAT, up to graduation day on November 29,2019 no any communication had been made concerning our request for the 8 remedial courses and we were not accredited;

4. THAT, we have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response.

5. THAT, none of these issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.

WHEREFORE, your humble petitioners pray that the Parliament-

1.Direct the University to offer us the eight (8) remedial courses to bridge from BSc Water and Environmental Engineering to BSc Civil and Environmental Engineering at no cost in two months time from the date of this petition otherwise;

2.Direct the University to pay each one of us a total sum of Ksh.750,000 (Kenya shillings seven hundred and fifty thousand only) to enable us upgrade to EBK accredited BSc Civil engineering from another institution and finally;




3.Stop enrollment of students into unaccredited BSc Water and Environmental Engineering;

4.Give any direction that will appropriately address the matter raised

Petition to the Parliament by BSc Water and Environmental Engineering graduates from Egerton University on the violation of their right to relevant education and training.

And your PETITIONERS will ever Pray.

Dated this 5th day of July ,2021.

No	Name	Address	ID No.	Tel No.	Sign
1	David Okoti Olumasai	2466 Kakamega	31297235	0717552740	
2	Ian Nyaga Gicobi	19284 Nairobi	32416254	0719350573	
3	Elvin Onyango Mangeni	67 Funyula	32744119	0719528898	

Petition to the Parliament by BSc Water and Environmental Engineering graduates from Egerton University on the violation of their right to relevant education and training