



**PARLIAMENT
OF KENYA
LIBRARY**

REPUBLIC OF KENYA

KENYA NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT-FOURTH SESSION, 2014

**RESPONSE TO THE STATEMENT REQUESTED BY THE HON. WANJIKU MUHIA, M.P
ON THE STUDENTS UNREST AT THE KISII UNIVERSITY**

THE DEPARTMENTAL COMMITTEE ON EDUCATION, RESEARCH AND TECHNOLOGY

**CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI**

JULY 2014

Table of Contents

1.0 PREAMBLE.....	3
1.1 Mandate of the Committee.....	3
1.2 COMMITTEE’S MEMBERSHIP.....	4
3.0 BACKGROUND ON KISII UNIVERSITY	2
3.1 GENESIS OF ACTIVITIES THAT LED TO THE UNREST	2
3.2 RELATIONSHIP WITH SUNGU SUNGU AND RAPE ALLEGATIONS.....	4
3.3 SUSPENSION OF STUDENTS AND DISCIPLINARY PROCEEDINGS.....	5
3.4 SUBMISSIONS FROM THE REPRESENTATIVE OF THE STUDENTS’ LEADERS WHO HAD NOT SUSPENDED.....	6
3.5 SUBMISSIONS FROM SUSPENDED STUDENTS	7
3.6 RESOLUTION OF THE COMMITTEE’S ON EDUCATION, RESEARCH AND TECHNOLOGY	8
3.7 SECOND APPEAL TO THE DISCIPLINARY COMMITTEE	8
4.0 COMMITTEE’S OBSERVATIONS	8
5.0 COMMITTEE’S RECOMMENDATIONS.....	9

1.0 PREAMBLE

Mr. Speaker Sir,

1.1 Mandate of the Committee

The Departmental Committee on Education, Research and Technology is established under the Standing Order No. 216, and has the following functions:

- (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 programme 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*); and
- (vii) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The second schedule of the Standing Orders of the National Assembly state the Terms of Reference (TOR) for the Departmental Committee of Education, Research and Technology as:- education; training; research; and technological advancement.

In addition, the Standing Orders also empowers the Committee to make its own selection of the subjects regarding the policy, management, administration, etc of the Ministries and Departments falling under its jurisdiction.

1.2 COMMITTEE'S MEMBERSHIP

The Committee comprises of the following members:-

1. Hon. Sabina Chege, M.P.(Chairperson)
2. Hon. Julius Melly, M.P. (Vice Chairperson)
3. Hon. (Prof.) Hellen Sambili, M.P.
4. Hon. (Dr.) Wilber Ottichillo, M.P.
5. Hon. Harrison Kombe, M.P.
6. Hon. Yusuf Chanzu, M.P
7. Hon. Joseph Manje, M.P.
8. Hon. Rose Mitaru, M.P.
9. Hon. Anthony Kimaru, M.P.
10. Hon. Jacob Macharia, M.P.
11. Hon. Mary Seneta, M.P.
12. Hon. Joseph M'eruaki, M.P.
13. Hon. (Dr.) Susan Chebet, M.P.
14. Hon. Silverse Anami, M.P
15. Hon. Eric Keter, M.P.
16. Hon. Cecilia Ng'etich, M.P.
17. Hon. Mohamed Huka, M.P.
18. Hon. Moses Injendi, M.P.
19. Hon. Muriuki Njagagua, M.P.
20. Hon. Kenneth Okoth, M.P.
21. Hon. Geoffrey Odanga, M.P.
22. Hon. (Dr.) Christine Ombaka, M.P.
23. Hon. Jared Opiyo, M.P.
24. Hon. Michael Kisoi, M.P.
25. Hon. Halima Ware, M.P.
26. Hon. Dorcas Kedogo, M.P.
27. Hon. Ibren Nasra Ibrahim, M.P.
28. Hon. Richard Makenga, M.P

Mr. Speaker Sir,

On 12th March 2014 the Hon. Wanjiku Muhia, M.P requested for a statement from the Chairperson of the Committee on Education, Research and Technology regarding the unrest at Kisii University that occurred on 10th March, 2014. In her statement the Hon. Member requested the Committee to inquire into the following issues: -

1. Alleged claims of Kisii University administration charging students Kshs. 10,000 as attachment fee, which was not applicable in any other public university.
2. Alleged claims of service delivery in the institution being based on tribal affiliations despite the university being a public university.
3. The relationship between the university and the Sungu Sungu vigilante group.
4. Arrest and harassment of student leaders by the Sungu Sungu vigilante group.
5. Alleged claims of the said group raiding ladies hostels and ending up beating and raping female students.

In order to inquire into the circumstances that led to the unrest, the Committee resolved to invite the Ministry of Education, Science and Technology; the Kisii University management; representatives of the student leaders as well as the suspended students to a meeting on 27th March, 2014.

During the interrogations, it was apparent that there was a danger of ethnicisation of public universities, a matter that would be detrimental to the running of universities and the coexistence and harmony among the students. The Government should address concerns raised in the report on the National Cohesion and Integrity Commission (NCIC) and deliberate measures be put in place to curb the rising cases of unrest. In addition, the recommendations of the report on the Unrest at Kenyatta University prepared by the 10th Parliament be implemented.

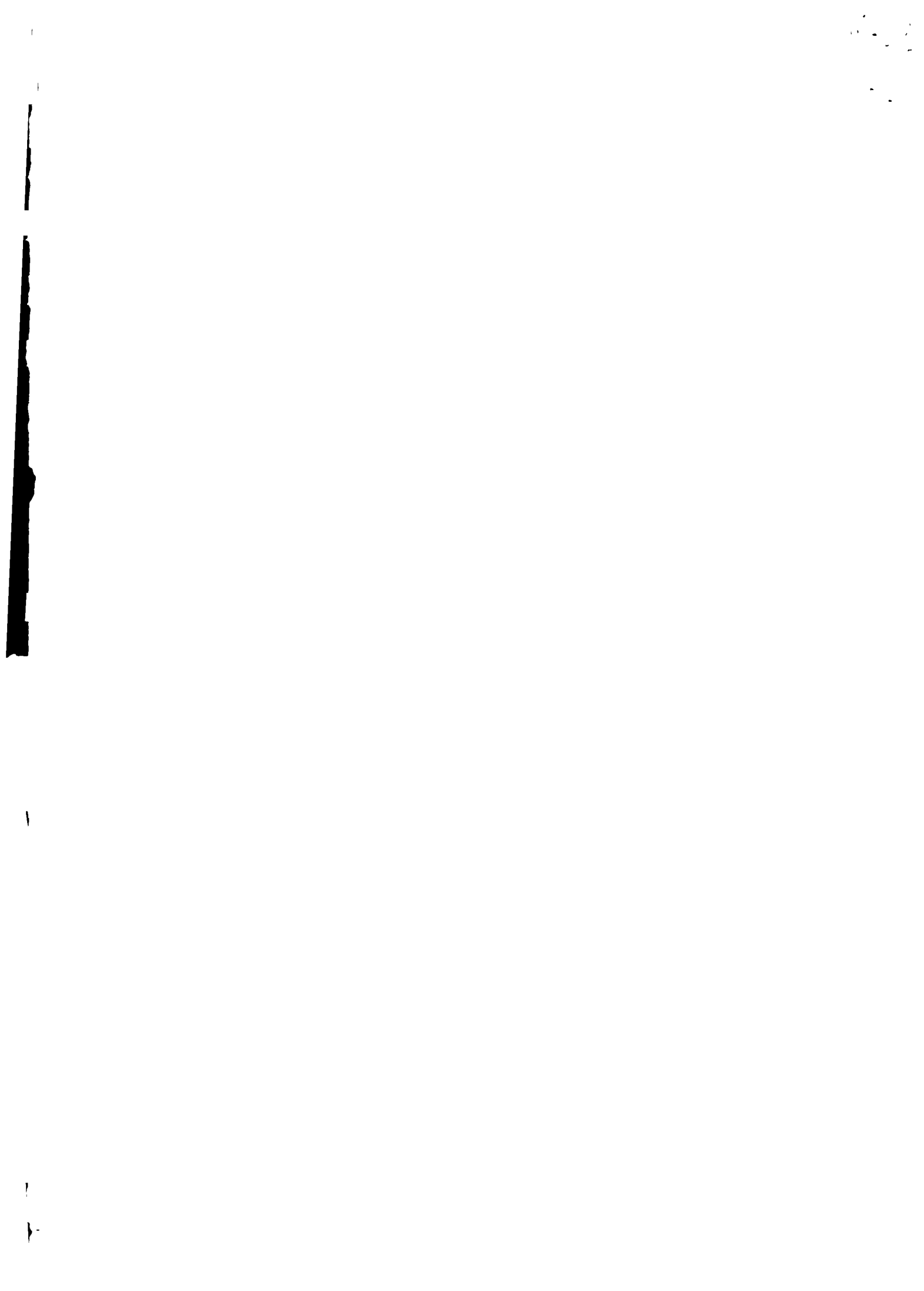
3.0 BACKGROUND ON KISII UNIVERSITY

Mr. Speaker Sir,

Kisii University received its charter as a fully-fledged university on 6th February 2013. Kisii University has never had student disturbances since 2009. Many of the emergent issues and challenges have been addressed through dialogue between students and management. The number of students in the university has grown tremendously from four hundred (400) in 2009 to the current over eleven thousand (11000) students. The increase in the number has put pressure on the university facilities as well as the ability of the university to waive some charges.

3.1 GENESIS OF ACTIVITIES THAT LED TO THE UNREST

On 20th December 2013 the Board of Management meeting convened made several recommendations following submission of a report by a six-member committee that was put together by the Vice Chancellor to improve on the Self Sponsored Programme policy at the university. This was after a consultative staff meeting that was held at Sagini Hall in November 2013 to come up with the way forward following discussions between management and the academic staff.



On 6th January, 2014 the Deputy Vice Chancellor Academic and Student Affairs, shared after consultation with the Vice Chancellor, with the student leaders the 20 recommendations submitted by the aforesaid committee, some of which included the introduction of teaching practice and attachment fee, as well, as delinking admission from accommodation beyond first year, to begin in 2014.

According to the Vice Chancellor submission on the matter of the introduction of the teaching practice, the management arrived on the ten thousand Kenya Shillings (Kshs. 10,000) after benchmarking with other public and private universities. The management also held discussions with the student leaders on the same.

The study revealed that the attachment fee payable by most public universities was ranging from Kshs. 9000 –Kshs. 25,000. For instance, University of Nairobi charged Kshs 15,000; Strathmore – Kshs. 25,000; Laikipia University - Kshs 15,000; Rongo University –Kshs. 10,000;

The proposed attachment/ industrial fee was to be payable by the students at the beginning of this FY year. Kshs. 10,000 for teaching practice fee; Kshs. 12,000 law students and Kshs 15000 internship fee for those undertaking medical health related courses. However, no student was to be sent away for non-payment of this fee. When this policy was proposed, a few students' leaders led by the Chairman Mr. Jeff Ongoro picked on it as a major issue of contention, arguing that the introduction of the item was abrupt and was likely to affect those going for teaching practice in May 2014. Through, their Chairman, Mr. Ongoro, the few student asked to meet with the management over the same issue. Consequently, a meeting was held on 30th January, 2014 at the University's Moot Court at which it was agreed that the issue be revisited when the Vice Chancellor was back from official duty outside the university.

A meeting was held on 12th February, 2014 under the Chairmanship of the Vice Chancellor at which the students and the management agreed that the teaching practice and industrial attachment fee be staggered and students be allowed to pay

in instalments according to capacity to pay. During that meeting it was agreed that the VC should issue a circular stating the same. A circular dated 18th February 2014 was issued. It was also agreed that the students who were away at home be informed in advance before coming back in May, 2014. Consequently, the university placed an advertisement on 24th February 2014 capturing the agreement between Management and student leaders. When the memo came out stating this, some student leaders argued that it did not capture the actual gist of the agreement. They said that the payment should be paid in any percentage as long as the whole fee is paid before graduation.

In order to convey the information to the students, the management issued a circular stating that the students were to pay the industrial/ attachment fee at instalments of 50 % and 50%. The student leaders complained of that decision and the Vice Chancellor assured them another circular would be issued whereby students would be allowed to have a staggered mode of payment. Out of twenty five (25) students' leaders, twenty (20) were in agreement with the second (2nd) circular.

Following this disagreement, chaos broke out causing the management to call in the reinforcement of the police to prevent damage of the university property. It is worth noting that initially the University was not charging the levies of students but the number of students having increased tremendously over the years forcing the university to charge the students.

3.2 RELATIONSHIP WITH SUNGU SUNGU AND RAPE ALLEGATIONS

In relation to association with illegal groups, Kisii University distanced itself from any relation to the outlawed Sungu Sungu vigilante group. In addition, legislations and university statutes had no provisions for an association of such kind of groups. However, given that students' demonstrations were mainly outside the university causing mayhem to peace loving citizens in the vicinity of the university, the intervention by the police to quell the demonstration was inevitable. As a result

about two hundred and fifty (250) students were in the process arrested by the police. These were later released without preferring charges against them after the intervention of the university management.

Mr. Speaker Sir,

The University denied claims of rape noting that no case had been documented on the same either at the University's dispensary or nearby health facilities or with the police. Additionally, no student was killed during the fracas and that students had only been treated only on the effects of teargas thrown to them by the police. The university instituted investigation to establish the truth on the matter with a view taking the appropriate corrective measures.

3.3 SUSPENSION OF STUDENTS AND DISCIPLINARY PROCEEDINGS

Following the chaos at the University, the Senate met and made a decision to suspend the ringleaders namely; Mr. Jeff Ongoro, Mr. Peter Ndagi, Mr. Paul Irungu and Mr. Antony Tariton. Subsequently, the disciplinary Committee convened a meeting on 24th April 2014 to discuss the matter of the suspended students. The charges preferred against the students were as follows:

Incitement contrary to section 9.1 (1.2. 16) of the students' handbook.

1. Organizing or involvement in unlawful demonstrations/ gatherings and processions contrary to section 9.1(1.2.25) as read together with section 13 and section 3.0 (1.6) of the handbook.
2. Malicious damage to property contrary to section 9.1 (1.3.23) as read together with section 3.0 (1.6)
3. Participating in picketing and organized obstruction of students and staff contrary to section 9.1 (1.2.22) as read together with section 13 of the students Handbook.
4. Making slanderous and or irresponsible statements about matters affecting the University contrary to section 13 on channels of communication as read together with section 3.0 (1.3)

Mr. Speaker Sir,

The five students were invited to appear before the student disciplinary committee on 2nd April, 2014. Jeff Ongoro, Peter Ndagi, Tariton Anthony and Paul Irungu Njuguna failed to appear before the disciplinary committee. Out of the five suspended students, only Akuku Brighton Odhiambo appeared before the disciplinary committee. In considering the final decision, the disciplinary committee cited the provisions of the student handbook (clause 1.3), which state that if a student fails to appear before the student disciplinary committee without any reasonable explanations, the Committee shall proceed with the case without further reference to him/her. Consequently the disciplinary committee expelled Jeff Ongoro, Peter Ndagi and Mr. Lenkolio for one academic year. Mr. Akuku was exonerated. Upon ratification by the senate, Paul Irungu and Anthony Tariton were expelled for two academic while Jeff Ongoro and Peter Ndagi were expelled indefinitely.

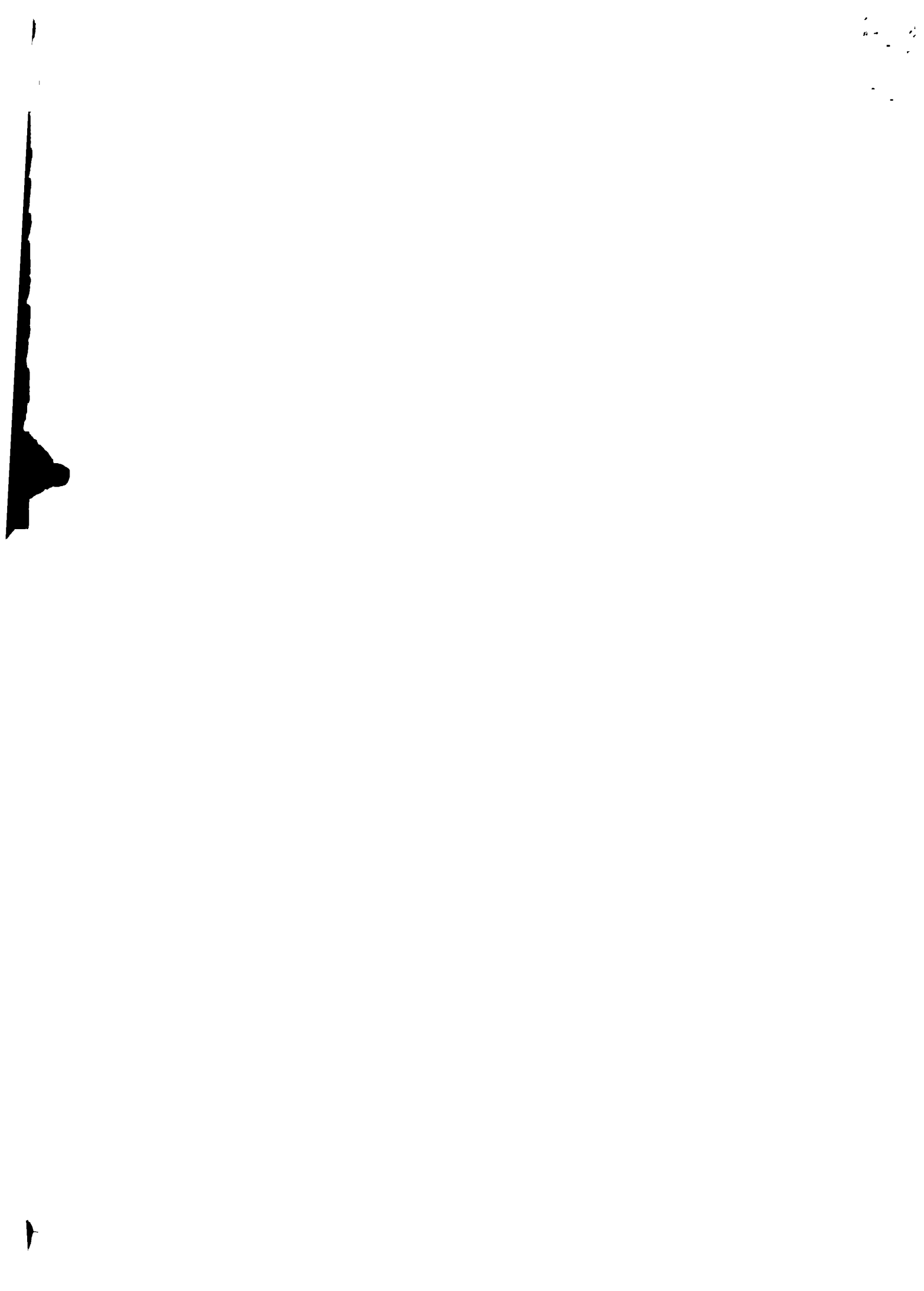
Mr. Speaker Sir,

By the time the management of Kisii University was appearing before the Committee, the management had recalled all the student back to the University save from third (3rd) years who were expected to report back on 10th April, 2014.

3.4 SUBMISSIONS FROM THE REPRESENTATIVE OF THE STUDENTS' LEADERS WHO HAD NOT SUSPENDED

Mr. Speaker Sir,

During the interrogation, the Committee was informed by one of the representatives that the Chairman of the Union did not involve all the student leaders in calling for demonstration. In addition, the Committee was informed that the main cause of the unrest was rivalry within the student's union leadership and that on several occasions



they had differed on issues that related to management of finance and misplaced priorities areas.

The student representative stated that the Vice Chancellor had called for a bonding retreat in Nakuru where issues on the attachment/industrial fee policy were discussed extensively and it was agreed that student would pay the fee. The decision would later be communicated to other students.

He also noted that the management of the university had held more than five (5) meetings with the Student leaders discussing the manner of implementation. The only disagreement that there was, was only on the mode of implementation of the industrial / attachment fee;

3.5 SUBMISSIONS FROM SUSPENDED STUDENTS

Mr. Peter Ndagi informed the Committee that the Vice Chancellor had remarked on several occasions that he was above the law hence his unilateral decision to suspend the students. He also stated that he had been invited to appear before a disciplinary Committee but feared for his life after being tipped off by a police officer that his life was in danger. One of the other suspended students named Jeff Ongoro stated he won in the 2013 elections to be the Chairman of the union but the management delayed swearing him into office within two (2) weeks as stipulated by the students' constitution. He informed the Committee that he had not been involved in the decision to set up the attachment/ attachment fee hence he was not agreeable to the same. He also stated that he had nothing personal against the Vice Chancellor and that the people at fault were the people surrounding him who were spreading propaganda against him that he was being bankrolled by one of the local upcoming universities.



1

1

3.6 RESOLUTION OF THE COMMITTEE'S ON EDUCATION, RESEARCH AND TECHNOLOGY

Upon hearing submissions from all the parties, the Committee directed the Management of Kisii University to convene a meeting in order to accord the students a fair hearing with a view to having them back to school.

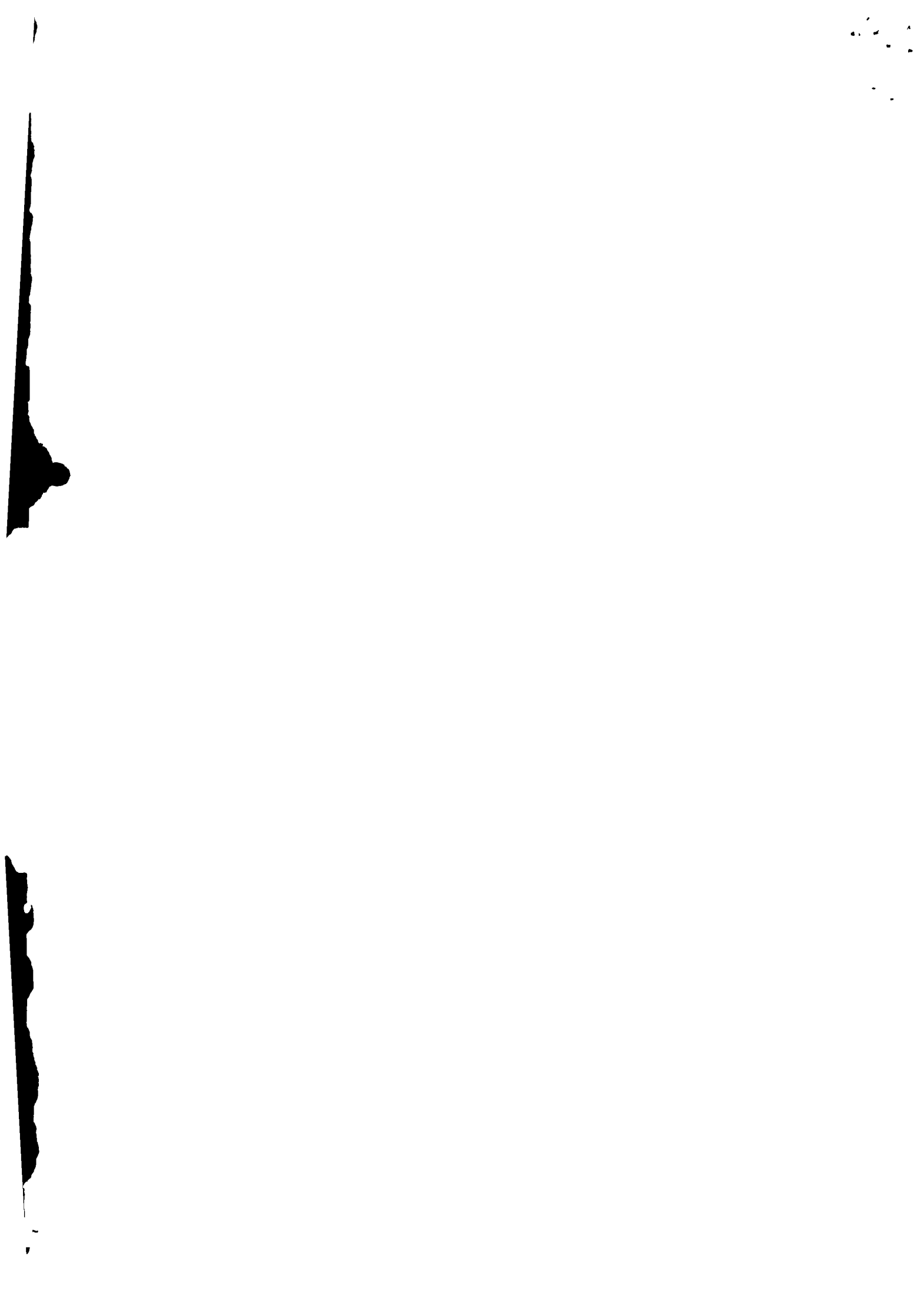
3.7 SECOND APPEAL TO THE DISCIPLINARY COMMITTEE

Mr. Speaker Sir,

Following the intervention of the Committee on Education, Research and Technology, the Senate met on 7th April 2014 met and agreed to allow the four students to be given a second chance to appear before the disciplinary committee. The students were invited to appear before the disciplinary committee on 24th April 2014. According to the submission from the disciplinary committee, Jeff Ongoro admitted to his charges and further pleaded for amnesty. However, the disciplinary committee recommended that he be suspended for three academic years to report back in September 2017. In addition, Peter Ndagi, admitted to his charges and pleaded with the disciplinary committee to give him clemency. Subsequently, the disciplinary committee handed him an expulsion of three academic years to report back in September 2017. Finally, Paul Irungu and Anthony Tariton were expelled for three and two academic years respectively.

4.0 COMMITTEE'S OBSERVATIONS

1. That the Committee's directive was not followed despite the Committee stating categorically of the need to engage with the students with a view to having them back to class. The students were severely punished after appearing before the Committee.

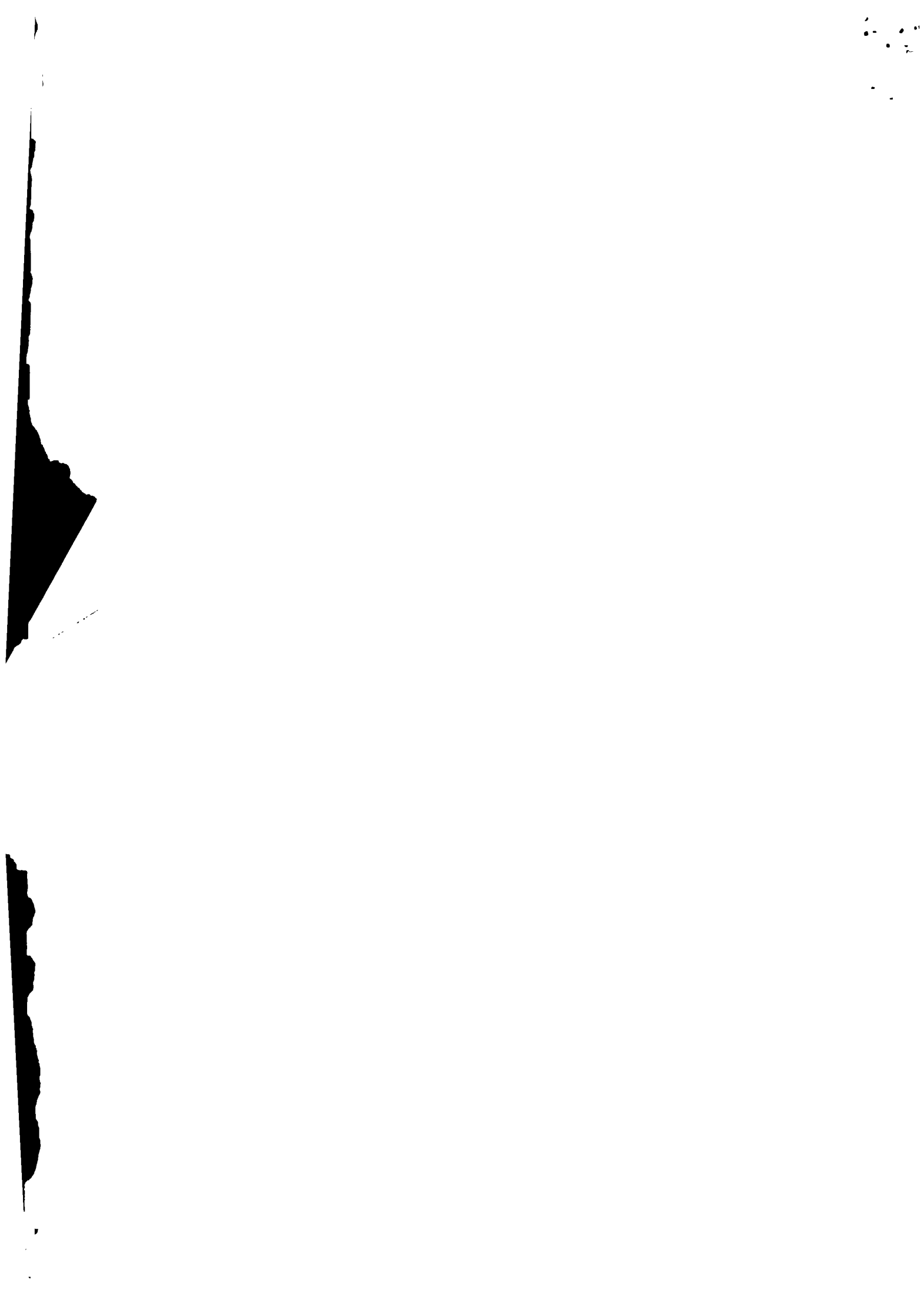


2. There was potential ethnicization of Public Universities, as the student appeared to have been divided along ethnic lines. These divisions are detrimental to the harmonious coexistence within the students' community.
3. The punishment meted on students was in extreme violation of the students' rights noting that curriculum review is done every after few years hence the students would not be able to catch up after three years.
4. The university management undermined the Committee and Parliament as a whole by declining to consider the plight of the students but instead giving a stiffer punishment from one year to three years after appearing before the Committee.

5.0 COMMITTEE'S RECOMMENDATIONS

Having considered the views and/ or submissions from both the management and the affected students, the Committee made the following recommendations: -

1. The Management of Kisii University should immediately revoke the expulsion instituted against the students to allow them to continue with their studies;
2. There is need to address ethnicity in public universities to avoid degeneration of public institution of higher learning into tribal cocoons.
3. The Government through the National Treasury should look into more ways of financing higher education so that Higher Education Loans Board (HELB) can cater for such levies as industrial and attachment fees. This then would avoid students going on strike due to these levies;
4. The Ministry of Education, Science and Technology should come up with a clear policy on the payment of industrial and attachment fee. This would ensure uniformity across all public universities to avoid unwarranted unrests.
5. There is need for strengthening of the counselling department of universities to ensure that students are counselled regularly;
6. The Universities should come up with a proper fees structure indicating clearly all the levies to avoid introduction of the same midstream; and



7. The Ministry of Education, Science and Technology should inquire into the matter of the unrest with a view to establishing the root cause of unrest in Public Universities.

SIGNED BY



HON. SABINA W CHEGE, M.P

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON EDUCATION, RESEARCH AND TECHNOLOGY

