

# Perceived Impact of the Constitutional Requirements on the Quality of Higher Education in Selected Universities in Kenya

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DOI: 10.29322/IJSRP.12.02.2022.p12230  
<http://dx.doi.org/10.29322/IJSRP.12.02.2022.p12230>

**Abstract**— Quality higher education in Kenya appears to be influenced by several factors which include but is not restricted to policies on quality education; admissions, funding, inclusion and constitutional requirements. These policies were said to affect access to higher education in Kenya. However, the extent to which the identified policies impact on access to higher education in Kenya had not been extensively studied. The purpose of this study was to determine the perceived impact of the constitutional requirements on quality of higher education. Simple random sampling technique was used to select students who participated in this study. The sample size of the study was 192 of 233 respondents where top managers of the selected Universities were 100 while students were 92. The research instruments used were questionnaire and interview schedules. The questionnaire was administered to the Admissions Officers, Deans, Deputy Vice Chancellor, Directors of Quality Assurance, finance officers, Heads of Departments, and the interview schedule was used on students. Data was analyzed using both descriptive and inferential statistics. The study established that there was a positive and statistically significant relationship between constitutional requirements of access on quality of Higher Education and access to higher learning.

**Keywords**- Perceived Impact, Constitutional Requirement, Quality Education

## 1. INTRODUCTION

The Commission for University Education (CUE) was set up under the Universities Act, No. 42 of 2012, as the successor to the Commission for Higher Education. It is the Government office mandated to control University instruction in Kenya. The Commission has made extraordinary moves in guaranteeing the upkeep of measures, quality and pertinence in all parts of University education, preparing and looking into. The Commission proceeds to standard quality confirmation rehearse in University education by empowering persistent improvement in the nature of colleges and projects.

In accordance with Section 28 (4) of the Act, CUE will cause to be distributed, the rundown of Universities authority to attempt college education in Kenya. The Commission for University Education (CUE) is authorized to shut down all organizations offering college instruction without its permission. Every single remote University that is teaming up with organizations in Kenya to offer college training ought to apply to the Commission for University Education for power to work together. Reference ought to be made to the Universities Regulations 2014. Recognition of degree capabilities offered by outside colleges ought to likewise be looked for from the Commission. According to the Kenyan Constitution (2010), each county must have a campus as long as it has a threshold. The Government is relied upon to set up in any event a state funded campus in each of the 47 counties as indicated by Universities Act, 2012; inferring that more foundations for advanced education, preparing and learning are in the offing should any of the 47 counties be found without a college once the lapsed arrangement of administration begins operating. This has added to colleges spreading all through the nation subsequently intense interest for student enrolment from the college side, absence of enough lecturers, absence of quality parameters like space, playfields, well-equipped libraries, among others.

Authorization of the government social equality laws has achieved significant changes in American education and improved the instructive chances of a large number of students. Numerous barriers that once kept people from openly picking educational opportunities

and professions have been expelled. Many educational systems are presently making it workable for students who are not capable in English to take an interest viably in their education projects. Many more students with incapacities are currently capable, with the arrangement of advantageous guides and administrations, to take an interest in regular education classes. The civil rights laws have opened the ways to schools, classrooms, theaters, athletic fields, and arenas. Accordingly, individuals from the numerous differing foundations that represent present America are getting through these doors, while in transit to turning into our future chiefs in business, government, science, expressions of the human experience, and training. The civil rights laws guarantee that the doors stay open to all.

The Office for Civil Rights (OCR) in the U.S. Division of Education (Department) is a law authorization organization accused of implementing government social equality laws to guarantee that educational institutions accepting bureaucratic money related help don't participate in discriminatory conduct. OCR implements the government civil rights laws that disallow separation on the bases of race, national beginning, sex, color, inability, and age in projects and exercises that get bureaucratic money related help from the Department. Americans with Disabilities Act of 1990 (precludes inability segregation by open substances, including government funded school regions, open establishments of higher learning and colleges, open professional schools, and open libraries, regardless of whether they get administrative money related help). Also, OCR upholds the Boy Scouts of America Equivalent Access Act, which is a piece of the Elementary and Secondary Education Act. Under this law, no public rudimentary or optional school or state or nearby education organization that gives a chance to at least one outside youth gatherings or local gatherings to meet on school premises or in school offices will deny equivalent access or a reasonable chance to meet to, or victimize, any gathering officially affiliated with the Boy Scouts of America, or some other youth gathering recorded in Title 36 of the United States Code as an enthusiastic culture, that desires to meet at the school. OCR is made out of a base camp office, situated in Washington, D.C., and 12 requirement workplaces speaking to 12 districts in the United States and its regional jurisdictions. In Washington, D.C., the Office of 4 The Laws Apply to Students and Employees. The civil rights laws secure students visiting or applying to visit, educational foundations, as pursues: about 55.5million students going to basic and auxiliary schools; and about 19.1million understudies going to establishments of higher learning and Universities. In certain circumstances, the laws likewise ensure people who are utilized, or are looking for work, at instructive organizations. OCR Receives Discrimination Complaints.

From the General Public, one significant way that OCR completes its duties is by settling protests recorded by students, guardians, and others. The individual or association documenting a protest need not be a casualty of the supposed separation but rather may grumble in the interest of someone else or gathering. For the most part, OCR will make a move just on objections that have been recorded inside 180 schedule days after the last act of the alleged segregation, or on grumblings that claim a proceeding with biased policy or practice. OCR gets in excess of 6,000 complaints every year. The protests include probably the most significant issues influencing equivalent access to top notch instruction. Under Title VI—race, national origin separation and color — grievances incorporate such issues as: utilization of racial or ethnic classifications, counting capacity gathering; access to elective language benefits by English language students; disciplinary practices; understudy task approaches, including task to skilled and gifted projects; between locale understudy moves; school integration; racial badgering; understudy lodging on school grounds; and scholarly reviewing. Sex segregation — objections incorporate such issues as: lewd behavior; equivalent open door in interscholastic and intercollegiate sports; treatment of understudies who are pregnant; and admission to post -secondary organizations. — handicap segregation — grumblings incorporate such issues as: accessibility of school offices and projects; fitting specialized curriculum administrations; assessment and situation of understudies who may require custom curriculum administrations; showing students at all prohibitive condition predictable with their instructive needs; suspension and removal of understudies with incapacities; inability badgering; scholarly changes and adjustments;

and exceptional help for learners with hindered sensory, manual, or talking skills. Under the Age Discrimination Act protests incorporate such issues as: learner treatment; program necessities; and admissions.

OCR endeavors to determine complainants' charges of segregation fairly, suitably, and promptly. OCR has discovered that the most ideal approach to determine issues is through a collaborative methodology among learners, guardians, local education agencies, state and neighborhood training offices, and schools or organizations of higher learning. OCR utilizes many techniques to determine grumblings, extending from early grievance goals to investigating and coming up with agreements with beneficiaries for intentional consistence. On the off chance that OCR can't verify intentional consistence, it might look for consistence through the regulatory hearing procedure or through referral to the U.S. Division of Justice. This adaptable methodology permits OCR to: give timely and effective intercession toward the start of the grumbling procedure; center around accomplishing consistence with hostile to separation rules; and make learners, guardians, and school authorities key to the goals of protests. OCR Carries Out Compliance Reviews. Notwithstanding settling individual grumblings, OCR frequently starts cases, called "consistence surveys," with the goal that it might target assets to consistence issues that are especially intense, national in degree, or recently developing. Directed consistence audits augment the effect of OCR's assets and equalization the authorization program. Consistence surveys guarantee the security of the social equality of powerless gatherings, for example, non-English talking people or the exceptionally poor, who might be less mindful of the laws. OCR's experience additionally demonstrates that cautious focusing of consistence surveys about consistently brings about beneficiaries making arrangement or program changes that advantage enormous quantities of understudies. Conversely, the goals of an individual protest regularly benefit just the griping party.

Albeit Higher Education has extended a few times since independence, issues of equity, access, quality still keep on being the regions of concern (JBS Working Paper Series, 2008. The Gross Enrolment Rate (GER), measures, the entrance level by taking the proportion of people in all age gatherings joined up with different projects to add up to populace in age gathering of 16 to 23. For Higher Education GER has ascended from 0.7 per penny in 1950-51 to 1.4 percent in 1960-61, and 8 percent in mid-2000. The current GER which is about 13.8 percent stands low when contrasted with the world normal of 23.2per penny, and a normal of 54.6per penny for developed nations, 36.3per penny for nations experiencing significant change, and 11.3 percent for developing nations. The focused on GER in high education was fixed at 15% before the part of the arrangement FYP and is imagined to be 30% by 2020 (UGC twelfth FYP 2012-17).

The higher educational organizations experience the ill effects of huge quality variety in to such an extent that a NASSCOM-McKinney Report-2005 has said that not more than 15per penny of alumni of general education and 25-30per penny of Technical Education are fit for work. The different administrative bodies directing high education have comprised autonomous bodies for observing quality benchmarks in the organizations under their domain. For instance, National Assessment and Accreditation Council (NAAC) by UGC, National Board of Accreditation (NBA) by AICTE, Accreditation Board (AB) by ICAR, Distance Education Council (DEC) and many others. However, there exists self-ruling bodies for appraisal and checking quality gauges in the establishments of advanced education they experience the ill effects of two noteworthy lacks. To begin with, the quality standards of such gatherings are not practically identical with universal principles. Besides, the requirement procedure isn't stringent. Further political impedance and debasement weaken the job and effect of these instincts in guaranteeing the ideal quality norms.

## 2. RESULTS AND DISCUSSION

### 2.1 Constitutional Requirement Policy of Access on Quality of University Education

The objective of this study was to determine the perceived impact of the constitutional requirements of Access on Quality of Higher Education in selected Universities, in Kenya. The Government was required to set up at any rate a state funded college in each of the 47 counties as indicated by Universities Act, 2012; inferring that more organizations for advanced education, preparing and learning were in the offing should any of the 47 areas be found without a college once the regressed arrangement of administration began working. To achieve this objective, the respondents were asked to establish the impact of the constitution requirement on provision and access of higher education. The responses were as shown in Table 1

**Table 1: Effect of Constitutional Requirements on Quality of University Education**

Statement	SD		D		U		A		SA		TOTAL	
	F	%	F	%	F	%	F	%	F	%	f	%
<b>Constitutional Requirement Policy will affect Quality of Higher Education if every County will have a University</b>	0	0.0	22	27.9	0	0.0	34	43.04	23	29.1	79	100.0
<b>Funding Policy will be negatively affected if every County will have a University</b>	0	0.0	23	29.1	0	0.0	33	41.8	23	29.1	79	100.0
<b>Inclusion Policy in Universities will help promote Quality of Higher Education</b>	0	0.0	22	27.9	0	0.0	34	43.04	23	29.1	79	100.0

**Key: SA-strongly agree, A-agree, U-undecided, D-disagree, SD- strongly disagree**

As shown in Table 1, 34 (43.04%) of the respondents agreed and 23 (29.11%) strongly agreed that constitutional requirement Policy would affect Quality of Higher Education if every County had a University. Cumulatively 57 (72.15%) agreed that implementation of constitutional requirement policy could negatively affect quality of higher education if every county got a University, hence lowering the quality of education. This implied that implementation of constitutional requirement policy was a key factor in facilitating access to quality higher education in Kenya. Table 1, also showed that 33 (41.77%) of the respondents agreed and 23 (29.11%) strongly agreed that Funding Policy would negatively affect quality of higher education if every county got a University. This meant that 56 (70.89%) of the respondents were assertive over the statement that Funding Policy would negatively affect quality of higher education if every county got a University. This implied that implementation of funding policy was important in facilitating students' access and Universities' offer of quality high education to students. It should be noted that 34 (43.04%) of the respondents agreed and 23 (29.11%) strongly agreed that Inclusion Policy in Universities would help promote Quality of Higher Education. Altogether, 57 (72.15%) asserted that implementation of Inclusion Policy would affect quality of higher education. This implied that implementation of inclusive policy was important in accessing quality high education by many especially the disabled persons.

It was also important for this study to determine whether there was any statistically significant relationship between constitutional requirements policy and provision of quality education as per the hypothesis of the study. The findings were as shown in Table 2.

**Table 2: Correlation between Constitutional Requirement and Quality Education**

		Quality Education in Kenya
Constitutional Requirements	Pearson Correlation	.915**
	Sig. (2-tailed)	.004
	N	134

\*. Correlation is significant at the 0.05 level (2-tailed).

\*\*. Correlation is significant at the 0.01 level (2-tailed).

As shown in Table 2, there was a positive and statistically significant relationship between Constitutional Requirements Policy of Access and provision of quality higher education ( $r=.915^{**}$ ,  $P<.001$  significant level). This meant that the null hypothesis was rejected which stated that: “There was no statistically significant relationship between Constitutional Requirements Policy and quality of higher education,” and accepted the alternative one. The coefficient of determinant  $R^2$  established that Constitutional Requirements Policy of Access contributed 83.7% variability to provision of quality University education when other factors were held constant. This meant that implementation of the constitutional requirements policy would lower quality of education. This was because each University would strive to attract as many students as possible yet the qualified human resource was not enough.

### 3. CONCLUSION

Based on the findings, the study concludes that there is a positive statistically significant relationship between constitutional requirements of access on quality of Higher Education and access to higher learning.

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