

Punitive Measures against Non-Compliance with Quality Mechanisms in East African Higher Education Institutions

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Abstract: The purpose of this study was therefore to provide a historical review of the nature, scope and trends of punitive measures taken by the East African quality agencies in responding to non-compliance cases. The study employed a qualitative approach through narrative review by collecting and analyzing qualitative data from existing documents. The study concludes that the trend, nature and scope of such punitive measures differ across countries since each country has a national quality agency with its own ways of regulating universities without the influence of the IUCEA. Moreover, since the punished public universities are both very few (in Kenya and Tanzania) and absent (in Rwanda), this study questions the independence of the national quality agencies to take impartial punitive measures on both public and private universities as far as the existing non-compliance cases are concerned. Therefore, this study recommends that the national quality agencies have to be autonomous from state control. The IUCEA has to be empowered with regulatory functions. The quality agencies should assess and address the loopholes for incorrect quality assurance decisions. They also have to take more proactive decisions than reactive ones. Both impromptu and regular quality audits have to be strengthened in all universities and both national and internal quality agencies have to be capacitated in terms of all forms of resources to conduct effective quality assurance activities for improving universities' quality.

Keywords: Quality agencies; quality mechanisms; compliance; punitive measures.

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Introduction

The increasing demand to internationalize Higher Education (HE) has led to the establishment of and compliance with global HE quality standards (Sika & Othoo, 2022). In response, national Quality Assurance (QA) agencies for Higher Education Institutions (HEIs) have been developing, revising and supervising quality mechanisms to be used by their respective HEIs (Imaniriho, 2020). Such development and revision take into consideration regional, continental and global HE quality mechanisms. Besides, individual HEIs have been given the autonomy to develop, revise and supervise internal HE quality standards without compromising the minimum requirements of the national HE quality standards (Sanga, 2012).

The QA mechanisms and QA standards in HEIs have been used synonymously for some specific contexts. However, they are somehow different as the former is a father and the latter is a child. The higher education QA mechanisms refer to the collection of standards, guidelines, methods, strategies and processes to maintain and improve the quality of education provided in HEIs (Asiyai, 2020; Kadhila, 2012). The QA standards such as minimum entry requirements for academics and students in the HEIs have to be enforced to influence standardization of HE practices by using various QA processes, methods or strategies such as institutional self-assessment, academic quality audits and university accreditations (Forde et al., 2016). All these concepts are combined to form QA mechanisms in HEIs.

QA mechanisms in HE tend to differ in nature and scope across various countries in the world. This is because national QA authorities in HE decide which ones to be included or excluded and what are the minimum or maximum acceptable standards where respective HEIs will either go beyond or comply with that. Thus, in realizing the importance of harmonizing those QA mechanisms to minimize differences across countries, the inter-continental, continental and regional QA agencies for the HEIs were and/or have been designed to oversee compliance with HE quality standards agreed upon (Mgaiwa & Ishengoma, 2017). Such QA agencies include the Francophone University Agency (*Agence Universitaire de la Francophonie*-AUF), Association of African Universities (AAU) and Southern African Regional Universities Association (SARUA) of 1961, 1967 and 2005, respectively (Inter-University Council of East Africa, 2014a).

In East Africa, the IUCEA was established in 1990 and was commissioned by the EAC to harmonize, coordinate, network and oversee higher education QA standards for increasing the mobility of both students and staff in the region (Inter-University Council of East Africa, 2015). To enable the achievement of that goal, the East African Higher Education Quality Assurance Network (EAQAN) was formed in 2011 as a networking organ under the IUCEA (IUCEA, 2014a). Thus, the IUCEA through the EAQAN works in close collaboration with national QA agencies of the member states to achieve the aforesaid goal. Besides, on 20th May 2017, the heads of state of EAC went further to declare officially the formation of the East African Community Higher Education Area (EACHEA) which was the continuation of the efforts to enhance students and staff mobility in the region (Inter-University Council of East Africa, 2017).

Despite the recently recorded success of the IUCEA in enhancing students and staff mobility within the EACHEA (see UNESCO Institute for Statistics, 2017), the IUCEA sounds to be a toothless dog that can bark but not bite. This is because it has been vested with only advisory power to HE quality improvement in the EAC instead of both advisory and regulatory (Inter-University Council for East Africa, 2014a, 2015). Oanda and Matiang'i (2018) argue that this is an outcome of the unwillingness of the heads of states to empower that agency in both advisory and regulatory roles, where their national QA agencies will have to be less powerful. For instance, despite the amendment of the IUCEA Act of 2009 in 2012 to empower the IUCEA to accredit all HEIs in the region (Inter-University Council for East Africa, 2012), to date, the council of ministers in EAC has not approved its implementation. Thus, the national QA agencies in the EAC are still more powerful in supervising the HE quality in their respective countries. This constrains the EAC harmonization efforts on the regulatory function (Oanda & Matiang'i, 2018).

Through the IUCEA, such EAC harmonization ambitions and efforts have been dedicated mainly to setting of, enforcement for and complying with the harmonized minimum QA standards for HEIs within all the member states (Inter-University Council for East Africa, 2014a, 2015). It is expected that once compliance with the established QA mechanisms in HEIs is achieved, the quality of HE will improve and the mobility of staff, graduates and

students for both working and studying without academic barriers within and outside the region will be enhanced (Inter-University Council for East Africa, 2015). Thus, to achieve all of that, the existence and effective operation of autonomous national QA agencies for the HEIs of East African countries are inevitable for the proper functioning of HEIs (Oanda & Matiang'i, 2018).

Despite the existing efforts in establishing national and internal QA agencies as well as QA mechanisms, still there are cases of insufficient compliance with those mechanisms in East African countries (Mgaiwa, 2021; Odhiambo, 2014). Someone can ask; to what extent have the national QA agencies responded to non-compliance by HEIs in East African countries? This study therefore, sought to provide a historical review of the nature, scope and trends of punitive measures taken by the national QA agencies in the EAC in responding to cases of non-compliance with the QA mechanisms up to 2022.

Establishment of National Quality Assurance Agencies for HEIs in East Africa

Every country in East Africa has developed its national QA agency for the HEIs that is semiautonomous for performing advisory, regulatory and supportive functions in improving the quality of teaching, research and consultancy (Oanda & Matiang'i, 2018). They are all regarded as semiautonomous because their operations depend highly on the central government (Akalu, 2017; Odhiambo, 2014).

In this section, the historical process of establishing national QA agencies in East Africa is presented. Three countries (Kenya, Rwanda and Tanzania) were sampled. In Kenya, the Commission for University Education (CUE) is the current supreme organ for regulating and advising all matters (relevance, standards and quality) of university education, research and training in the country. The commission was established by the Universities Act No. 42 of 2012 as a replacement for the Commission for Higher Education (CHE) of 1985. Up to August 2022, a total of 74 public and private universities and university colleges have been authorized by the CUE to operate in the country (Commission for University Education, 2022).

In Tanzania, the Tanzania Commission for Universities (TCU) is the current regulatory, advisory and supportive agency for university education in the country which was established by the University

Act No. 7 of 2005 as a successor of the Higher Education Accreditation Council (HEAC) of 1995 (Tanzania Commission for Universities, 2019a). The current (March 2023) list of university institutions shows that the country has a total of 54 public and private universities and Universities Colleges, centers, institutes and campuses that are recognized by the TCU (Tanzania Commission for Universities, 2023).

In Rwanda, the Higher Education Council (HEC) is the current regulatory and advisory agency for both public and private HEIs in the country with the primary objective of enhancing the quality of HE provided to the students (Higher Education Council, 2017). It was established by Law No. 72/03 of 10th September 2013 for governing the Higher Education Council as well as Law No. 01/2017 of 31st January 2017 for governing the organization and functioning of higher education. Such an establishment was a replacement of the National Council for Higher Education of 2006. The country has a total of 30 HEIs that have been registered by the HEC up to the year 2022 (Higher Education Council, 2022). All these QA agencies are highly expected to regulate the quality of both private and public HEIs in respective countries through academic quality audits.

Existing Cases of Non-compliance with QA Mechanisms in East Africa

Reviewed literature has shown the existence of a number of non-compliance cases. These cases are presented in the three purposively selected countries of EAC: Kenya, Rwanda and Tanzania.

Starting with Kenya, in 2011, the Engineering Registration Board (ERB) rejected the recognition of engineering graduates from 3 leading public universities (Kenyatta, Egerton and Masinde Muliro) (Nganga, 2011). The decision came after realizing that these universities had inadequate qualified lecturers and learning facilities as well as poor quality curricula. The same year and reasons were used by the Council of Legal Education (CLE) to reject the admission applications of law graduates to the School of Law from some private and public universities. Similarly, other professional bodies from accountancy, health and survey took similar measures.

In 2015, the ERB refused again to recognize more than half of engineering degree programs offered by public universities in the country. They claimed that out of 67 programs, only 29 were accredited

(Nganga, 2016). Such reactive decisions made the students and graduates become victims due to the absence of unity of coordination between the CUE and professional bodies in the country. Of interest, that conflict led to the amendment of the University Act in 2016, where the process of accreditation of all universities and their academic programs was centralized to the CUE while professional bodies are invitees in that process (The Republic of Kenya, 2016).

On top of that, in 2015 the CLE ordered the closure of the Law School of Moi University and the suspension of 2 affiliated campuses of the University of Nairobi from admitting new law students because of an unsupportive learning environment (Nganga, 2016). Additionally, Odhiambo (2014) observed that the interest of public universities in Kenya in lowering their daily expenditures to maximize profit from students' fees has resulted in a very high academic-student ratio.

In Rwanda, The New Times (2008) reported that the process of HEIs' inspection for accreditation was observed by the HEC to be challenged with cheating where books, computers, lecturers and other materials were hired to cheat inspection teams. This was triggered by prior information provided (one week before) by the HEC to the HEIs about the inspection team's arrival. Apart from Rwanda, such cheating practices during the inspection have been reported to have taken place in other African countries such as Nigeria, Tanzania and Kenya (Asiyai, 2020; Odhiambo, 2014; Peter, 2018). Besides, Otara (2015) reported that the universities' curriculum development in Rwanda does not follow the due process related to high stakeholders' involvement. It was also observed that assessment procedures are ineffective, classrooms are overcrowded, practical skills are missing and competent academics are inadequate. Moreover, Sikubwabo et al. (2020) observed the presence of unmarketable academic programs in some private universities in Rwanda which has implications for the absence of regular student course evaluations and GTS, as well as effective academic programs' accreditation.

In the Tanzanian context, such cases as high ratios of academic-student and physical resource-student, traditional methods of teaching (Kyaruzi, 2012), poor infrastructure (Mgaiwa, 2021), irrelevant curricula, limited practical activities (Amani, 2017; Mgaiwa, 2021), unqualified academics and students,

high dependence to the part-timers (Mgaiwa & Poncian, 2016; Peter, 2018), full-time academics in double payrolls, falsification of academic credentials and qualifications, absence of transparent recruitment process for academics (Peter, 2018) as well as irregular internal quality audit and GTS (Mgaiwa, 2018) have been reported. All these problems are contrary to the existing HE quality standards of the EAC countries. Consequently, these cases affect negatively the relevance of university education and the capability of its graduates. As a result, it is observed that more than 50% of graduates from the universities of EAC lack the required labor market skills, where Uganda had the worst record of 63%, followed by Tanzania (61%), Rwanda and Burundi (55%) and Kenya (52%) (Inter-University Council for East Africa, 2014b).

In regulating such HEIs, the respective national QA agencies are expected to punish their HEIs for the observed non-compliance cases to maintain and promote HE quality standards (Inter-University Council for East Africa, 2014a). Thus, this study intended to provide a historical review of the nature, scope and trend of punitive measures taken by national QA agencies in the EAC in responding to non-compliance cases up to 2022.

Methodology

This section has provided the methodological techniques employed in this study. Such techniques have been organized into four subsections; research approach and method, research areas, data analysis and credibility and dependability.

Research Method

This study employed a qualitative approach through narrative review by collecting, summarizing, synthesizing and interpreting qualitative data from the existing published documents (Grant & Booth, 2009). Those documents concern punitive measures taken by the EAC countries' QA agencies against their HEIs. The study consisted of 33 reviewed documents including academic (peer-reviewed) and newspaper articles, official magazines and website (from the ministry of education and national QA agencies) reports. The academic articles were obtained from the Google Scholar and ERIC databases. The key search phrases for all documents were punishment, suspension, closure, revocation of licenses, and deregistration of universities or academic programs in East African countries. Besides, the process of inclusion and exclusion of the documents was guided by searching the

existence of any HE punishment forms taken by the national QA agencies within the 3 EAC countries up to 2022. Thus, out of 54 documents that were downloaded, 33 were observed to be the most relevant to be included in this study.

Research Areas

It is acknowledged that currently, the EAC is made up of 7 countries; but this study focused on three countries with adequate online documents and information on punishment measures taken by their national QA agencies to serve the study purpose. These countries are Kenya, Rwanda and Tanzania.

Data analysis

Data from all documents was analyzed by using the content analysis approach where 5 steps were followed as advocated by Leavy (2017). These steps are an initial immersion into the documents, identifying units of analysis, coding, analyzing the codes and interpreting the results.

Credibility and Dependability

To increase the credibility (validity) and dependability (reliability) of data, particularly from newspaper articles, vetting for these newspapers was done initially by considering their authenticity in public. Then, triangulation (matching) of their data was done with other newspapers and non-newspaper documents.

Findings

The nature, scope, and trend of the punitive measures taken by the national QA agencies for the HEIs in responding to non-compliance cases are presented in the three EAC countries. Such presentation is done as per the specific country as follows:

Kenya

The CUE as the national QA agency for university education has been reported at different times to take several punitive measures in response to existing cases of non-compliance with the HE quality standards in Kenya. Those punitive measures were reported to be dedicated to both universities and individuals. Existing records in public about punitive measures in the country can be traced back to 2013. Waruru (2013) reported that on 1st July 2013, the CUE announced to the public that the Fairland University of Uganda had never been authorized to operate in Kenya and it was not recognized in Uganda. Thus, the commission declared that all qualifications which were offered by that university

before and after such public announcement shall not be recognized in the country.

Even though it was the responsibility of the students to verify the accreditation status of the universities before they applied, someone may ask, why didn't the CUE take the initiative to stop the operation of that university at the time it started to operate? And also, to what extent were the students sensitized on how to verify the university and academic programs accreditation status before they apply for admission?

In January 2016, the CUE decided to close a total of 10 out of 13 campuses under Kisii University (public owned) due to massive cheating in the university examinations and the other 12 campuses were given a grace period (90 days) to address observed quality audit queries (Nganga, 2016). Also, it was the same year when the new regulations, standards and guidelines for universities were officiated where the new penalties for non-compliance were introduced including imprisonment of up to 3 years or paying USD 58,830 or both (The Republic of Kenya, 2016). Moreover, the regulations subjected all public universities to quality audits by the commission, which were previously exempted by the University Act. Of interest, that amendment centralized the power of accrediting all university programs to the CUE instead of both CUE and professional boards to address conflicting decisions that were observed in previous times (ibid). The CUE decision of January 2016 was mentioned to be the beginning of serious punishment for accredited universities in Kenya (Nganga, 2016).

From late 2016 to January 2017, the commission did another extensive quality audit for both public and private universities. ICEF Monitor (2017) reported that the findings and recommendations from such an audit were released to the public on 16th February 2017. The commission observed the existence of unaccredited academic programs with students and some public universities had serious financial problems which affected academic operations. Furthermore, the commission observed ineffective procedures for admission, progression and awards which led to the admission of unqualified students, poor performance tracking and graduation of students with incomplete results. Further, it was reported that the audit raised doubts to about over 100,000 graduates who were conferred degrees by Kenyan universities since 2012. The commission recommended suspending

some academic programs for not meeting the HE quality standards, tightening admission requirements to admit students with strong academic records, recalling the previous graduates for some academic programs and closing some universities. This implies that quality audits done by the CUE take a long time range which affects the process of fast-tracking non-compliance cases before they mature.

Besides, in 2018 the CUE revoked the interim authority letter of the Presbyterian University of East Africa (PUEA) due to the excessive financial crisis for paying staff and some academics were found to miss academic certificates or relevant qualifications (Nation Africa, 2018). Recently, Etukuri (2022) reported that the CUE revoked the equivalence recognition granted to a politician who is accused to submit a forged degree certificate obtained from the Team University of Uganda. This decision came after discovering that the aforesaid person was not appearing in the graduation book of 2016 despite the claims from Team University that he was an online student. The case is a bit confusing since before granting the equivalence, the national QA agency of Uganda wrote to the CUE acknowledging receiving the confirmation from the Team University that the person graduated in 2016. Despite the case sounding somehow political, there are lessons in it. First; it raises the alarm that probably sometimes even accredited universities may collude with fake graduates which connotes the highest level of lack of academic integrity. Second, it implies that existing procedures for issuing qualifications' equivalence do not call for multiple sources of evidence (for tracing the authenticity of applicants' qualifications) for triangulation purposes before granting the equivalence.

Tanzania

Punitive measures taken by the TCU against some universities for non-compliance cases can be traced back to 2015 when Saint John's University of Tanzania (SJUT-Arusha Campus) was closed for the failure to meet the national QA standards related to having adequate and qualified academics as well as learning facilities (Tanzania Commission for Universities, 2015). On top of that, a total of 53 admitted students from the same campus were expelled from their studies because of missing required principal passes in their secondary certificates while the qualified students were shifted to other universities (ibid). Likewise, on 25th May 2016, a total of 489 admitted students from Saint

Joseph University of Tanzania (SJUIT) were expelled by the TCU for similar reasons (Machira, 2016; Mgaiwa & Poncian, 2016).

Between the year 2015 and 2016, TCU revoked its own previously approved decisions. It was the same time when accredited universities and their academic programs without the minimum requirements were reported to exist (Mgaiwa & Poncian, 2016). Someone could ask; does it happen because of the weaknesses in decision-making procedures or existing loopholes for bribes and cheating or being overloaded with a very high number of admission applicants, students and universities that do not match the existing staff capacity?

In 2016, Kolumbia (2016), Mgaiwa (2021) and Nyamwesa et al. (2020) reported the TCU decision taken on 18th February 2016 to revoke the approval for the establishment of two colleges of SJUIT (St. Joseph University College of Agricultural Science and Technology and St. Joseph College of Information Technology) both from Songea District in Ruvuma Region due to the provision of HE below the national quality standards. This decision affected about 2,000 students who were transferred to other universities (Ligami, 2017a). A week after that TCU decision, Rweyemamu (2016) reported another TCU decision made on 26th February 2016 to close another college (the SJUIT-Arusha campus) and ordered their students (a total of 1,557 and other 500 who were suspended by the university because of the protests) to be transferred to other universities. This came after the commission followed up on the repeated students' protests against the QA and poor governance in that university college. Besides, on 19th July 2016, the Ministry of Education, Science, and Technology (MoEST) expelled a total of 290 students from the University of Dodoma (UDOM) who were pursuing a special diploma in science education (Ministry of Education, Science and Technology, 2016) because of missing minimum principal passes in their secondary education certificates.

In the same year 2016, Tanzania Commission for Universities (2016, p. 6) reported that the TCU suspended some or all academic programs from 6 universities for the 2016/2017 academic year. Those universities are the State University of Zanzibar (SUZA), University of Dodoma (UDOM), International Medical and Technological University (IMTU), St. Joseph University College of Engineering

and Technology (SJUCET), University of Bagamoyo (UoB), and St. Francis University College of Health and Allied Sciences (SFUCHAS). In 2017, Akwei (2017) reported the TCU decision of 25th July 2017 to suspend 19 private universities (including from Kenya and Uganda) from admitting new students in the 2017/2018 academic year after being blacklisted to provide HE below national quality standards. These universities were blacklisted because of having very limited learning facilities and academics contrary to the commission's quality guidelines (Ligami, 2017a). Besides, other 45 HEIs were ordered to address the minor shortfalls while operating (TCU, 2019b). In a similar report, Ligami (2017a) added that the TCU banned 75 bachelor's degree programs from 22 universities including the biggest universities (in terms of the number of admitted students) that are owned by the government (the University of Dar es Salaam [UDSM] and UDOM) from admitting new students in the 2017/2018 academic year.

UDSM was banned to admit new students in the Bachelor of Science in Agricultural Engineering and Mechanization as well as Doctor of Medicine programs while UDOM was for the Bachelor of Management Science as well as Bachelor of Science in Petroleum Engineering programs (Ligami, 2017a). All those TCU decisions of 2017 came after a special external academic quality audit conducted on 64 universities, campuses, colleges, centers and institutes, which started from October 2016 to January 2017 (Tanzania Commission for Universities, 2019b). However, those decisions did not affect the continuing students and the blacklisted HEIs were allowed to address the raised quality queries before being allowed to receive new students (Ligami, 2017a). Of interest, TCU (2019b) reported that in October 2019, eight out of the 19 private universities were allowed to admit students after succeeding to correct all the quality audit queries.

In 2018, Tanzania Commission for Universities (2018) reported that on 25th September 2018, the TCU closed 2 private university colleges (SJUT-Msalato Centre and Teofilo Kisanji University-Tabora centre) and the other 12 were barred from admitting new students for the 2018/2019 academic year. Continuing students from the closed HEIs were ordered to be transferred to other HEIs while those from the barred HEIs were under intense supervision. These decisions came as a follow-up to the HEIs highlighted in the external quality audit completed in January 2017 and its results

announced to the public in July 2017. Later on, in 2019, six HEIs were closed and its 2,600 students were shifted to other universities following a persistent financial crisis that affected their academic operations (Tanzania Commission for Universities, 2019b).

In 2020, Nyamwesa et al. (2020), Tanzania Commission for Universities (2020) and Xinhua (2020) reported that on 20th January 2020, the TCU deregistered 9 private universities following the negligence observed from the progress evaluation conducted upon those universities regarding the quality audit queries raised since 2017. Despite all those measures taken by the TCU, of interest, from 2015 to 2019 the commission acknowledged receiving voluntary requests from universities to suspend and deregister about 33 academic programs and more than 6 university institutions, respectively, following their sensitizations for capacity building of internal QA agencies on how to do institutional self-monitoring and evaluation (Tanzania Commission for Universities, 2019b).

Since the TCU punitive measure of 2020, no public reported extensive quality audits or suspension or closure of the universities and their academic programs were recorded in this study. It is still unknown whether the compliance level has increased in recent years or if there are some policy/ operational changes in TCU quality audits. Moreover, the punishment records reveal that public universities in Tanzania are very less reported (only two universities) compared to private ones. Although, it has ever been observed that Tanzanian private universities have so many non-compliance cases (Mgaiwa & Poncian, 2016), so far it is hard to conclude that the compliance level of public universities is either satisfactory or tolerable.

Rwanda

The existing records of reactive measures of the HEC against HEIs that are violating national HE quality standards in Rwanda can be traced back to 2015. In 2015, the HEC suspended five academic programs related to health sciences from Mount Kenya University and closed its Rusizi campus as well as the Musanze campus of the University of Kigali (Ligami, 2017b). The same year, the council closed Mahatma Gandhi University from offering unaccredited normal courses while being registered to offer online courses (Asaba, 2015). In 2017, The New Times (2017) reported the council's decision to suspend a total of 10 universities on 23rd March

2017 because of the shortage of academics and learning facilities as well as operating unaccredited academic programs. Besides, they were given 6 months and the deadline was mid-September 2017 to work on the raised queries (Ligami, 2017b).

The decision of 23rd March 2017 came after the end of the external quality audit of all HEIs in the country following public complaints about the quality of HE and graduates (The New Times, 2017). Among those 10, five universities were suspended fully (Sighgad Technical Education Society [STES], Rusizi International University, Nile Source Polytechnic of Applied Arts, Jomo Kenyatta University of Agriculture and Technology and the Open University of Tanzania [OUT]) while the other five were partially suspended (i.e some of their academic programs) (Rwirahira, 2017).

Moreover, in August 2017, the HEC evaluated the progress made by blacklisted HEIs and decided to re-open two HEIs (*Institut Catholique de Kabgayi* [ICK] and *Institut d'Enseignement Supérieur de Ruhengeri* [INES]) following the satisfaction that they had fully complied with the provided recommendations (The New Times, 2017).

Besides, Buningwire (2020) reported the Ministry of Education's decision to close the University of Kibungo (UNIK) on 30th June 2020 because of compromising the national HE quality standards. Moreover, the other two (Christian University of Rwanda-Kigali campus and Indangaburezi College of Education) were notified to have the possibility of following the same punishment if they are not changing. Moreover, Mbonyinshuti and Tembasi (2021) reported that over 100 last year students at the KIM University were banned from graduating in July 2021 after discovering the cases of changing their marks from the university system. The Rwanda Investigation Bureau (RIB) investigated that case and found that 108 students colluded with academic and non-academic staff to commit the criminal offense of document forgery. The suspects could be imprisoned for 5 to 7 years and pay fines ranging from RWF 3 million to 5 million (USD 3,000 to 5,000).

Mbonyinshuti (2022) reported that due to changes in learning modalities which were brought about by COVID-19, in May 2022 the HEC sent precautions that students who are taking their online studies from six unaccredited universities will not receive the equivalence recognition. This came following the council's decision of January 2022 to withdraw

the recognition of PhD degrees that were offered by the Atlantic International University (located in the USA) after discovering that it was not accredited by the USA agency for HE accreditation. Similarly to what happened in Kenya and Tanzania, these practices of national QA agencies revoke their own decisions after some time, implying that QA controls and procedures have loopholes for making incorrect decisions. Those who succeed to benefit from such loopholes affect negatively the national productivity as far as their unknown number and nature of professions are concerned (Mgaiwa & Poncian, 2016).

Even though Rwanda has a total of 3 public HEIs operating in the country (HEC, 2022), the existing public records about punitive measures taken by the HEC do not show that they have had any punishment similar to private HEIs. This has two-fold possible implications; first, there is a possibility that the compliance level of public HEIs in the country is tolerable or satisfactory compared to private ones. Secondly, the HEC does not put pressure on auditing the quality of public HEIs and punishing them for non-compliance.

Discussion

From the reported findings from three countries of the EAC, several arguments are developed and discussed hereunder.

HEIs and their academic programs have been suspended, closed or deregistered by their respective national QA agencies or the ministry of education. This is in-line with Lye and Suba (2019) who observed that despite the academic freedom possessed by HEIs in the world, still HEIs are facing regulatory restrictions such as suspension or closure of their HEIs from the states once they are caught not complying with existing national requirements. This practice is important and necessary for national QA agencies to enforce HEIs compliance with established QA standards.

In all 3 countries, private HEIs have been mostly reported to receive punishment for non-compliance with the national HE standards. Negligence to comply can be associated with the spirit of the private sector to commercialize HE, where the focus is to make a super profit and attract future customers (students) instead of offering high-quality service from the HE provision (Mgaiwa & Poncian, 2016). Furthermore, failure to comply is likely to be associated with over-dependence on tuition fees instead of searching for alternative sources of funds

to run HEIs which affects their financial stability to comply with the national HE quality requirements (Peter, 2018; Sikubwabo et al, 2020). To increase the accountability of all HEIs in respecting quality standards, both impromptu and regular quality audits have to be employed to control non-compliance practices (Tanzania Commission for Universities, 2019a). Although it is costly, regularity of academic quality audits should be known and should not take a long time range from one audit to another to ensure HEIs compliance.

Public HEIs, on the other hand, have been less reported, especially in Kenya and Tanzania, to be punished. This raises the question of whether public HEIs in the EAC have tolerable or satisfactory compliance levels or whether national QA agencies are not independent in auditing and punishing public HEIs. Existing empirical findings from African countries argue that national QA agencies are not independent because sometimes their QA decisions have been intervened by their states. For instance, they have been forced to admit students beyond the maximum capacity (see Akalu, 2017; Odhiambo, 2014).

Furthermore, the reported negligence in inspecting public HEIs is risky to the quality of public HEIs and their graduates in African countries as their educational activities are not extensively and intensively monitored. Therefore, national QA agencies have to be completely autonomous by setting subscription fees to HEIs as practiced in Australia and UK (Odhiambo, 2014). This may remove the financial dependency on governments and other funders that come with underlying conditions which contradict the QA standards. It is high time to empower the IUCEA in the regulatory function to serve as an independent QA agency within the EAC.

National QA agencies in EAC have been so reactive than proactive in some contexts. For instance, some unaccredited HEIs and academic programs have been stopped to operate after conferring degrees for many years as if had hidden operations. These QA agencies have to be proactive in dealing with the QA cases and be reactive where required. Some reactive measures victimize innocent students and indicate the possibility of other cases being not captured. The reactive decisions can be minimized by diagnosing the source of each non-compliance case. Being proactive involves sensitizing students

on how to verify accreditation status of the HEIs or their academic programs.

Accuracy of some QA decisions from the national QA agencies and universities has been witnessed unreliable in all three countries. This is because such decisions have been revoked after some time. Findings revealed several areas with red flags such as admission of students, accreditation of academic programs and HEIs and processing equivalence letters for foreign qualifications (see Etukuri, 2022; Mbonyinshuti, 2022; Mgaiwa & Poncian, 2016). Such kind of inaccurate QA decisions may bring negative trickle-down effects to the public once pass unnoticed.

Rwanda and Tanzania have been reported to make post-audit follow-ups. This is in-line with Odhiambo (2014) who recommended that during exit meetings, the quality audit teams have to discuss with the audited HEIs to clarify the observed audit queries and later on, the improvement follow-ups have to be done. This will eradicate the ambiguity of quality audit reports submitted to the audited HEIs for taking actions.

Experience from Tanzania has shown that the QA sensitization program is a less expensive approach and has positive returns on improving the HE quality compared to external quality audits (Tanzania Commission for Universities, 2019b). Through such an approach used by TCU to universities, about 6 universities and 33 academic programs were suspended by voluntary requests from the universities' owners (ibid). Economic-wise, that program can be conducted periodically in a single room with university QA officers in the country, hence reducing the costs of time, human and financial resources compared to external quality audits which are done by the appointed teams moving from one university to another. Although that approach cannot replace external quality audits, it is important to be intensified across all universities in the country so as to receive more voluntary requests to suspend or deregister academic programs or HEIs by using institutional self-monitoring and evaluation. This is in line with Ince and Gounko (2014) and Kadhila and Lipumbu (2019) who asserted that if you have internal QA systems that are very strong, the external QA systems are less important.

Conclusions and Recommendations

Conclusions

This study intended to provide a historical review of the nature, scope and trend of punitive measures taken by national QA agencies in the EAC in responding to non-compliance cases up to the year 2022. Based on findings, this study concludes that the trend, nature and scope of such punitive measures differ across countries since each country has a national QA agency with its own ways of regulating HEIs without the influence of the IUCEA. Moreover, since the punished public universities are both very few (in Kenya and Tanzania) and absent (in Rwanda), this study questions the independence of the national QA agencies to take impartial punitive measures on both public and private universities as far as the existing non-compliance cases are concerned.

Recommendations

Therefore, this study recommends that the national QA agencies have to be autonomous from state control. The IUCEA has to be empowered with regulatory function. QA agencies should assess and address the loopholes for incorrect QA decisions. They also have to take more proactive decisions than reactive ones. Both impromptu and regular quality audits have to be strengthened in all universities and both national and internal QA agencies have to be capacitated in terms of all forms of resources to conduct effective QA activities for improving HEIs' quality.

References

- Akalu, G. A. (2017). Higher education 'massification' and challenges to the professoriate: Do academics' conceptions of quality matter? *Quality in Higher Education*, 22(3), 260-276. <https://doi.org/10.1080/13538322.2016.1266230>.
- Akwei, I. (2017, July 26). Tanzania bans 19 universities from enrolling new students. *Africanews*. Retrieved on April 30, 2022, from <https://www.africanews.com/2017/07/26/tanzania-bans-19-universities-from-enrolling-new-students/>.
- Amani, J. (2017). Prevalence of, and factors associated with, unemployment among graduates: Evidence from Tanzania. *Africa Education Review*, 14(3-4), 230-244. <https://doi.org/10.1080/18146627.2017.1300064>.
- Asaba, S. (2015, December 2). Is your university, course accredited? *The New Times*. Retrieved on April 30, 2022, from <https://www.newtimes.co.rw/section/read/194909>.
- Asiyai, R. I. (2020). Best practices for quality assurance in higher education: Implications for educational administration. *International Journal of Leadership in Education*, 1-12. <https://doi.org/10.1080/13603124.2019.1710569>.
- Buningwire, W. (2020, July 1). INATEK closed, and two more universities could follow suit. *KT Press*. Retrieved on April 30, 2022, from <https://www.ktpress.rw/2020/07/inatek-closed-two-more-universities-could-follow-suit/>.
- Commission for University Education. (2022). Universities authorised to operate in Kenya. CUE. https://www.cue.or.ke/images/phocadownload/Accredited_Universities_Kenya_February_2022.pdf.
- Etukuri, C. (2022, June 15). Kenya revokes Sakaja's degree from Uganda's TEAMS University. *New Vision*. Retrieved on April 30, 2022, from <https://www.newvision.co.ug/category/news/kenya-revokes-sakajas-degree-from-ugandas-tea-136314>.
- Forde, C., McMahon, M. A., Hamilton, G., & Murray, R. (2016). Rethinking professional standards to promote professional learning. *Professional Development in Education*, 42(1), 19-35. <https://doi.org/10.1080/19415257.2014.999288>.
- Grant, M. J., & Booth, A. (2009). A typology of reviews: an analysis of 14 review types and associated methodologies. *Health information & libraries journal*, 26(2), 91-108. <https://doi.org/10.1111/j.1471-1842.2009.00848.x>.
- Higher Education Council. (2017). Higher education council service charter. HEC. https://www.hec.gov.rw/fileadmin/user_upload/DOCUMENTS/Reports/hec_citizen_s_charter_2017_-_pdf-2.pdf.
- Higher Education Council. (2022). Accredited institutions. HEC. <https://www.hec.gov.rw/index.php?id=16>.
- ICEF Monitor. (2017, February 21). Kenya cracks down in sweeping review of higher

- education quality. <https://monitor.icef.com/2017/02/kenya-cracks-down-in-sweeping-review-of-higher-education-quality/>.
- Imaniriho, D. (2020). Collaboration in quality assurance in Rwandan higher education: Realities, issues, approaches, and challenges. *African Multidisciplinary Journal of Research*. 1-6. <https://journals1.spu.ac.ke/index.php/amjr/article/view/64>.
- Ince, S. B., & Gounko, T. (2014). Quality assurance in Turkish higher education. *European Journal of Higher Education*, 4(2), 184-196. <https://doi.org/10.1080/21568235.2014.890523>.
- Inter-University Council for East Africa (2012). Annual report. IUCEA.
- Inter-University Council for East Africa. (2014a). Principles and guidelines for quality assurance in higher education in East Africa. IUCEA. <https://www.iucea.org/?mdocs-file=6948>.
- Inter-University Council for East Africa (2014b). Report from a Study Establishing the Status of Higher Education Qualifications Systems and their Contributions to Human Resources Development in East Africa. IUCEA.
- Inter-University Council for East Africa. (2015). Harmonisation of higher education in East Africa. IUCEA. <https://www.iucea.org/?mdocs-file=5799>.
- Inter-University Council for East Africa (2017, May 20). Declaration by heads of state of the East African Community partner states on the transformation of the East African Community into a common higher education area. IUCEA. <http://iucea.org/eahea1/declaration/>
- Kadhila, N. (2012). Quality assurance mechanisms in higher education institutions in Namibia. [Unpublished Ph.D. thesis]. The University of the Free State. <http://scholar.ufs.ac.za:8080/xmlui/handle/11660/979>.
- Kadhila, N., & Lipumbu, N. (2019). Strengthening internal quality assurance as a lever for enhancing student learning experiences and academic success: Lessons from Namibia. *Quality in Higher Education*, 25(1), 4-20. <https://doi.org/10.1080/13538322.2019.1597424>.
- Kolumbia, L. (2016, February 19). Tanzania: TCU revokes approval to establish two colleges of St. Joseph University. *The Citizen*. Retrieved on April 30, 2022, from <https://allafrica.com/stories/201602220550.html>.
- Kyaruzi, S. (2012). High enrolment and its effects on the provision of quality teacher education at the University of Dar es Salaam School of Education [Unpublished master's dissertation]. University of Dar es Salaam.
- Leavy, P. (2017). Research design: quantitative, qualitative, mixed methods, arts-based, and community-based participatory research approaches. The Guilford Press. <https://www.guilford.com/books/Research-Design/Patricia-Leavy/9781462514380>.
- Ligami, C. (2017a, September 1). Commission stops new enrolments in 19 universities. *University World News*. Retrieved on April 30, 2022, from <https://www.universityworldnews.com/post.php?story=2017090106541960>.
- Ligami, C. (2017b, March 24). Ministry cracks down on 'inadequate' university offerings. *University World News*. Retrieved on April 30, 2022, from <https://www.universityworldnews.com/post.php?story=2017032208583610>.
- Lyer, K. R., & Suba, A. (2019). Academic space: repressive state practices in legislative, regulatory, and other restrictions on higher education institutions. *The International Centre for Not-For-Profit Law*. <https://www.icnl.org/wp-content/uploads/Uni-restrictions-rp t-final-March-2019.pdf>.
- Machira, P. (2016, May 26). Thousands of students face expulsion. *The Guardian*. Retrieved on April 30, 2022, from <http://ippmedia.com/news/thousands-students-face-expulsion>.
- Mbonyinshuti, J. (2022, May 22). Council raises red flag over online education of six private institutions. *University World News*. Retrieved on April 30, 2022, from <https://www.universityworldnews.com/post.php?story=20220504134813987>.
- Mbonyinshuti, J., & Tembasi, A. (2021, September 9). Academic dishonesty: Students and staff should be trained early. *University World*

- News. Retrieved on April 30, 2022, from <https://www.universityworldnews.com/post.php?story=20210825152229460>.
- Mgaiwa, S. J. (2018). Operationalising quality assurance processes in Tanzanian higher education: Academics' perceptions from selected private universities. *Creative Education*, 9(6), 901-918. <https://doi.org/10.4236/ce.2018.96066>.
- Mgaiwa, S. J. (2021). Leadership initiatives in response to institutional quality assurance challenges in Tanzania's private universities. *Journal of Further and Higher Education*, 45(9), 1206-1223. <https://doi.org/10.1080/0309877X.2020.1860203>.
- Mgaiwa, S. J., & Ishengoma, J. M. (2017). Institutional constraints affecting quality assurance processes in Tanzania's private universities. *Journal of Higher Education in Africa*, 15(1), 57-67. <https://core.ac.uk/download/pdf/129922366.pdf>.
- Mgaiwa, S. J., & Poncian, J. (2016). Public-private partnership in higher education provision in Tanzania: Implications for access to and quality of education. *Bandung: Journal of the Global South*, 3(6), 1-21. <https://doi.org/10.1186/s40728-016-0036-z>.
- Ministry of Education, Science, and Technology. (2016, July 19). Taarifa kwa Umma: Kuhusu wanachuo waliokuwa wanasoma stashahada maalum ya ualimu katika Chuo Kikuu cha Dodoma [Press Release]. Retrieved on August 05, 2020, from https://www.moe.go.tz/index.php?option=com_content&view=article&id=1853:tangazo&catid=1:latest-news.
- Nation Africa. (2018, January 25). Kenyan private university shut down, license revoked. *The East African*. Retrieved on April 30, 2022, from <https://www.theeastafrican.co.ke/tea/news/east-africa/kenyan-private-university-shut-down-licence-revoked-1382606>.
- Nganga, G. (2011, July 8). Kenya: Professional bodies reject degrees. *University World News*. Retrieved on April 30, 2022, from <https://www.universityworldnews.com/post.php?story=20110708163324160>.
- Nganga, G. (2016, January 29). Kenya: Ten campuses closed, dozens face ban in the quality drive. *University World News*. Retrieved on May 2, 2022, from <https://www.universityworldnews.com/post.php?story=20160128172503841#:~:text=Tucked%20away%20on%20the%20outskirts,regulating%20the%20higher%20education%20sector>.
- Nyamwesa, A. M., Magambo, E. F., & Onyango, D. O. (2020). Impact of external quality assurance practices on higher education institutions in Tanzania: A review paper. *East African Journal of Education and Social Sciences*, 1(3), 191-196. <https://doi.org/10.46606/eajess2020v01i03.0059>.
- Oanda, I. O., & Matiang'i, F. (2018). The East African higher education area: A global or regional higher education space?. In *Fire: Forum For International Research In Education*, 4(3), 56-76. <http://files.eric.ed.gov/fulltext/EJ1199141.pdf>.
- Odhiambo, G. O. (2014). Quality assurance for public higher education: context, strategies, and challenges in Kenya. *Higher Education Research & Development*, 33(5), 978-991. <https://doi.org/10.1080/07294360.2014.890578>.
- Otara, A. (2015). Academic dean and the challenges of meeting changing expectations within a competitive higher education environment in Africa. *SAGE Open*, 1-9. <https://doi.org/10.4236/ce.2015.62012>.
- Peter, S. (2018). Academic staff capacity in private universities in Tanzania. *Papers in Education and Development*, (32). <https://journals.udsm.ac.tz/index.php/ped/article/download/1474/1380>.
- Rweyemamu, A. (2016, February 27). TCU closes another SJUIT college. *The Guardian*. Retrieved on April 30, 2022, from <https://www.ippmedia.com/en/news/tcu-closes-another-suit-college>.
- Rwirahira, R. (2017, October 27). Private universities petition president over closures. *University World News*. Retrieved on April 30, 2022, from <https://www.universityworldnews.com/post.php?story=20171027071144525>.
- Sanga, P. L. (2012). Case for a regional approach to the regulation of cross-border higher education with specific reference to East

- Africa. *Makerere Journal of Higher Education*, 4(1), 45-59. <https://www.ajol.info/index.php/majohe/article/view/78946/69265>.
- Sika, J. O., & Othoo, H. A. (2022). Prospects, challenges, and strategies of internationalisation of university education in Kenya. *International Journal of Educational Innovation and Research*, 1(2), 170-179. <https://doi.org/10.31949/Ijeir.V1i2.2503>.
- Sikubwabo, C., Muhirwa, A., & Ntawihwa, P. (2020). An investigation of institutional factors influencing the decrease of student enrollments in selected private higher learning institutions in Rwanda. *European Journal of Education Studies*, 7(9), 56-77. <http://dx.doi.org/10.46827/ejes.v7i9.3228>.
- Tanzania Commission for Universities. (2015). Students enrolled in universities and university colleges 2009/2010–2013/2014. TCU. Retrieved on July 10, 2021, from http://www.tcu.go.tz/images/documents/Enrollment_2005_2015.pdf.
- Tanzania Commission for Universities. (2016). Undergraduate Admission Guidebook for Higher Education Institutions in Tanzania or Applicants with Form Six Qualifications, 2016/2017. TCU. http://tcu.go.tz/images/documents/Undergraduate_Admission_Guidebook_2016_2017.pdf.
- Tanzania Commission for Universities. (2018). Decisions by the Tanzania Commission for Universities to cancel, suspend lessons, and transfer students at some universities in the Country. TCU.
- Tanzania Commission for Universities. (2019a). Handbook for standards and guidelines for university education in Tanzania. 3rd Ed. TCU. <https://www.tcu.go.tz/sites/default/files/Handbook%20for%20Standards%20and%20Guidelines%20for%20University%20Education%20in%20Tanzania%20%203rd%20Edition.pdf>.
- Tanzania Commission for Universities. (2019b, December). TCU magazine July-December, 2019. Tanzania Commission for Universities, (1), 1-40. https://www.tcu.go.tz/sites/default/files/TCU_Magazine_issue_1.pdf.
- Tanzania Commission for Universities. (2020, January 21). Maamuzi ya Tume ya Vyuo Vikuu Tanzania kurejesha udahili, kuendelea kusitisha udahili wa wanafunzi wapya, na kufuta usajili kwa baadhi ya vyuo vikuu nchini. <https://www.tcu.go.tz/sites/default/files/MAAMUZI%20%20YA%20TUME%2021.01.2020.pdf>.
- Tanzania Commission for Universities. (2023). List of approved university institutions in Tanzania as of 3rd March 2023. TCU. <https://www.tcu.go.tz/sites/default/files/LIST%20OF%20UNIVERSITY%20INSTITUTIONS%20IN%20TZ%20AS%20OF%203%20MARCH,%202023.pdf>.
- The Republic of Kenya (2016). The Universities Act, 2012 as amended in 2016. Kenya Gazette Supplement No. 192 (Act No. 48) 1851-1914.
- The New Times. (2008, August 31). NCHE to investigate unaccredited varsities. Retrieved on April 30, 2022, from <https://www.newtimes.co.rw/section/read/86156>.
- The New Times. (2017, August 18). Two suspended varsities allowed to re-open. Retrieved on April 30, 2022, from <https://www.newtimes.co.rw/section/read/218249>.
- UNESCO Institute for Statistics. (2017). Global flow of tertiary level students. UIS. Retrieved on October 28, 2022, from <http://uis.unesco.org/en/uis-student-flow>.
- Waruru, M. (2013, July 06). Kenya, and Uganda act against the popular private university. University World News. Retrieved on April 30, 2022, from <https://www.universityworldnews.com/post.php?story=20130706075545954>.
- Xinhua. (2020, January 24). Nine universities deregistered over academic standards. University World News. Retrieved on April 30, 2022, from <https://www.universityworldnews.com/post.php?story=2020012414035256>.