



US-based international university is forced to exit as Kenya tightens regulations for foreign providers

In July 2005, more than 200 graduates of US-based Newport International University's (NIU) Kenyan learning centre were told by the Kenyan government that their degrees were considered invalid. According to Kenya's accreditation body, the Commission on Higher Education (CHE), NIU had failed to secure the necessary approval to offer degrees in the country. In the months to follow, Newport's local partner was delicensed by the government and the University severed its ties with the centre, leaving hundreds of students uncertain of their future. Why was this particular centre the subject of such scrutiny - it was not NIU's first overseas venture as the organisation claims to operate international study centres in 26 countries? With an estimated two-thirds of Kenyan applicants failing to gain entry to domestic universities each year, foreign providers seem to have ample opportunities for attracting students in the country. However, the experiences of NIU appear to herald an increasingly restrictive operating environment for foreign institutions in Kenya. The Kenyan government has recently stated that it will take legal action to prevent transient, "garage universities" from operating in the county. What is the current accreditation structure in Kenya, and how does it apply to foreign providers? Is Kenya still a potential growth market for transnational provision?

The closure was covered in a number of local newspapers but seems to have attracted little attention outside the country. Beyond local news reports, little information is currently available on NIU's Kenyan study centre. The Observatory was unable to locate a web presence for the centre, however, local media coverage identifies NIU as the source of degrees awarded through local operator Wiseman Trainers and Consultants. According to the Nation, a local newspaper, NIU had been operating in Kenya for several years, and had held previous graduation ceremonies without comment from government officials. Wiseman Trainers and Consultants appears to have been delivering the programmes but further details on this organisation could not be located. The college is reported to have awarded 218 Bachelor's, 11 Master's and 2 Doctorate NIU degrees in Business Administration in a ceremony in July 2005, in spite of warnings from the CHE that any degrees conferred would not be recognised by the Kenyan government. CHE made its concerns public in July, taking out an ad in a local newspaper that stating that the degrees conferred by NIU were illegal and that the institution was not accredited by the Kenyan government or any other body. The CHE were later quoted as saying, however, that they "had no problem with the college's diploma courses".

Wiseman countered that they had sought accreditation from CHE, but that the application was rejected because the Commission was not equipped to validate the degree programmes offered by NIU (although CHE has accredited foreign providers offering degree programmes in the past, e.g. United States International University – see below). In August, Wiseman Trainers and Consultants was stripped of its registration status with the Ministry of Education, Science and Technology for collaborating with an unaccredited foreign provider, and in early September, NIU severed its ties with its local partner. Students continuing to study with Wiseman were advised at that time that they could no longer claim any link to NIU. It is unclear if Wiseman College is continuing to operate as an independent entity, or if it has since closed amid the negative publicity. The number of students affected is difficult to quantify – in addition to the 231 students who graduated in July, hundreds of additional students may have been pursuing programmes at the centre. Affected graduates may still have the opportunity to obtain work on the basis of their education in the private sector – lack of government approval does not necessarily exclude this (a similar situation is found in Greece, where thousands of students each year graduate with qualifications obtained through transnational provision, which are not recognised by the state. For further details, please refer to the Observatory's [20](#)

[April 2005](#) article). However, students looking to continue their studies may face difficulties in having their qualifications recognised by other institutions, and local media coverage of CHE's actions against NIU may make potential employers wary.

Untangling NIU's operations is difficult - the university and its study centres operate a myriad of websites under various institution names. According to a Belgian registered site, Newport International University is "the largest institution of its kind in the world and no other college or university operates through so many study centres". Newport International University was founded in 1976 in California (but is registered in Wyoming – see below) to provide "individuals who are unable to attend traditional colleges/universities the opportunity to participate in a meaningful educational experience". California's Bureau for Private, Postsecondary & Vocational Education lists the physical address of "Newport University" as Newport Beach, although the extent of its infrastructure at that location is unclear - distance learning or franchised courses through study centres appear to be the primary mode of delivery. Soon after its foundation in 1976, Newport expanded its operations overseas, opening its first international study centres in the UK and Switzerland in 1983. NIU's UK centre is currently listed on the UK's Department for Education and Skills (DfES) Register of Providers. DfES states that the register "does not quality assure or accredit in any way the learning provision of any registered providers", but that the list is established for student visa purposes (see the Observatory's [12 January 2005](#) article). NIU claims to operate in 26 countries (the Kenyan study centre is not currently listed on any available NIU site). Evidence suggests that study centres may be operated in partnership with local providers (as was the case in Kenya), but Newport also appears to have ties with a number of other institutions. NET university, a provider of undergraduate and postgraduate programmes operating in Latvia without recognition from the government, claims affiliation with NIU. NIU also appears to have ties to Lambert University, a provider of distance MBA programmes in Asia. Lambert was formerly known as Newport Asia Pacific University, and the current NIU president Clive Grafton is the Chair of its Board of Advisors.

Regulators in Kenya are increasingly turning their attention to the activities of foreign education providers. According to the recently enacted Universities (Coordination of Post Secondary School Institutions for University Education) Rules 2004, foreign universities wishing to enter into collaborative relationships with local colleges must have their programmes validated by CHE. The approval process will include a series of inspections of the college's infrastructure and facilities, as well as an examination of programme offerings and staff qualifications. These legislative changes apply to existing collaborations, such as NIU and Wiseman Trainers and Consultants. Local news coverage suggests that CHE's concerns about Newport centre on NIU's lack of accreditation/recognition in its home country. The requirement for foreign operators to be recognised in their home country is in place in many countries hosting transnational providers (please see the [February 2005](#) and [March 2005](#) reports on regulations for further details).

A single national accreditation body does not exist in the United States, nor are institutions required to achieve accreditation status before setting up operations in some states. Although many institutions do submit themselves to the accreditation process as a way of signalling the legitimacy and quality of their programmes, the U.S. Department of Education does state that those institutions which do not elect to pursue accreditation "nevertheless may provide a quality postsecondary education". To date, NIU has failed to secure accreditation from any accreditation body recognised by the US Department of Education. According to the 2001 edition of Bear's Guide to Earning Degrees by Distance Learning (John Bear is a noted US expert on distance learning and diploma mills) in the past Newport University has claimed accreditation from the International Association of Schools, Colleges, and Universities, an organisation that is not recognised as an accreditor by the US Board of Education or the US-based Council for Higher Education Accreditation (CHEA). The Guide also notes that this accreditation body's email domain name was owned by NIU's Belgian office. Newport is not the only example of an institution establishing its own accreditation agency in order to be able to claim 'accredited status'. Hamilton University is accredited by the American Council of Private Colleges and Universities, which according to Bear, was set up by the University itself (and is the only accreditor of the institution). NIU is licensed to operate by the Wyoming Department of Education until June 30, 2008, although the government considered revoking

NIU's license in 2004 for failing to keep adequate local files on students and the qualifications of its faculty. Wyoming earlier this year rejected changes to its regulatory process that would require educational institutions to obtain accreditation from a recognised body before a license to operate would be granted. The changes were proposed to combat Wyoming's reputation as a haven for diploma mills, but critics of the legislation feared that it would hamper economic investment and entrepreneurship. Some of the colleges licensed in the state were also opposed to the proposal, arguing that accreditation would be too costly a process for small providers. NIU's ties to the state do not appear to extend beyond its operating license. While a Wyoming address is listed for NIU on the Department of Education website, it is probable that any facilities operated by the University in the state are minimal. "Newport University" is also approved as an educational institution by California's Bureau for Private, Postsecondary & Vocational Education. Evidence also suggests that the school may have operated at one time under a Utah state license. However, Oregon and Michigan's state governments have both stated that they will not accept Newport University degrees as educational requirements for the civil service. Both "Newport University" (Hawaii) and "Newport Asia Pacific University" (now Lambert University) have also been labelled degree mills by the Oregon Office of Degree Authorization (Oregon is widely acknowledged as one of the US states with the tightest legal framework for institutional recognition).

NIU's lack of accreditation is not always made clear in its literature. NIU's UK study centre website states that each study centre is "required to meet the standards of their respective governmental agencies in meeting all laws, regulations and requirements" and students are cautioned that it is their responsibility to ascertain that a Newport degree will meet the requirements of potential employers or transfer institutions. This message is not consistent across Newport's websites. For example, Newport University's site (www.newport.edu) states that "Newport University is not accredited by any agency recognised by the United States Department of Education" but the website for Newport's Belgian study centre states that NIU is a "fully state approved institution" (it is not clear if this refers solely to the Belgian study centre or NIU as a whole and who has granted this approval). The UK-based NIU website (www.niu.org.uk), lists the Wyoming operating license, but under the heading of "accreditation". The Observatory also located a NIU related page still listing accredited status through the aforementioned International Association of Schools, Colleges, and Universities. While NIU's main sites are more up front about the lack of accreditation, the institution is being presented by some local partners in a different light, potentially sending confusing messages to students overseas concerning the recognition of any qualifications earned through NIU.

What is drawing education providers like NIU to Kenya? Underfunding, poor management and infrastructure, and difficulties in attracting and retaining qualified staff are some of the problems reported to affect higher education in sub-Saharan Africa, including Kenya (further details of the country's higher education sector can also be found in the Observatory's [22 January 2004](#) article). At present, the capacity for higher education provision is largely labelled as underdeveloped. In 2002/3, only 3% of Kenya's relevant age group were enrolled in tertiary education. Approximately 60,000 students are currently studying at Kenya's public universities, with an additional 10,000 in private tertiary institutions. The substantial capacity problem is indicated by the British Council's estimate that only one third of applicants find places at Kenyan institutions. Funding bodies such as the World Bank have encouraged the establishment of a private higher education sector in sub-Saharan Africa as a way to increase capacity without substantial government expenditure. In the early 1980s, Kenya was the first country in sub-Saharan Africa to pass legislation facilitating the recognition of private tertiary institutions. The non-public higher education sector has experienced significant expansion since the legislation was introduced, from 3 recognised institutions in the early 1980s to 17 in 2005, the majority of which are sponsored by the church. The participation in the African Virtual University, headquartered in Nairobi, is another attempt to increase higher education opportunities for the population. In a recent development, six major US charitable foundations last week announced a US\$200 million donation in support for universities in seven African nations including Kenya.

The proliferation of private institutions in the 1980s prompted the creation of a body to monitor their activities. The Commission of Higher Education was founded through an Act of Parliament in 1985, and charged with regulating growth and access to tertiary education in

Kenya. Accreditation is under its purview. According to CHE, "Any institution or person offering university level education without authorization by the Commission for Higher Education or having been established by an Act of Parliament is committing an offence punishable by law". Private institutions wishing to set up operations in the country must first be granted a letter of interim authority. Such a letter does not confer accreditation - only those private institutions granted charter status are considered to be fully accredited. Although the exact accreditation process still remains somewhat unclear, the CHE has recognised 17 private institutions to date, including two foreign providers. Only six have achieved chartered status.

Perhaps not surprisingly, the growth in private domestic provision has not been able to alleviate the capacity problem, which coupled with a liberal (until recently, at least) operating environment has made Kenya attractive to foreign operators. A number of foreign institutions including the University of South Africa (a major distance learning provider), Australian Studies Institute, the South African University of the Free State and Pakistan's Aga Khan University, have moved in to challenge domestic providers for market share, although the major UK and Australian players have been largely inactive in the region. The United States International University (USIU), a member of the private non-profit California-based Alliant Network, has been operating in Kenya since 1969 and successfully obtained chartered university status from CHE in 1999. USIU has also attained accreditation from the recognised US Western Association of Schools and Colleges. Pakistan's Aga Khan University also received an interim letter to operate from the CHE in 1999, and is working towards chartered status. Large private institutions like the United States International University (USIU) generate substantial income from student fees, and are reported to have waiting lists of applicants. Other factors encouraging transnational provision include its political stability, a high literacy rate (85.1%) as well as the widespread use of English. However, with tuition fees at foreign institutions such as the USIU of up to US\$ 4,000 per academic year, non-domestic institutions are accessible for only a small segment of the population. A significant number of Kenyan nationals are studying abroad each year, mainly in the US where 7,381 Kenyan students were enrolled in 2003/2004 (a 6% decrease was reported compared to the year before). 3,085 Kenyans were studying in the UK in 2003/4 (an increase of 4% compared to the year before), and 1,229 in Australia in 2004. Most of these students are self-funded. In total, the Kenyan government estimated that 30,000 Kenyans studied abroad in 1999, leading to an outflow of academic as well as financial (an estimated US\$545.5 million) resources from the country.

NIU has become the first high-profile casualty of the Kenyan government's increasingly restrictive approach towards transnational provision. The market conditions that have drawn recognised institutions to Kenya have also proven to be attractive to a number of international educational providers appearing to operate the 'grey area' of the higher education system. The rhetoric of the CHE suggests that other unrecognised institutions will soon find themselves in the spotlight for failing to abide by Kenya's regulatory framework. This increased emphasis on quality assurance in Kenyan higher education is connected to the significant unmet demand for provision (arguably providing an attractive market), and a growing desire to protect students and employers from sub-standard operators. The publicity surrounding the closure of the study centre is noteworthy for education providers looking to move into Kenya. The hundreds of students and graduates from NIU's Kenyan centre which have had the validity of their education brought into question, also point to the importance of a common understanding of terms such as accreditation, licensing, recognition and approval, assisting students wishing to investigate a potential school's status before enrolling.