



Kenyatta University

Division of Research, Innovation and Outreach

Transforming Higher Education...Enhancing Lives



RESEARCH AND INNOVATION POLICY

.....

2017- 2021

University Fundamental Statements

Vision Statement

The Vision of Kenyatta University is to be a dynamic, inclusive and competitive centre of excellence in teaching, learning, research and service to humanity.

Mission Statement

The Mission of Kenyatta University is to provide quality education and training, promote scholarship, service, innovation and creativity and inculcate moral values for sustainable individual and societal development.

Identity Statement

Kenyatta University is a community of scholars committed to the generation and dissemination of knowledge and cultivation of wisdom for the welfare of society.

Core Values

Truth, Creativity, Excellence, Self Reliance, Innovation, Equal Opportunity, Corporate Governance, Institutional Culture, Competitiveness, Academic Freedom and Respect for Diversity

Philosophy Statement

Sensitivity and responsiveness to societal needs and the right of every person to knowledge.

RESEARCH AND INNOVATION POLICY



2017- 2021

FOREWARD



Kenyatta University's Strategic and Vision Plan commits the University to distinguished scholarship and reputable research and innovation, and to the promotion of internationally competitive research as a core strategic goal. To ensure that Kenya can compete in a globally competitive environment, this commitment to research is aligned with the national imperative to encourage more postgraduate studies, to increase the production of research outputs to expand the pool of researchers that can contribute to knowledge production and generation in our society. The University research policy provides a wealth of information about the mission and vision of the University, its innovative educational programs and cutting-edge research and extension.

Kenyatta University has achieved great strides since its founding was made possible by a generous gift from the founding father and first President of the Republic of Kenya Mzee Jomo Kenyatta through the popular phrase, 'from bullets to books'. Founded in 1985, the University's aim has been to develop and realize the potential both of individuals and of society at large. This remains our essential purpose and as an institution we are committed to providing quality education and training, promote scholarship, service, innovation and creativity and inculcate moral values for sustainable individual and societal development.

As well as providing us with a sense of purpose, our history also challenges us to think creatively and effect the positive changes that have allowed us to develop and grow as an institution. This policy provides the framework to guide our researchers and innovators to undertake their activities. The key principles that guide us in our efforts to contribute to Kenya Vision 2030 through research, innovation and extension.

I hope you enjoy your visit to our University, either physical or virtually via our website and that you find the information you seek with the aim of partnering with our faculty to do joint research.

I am proud to welcome you to our community.

Prof. Paul K. Wainaina, PhD
Ag. Vice-Chancellor

MESSAGE FROM THE DEPUTY VICE CHANCELLOR (RIO)



Prof. Vincent Onywera
Registrar
(Research, Innovation and Outreach)

The mission of Kenyatta University is to provide quality education and training, through knowledge generation, research, innovation, creativity and community service. This mission is pursued by a growing body of scholars recognized nationally and internationally for the significance of their contributions to the humanities, social, physical, environmental sciences, business, economics, law; medicine, public health, engineering, education and the creative arts. The University is committed to building on a dynamic research culture that enriches the academic experience for our students, creates new knowledge across a broad array of disciplines, and helps improve the economic, social, and cultural vitality of our country, region and beyond. Within a vibrant and supportive learning environment, Kenyatta University discovers, disseminates and applies new knowledge. We impact the quality of teaching and learning, collaborating with researchers in and out of the country, partnering with our local community, industry, government, and sharing evidence-based research with policy makers. Within the context of Kenyatta University, therefore, research and innovations necessitate multi-level, multi-disciplinary approaches that support the exploration of new ways of using disciplinary perspectives and methodologies.

This policy aims at ensuring that the entire research process is pursued with high integrity. The policy puts emphasis on provision of research opportunities, quality and ethics in research and innovation, intellectual property rights, efficiency and effectiveness in coordination and management of research and innovation at the University.

In achieving the aims of this policy, the university is committed to working closely with national and international organizations that support and monitor research and innovation activities. This Research and Innovation Policy has been developed under the overarching framework of the university vision, mission, identity and core values. The overall goal of the Research and Innovations Policy is to strengthen research capacity and output, and increase the contribution of Kenyatta University to the world of knowledge and innovation.

Prof. Frederick Q. Gravenir
Deputy Vice Chancellor
(Research, Innovation and Outreach)

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SUMMARY OF CHAPTERS

CHAPTER ONE OFFICES, COMMITTEES AND PANELS THAT SUPPORT RESEARCH

This chapter contains information related to Kenyatta University, its research mandate, and bodies governing the university research including, the Division of Research, Innovation and Outreach, the University Research Advisory Board, the Ethics Review Board, Institutional Animal Care and Use and, Intellectual Property and Copyrights Committees. It also explains the rationale for this, the creation of a research fund and how that fund will be disbursed for various actions and finally how research coordination will take place in KU.

CHAPTER TWO ACADEMIC POLICIES

This chapter contains documents related to principles concerning research, academic freedom, eligibility for Principal Investigators, openness in research, scientific misconduct, authorship, retention of research data, establishment of Independent Laboratories, student relationships with outside entities, and others.

CHAPTER THREE FINANCIAL ASPECTS OF SPONSORED PROJECTS AND ADMINISTRATION

This chapter contains documents related to fiscal responsibilities of PI's, indirect costs, their application to different types of projects and procedures for obtaining waivers, cost sharing, tuition remission, property and others.

CHAPTER FOUR CONFLICTS OF COMMITMENT AND INTEREST

This chapter contains documents related to conflict of commitment and interest, and related forms; consulting policies for faculty and for Academic Staff-Research & Extension; policies related to start-up companies and equity acquisition

CHAPTER FIVE INTELLECTUAL PROPERTY

This chapter contains documents related to patents, copyrights and tangible research property.

CHAPTER SIX ENVIRONMENTAL HEALTH AND SAFETY

This chapter contains basic policies, as well as specific requirements related to chemical hygiene, radiological hazards, lasers, bio-hazardous agents and emergency procedures.

CHAPTER SEVEN HUMAN SUBJECTS IN RESEARCH

This chapter is a description of Kenyatta University's Human Research Protection Program (HRPP), including assurance of compliance with Ministry of Health requirements, and special guidance on the use of women, students and laboratory personnel.

CHAPTER EIGHT LABORATORY ANIMALS IN RESEARCH

This chapter is on Kenyatta University's Assurance of compliance with Public Health Service requirements and other documents related to the care and treatment of animals.

CHAPTER NINE CONSULTANCY POLICY

This is a description of the consultancy policy and the activities that members of staff may undertake in terms of consultancy.

CHAPTER TEN INNOVATION POLICY

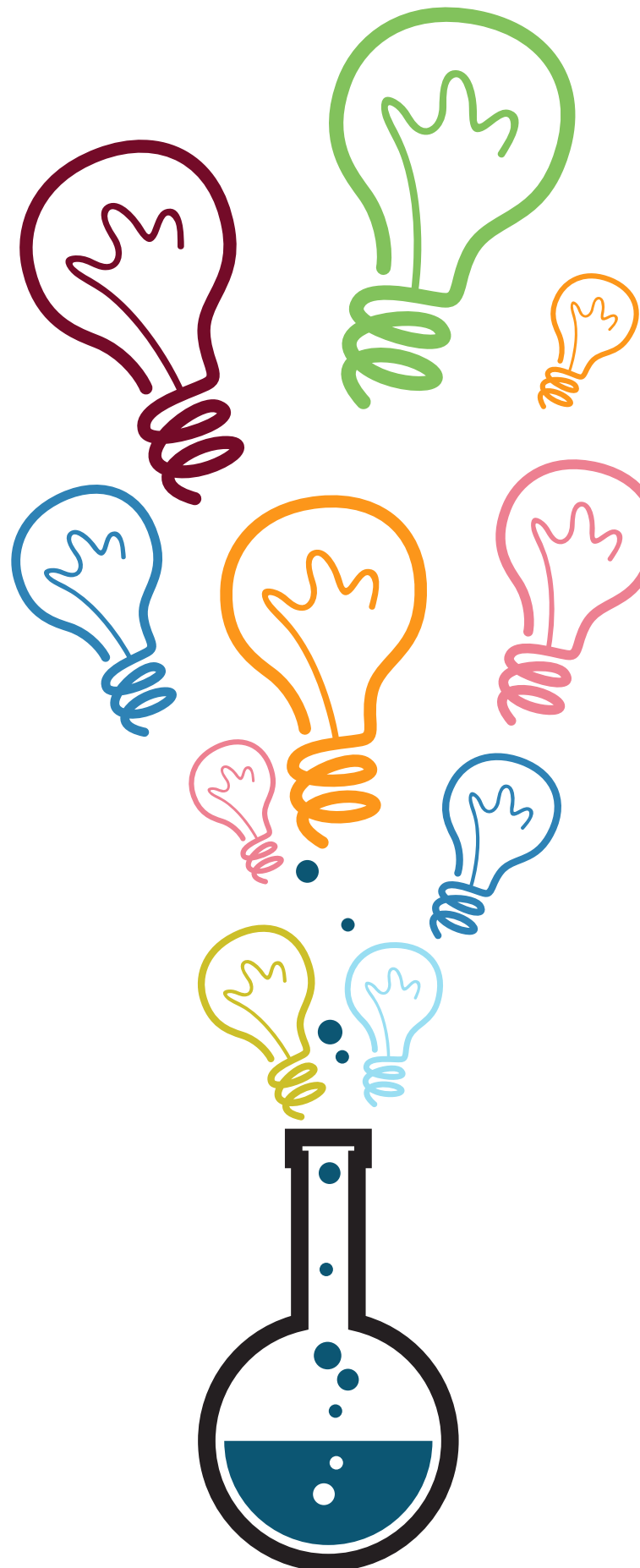
This policy outlines the structures, frameworks and mechanisms required to bring a collaborative engagement of all schools, departments and individuals at Kenyatta University into being active players and dedicated stakeholders in the Kenya National Innovation System for the greater good of the Kenyan economy.

CHAPTER ELEVEN RESEARCH EQUIPMENT

This chapter focuses on the procurement, management, acquisition and transfer of research equipment during the lifespan of a research project.

CHAPTER TWELVE APPENDICES

This is a list of the appendices that are contained in the document



LIST OF ABBREVIATIONS AND ACRONYMS

AS-RE	Academic Staff-Research & Extension
BSC:	Bio-Safety Committee
CBIC:	Chandaria Business Incubation and Innovation
CEH&S	Centre for Environmental Health and Safety
COEP:	Community Outreach and Extension Program
DVC	Deputy Vice Chancellor
ERC:	University Ethics Review Committee
FDA:	Food and Drug Administration
HRRP	Human Research Protection Program
IACUC:	Institutional Animal and Use Committee
IPR:	Intellectual Property Rights
IRBs	Institutional Review Boards
ISRRC:	Inter-School Research Review Committee
KU:	Kenyatta University
KUPEB:	Kenyatta University Press Editorial Board
NDAs	New Drug Applications
NGO	Non-Governmental Organization
NIH	National Institute of Health (USA)
PhD	Doctor of Philosophy
PI	Principal Investigator
RIO	Research, Innovation and Outreach
RPA:	Research Participation Agreement
RMBO:	Research Monitoring and Budget Office
RS:	Research Support
RD&U:	Research Dissemination and Uptake
URAB:	University Research Advisory Board
VC:	Vice Chancellor
VSC	Veterinary Service Centre
UIP:	University Industrial Partnerships



Chapter One

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OFFICES, BOARDS AND COMMITTEES
THAT SUPPORT RESEARCH

1.1 Kenyatta University Research Mandate

Part II of the University Act, 2012(No.42 of 2012) states that one of the functions and objectives of the University is “to participate in the discovery, transmission, and preservation of knowledge, and to stimulate cultural and intellectual life of the society”. The University Statutes empowers the Council “to promote and make financial provision and facilities for research within the University”. In order to achieve this mandate Kenyatta University, through this Research and Innovation Policy, enables its staff to make full use of its vast resources to create a research culture consistent with national development goals.

1.2 Purpose and Scope of the Policy

This policy is intended for academic, research, support staff and other individuals employed by Kenyatta University and who carry out research and innovation at, or on behalf of, the University. The policy is also meant for students who should use this document in conjunction with the student’s handbook. The policy outlines the guiding principles regarding the management, support and development of research to all those involved in research and innovation at Kenyatta University. It is applicable to all students and staff of the University. The purpose of the policy is to:

- i. *Provide a framework for the governance of research and research development*
- ii. *Affirm research and innovation as a priority*
- iii. *Provide effective and efficient support for research and innovation*
- iv. *Ensure the fair treatment of all researchers, staff and students*
- v. *Ensure effective communication (internally and externally) about the principles and policies on which the research activities of the University are founded*
- vi. *Establish rational, transparent and collective decision-making processes around the allocation of research funds and other kinds of support for research*
- vii. *Balance the needs of research capacity development against those of established researchers*
- viii. *Integrate support for postgraduate research into the main research system*
- ix. *Clarify roles and functions within the university research system.*

1.3 Principles of Good Research Practice

The following principles aim to encourage Kenyatta University researchers to consider the wider consequences of their work and to engage critically with the practical, ethical and intellectual challenges that are inherent in the conduct of high quality research. The University expects these principles to be integrated into all aspects of research and scholarly activity.

The main principles of good research practice are:

i) Excellence

The University and its researchers will continue to uphold excellence when conducting research and aim to produce and disseminate work of the highest quality.

ii) Honesty

The University will continue working to create and maintain a culture of research that fosters and supports honesty in research. Researchers should be honest in relation to their own research and that of others. They should do their utmost to ensure the accuracy of data and results, acknowledge the contributions of others, and neither engage in misconduct nor conceal it.

iii) Integrity

Researchers must comply with all legal and ethical requirements relevant to their field of study. They should declare any potential or actual conflicts of interest relating to research and where necessary take steps to resolve them.

iv) Cooperation

The University and its researchers will continue to promote the open exchange of ideas, research methods, data and results and their discussion, scrutiny and debate, subject to any considerations of confidentiality.

v) Accountability

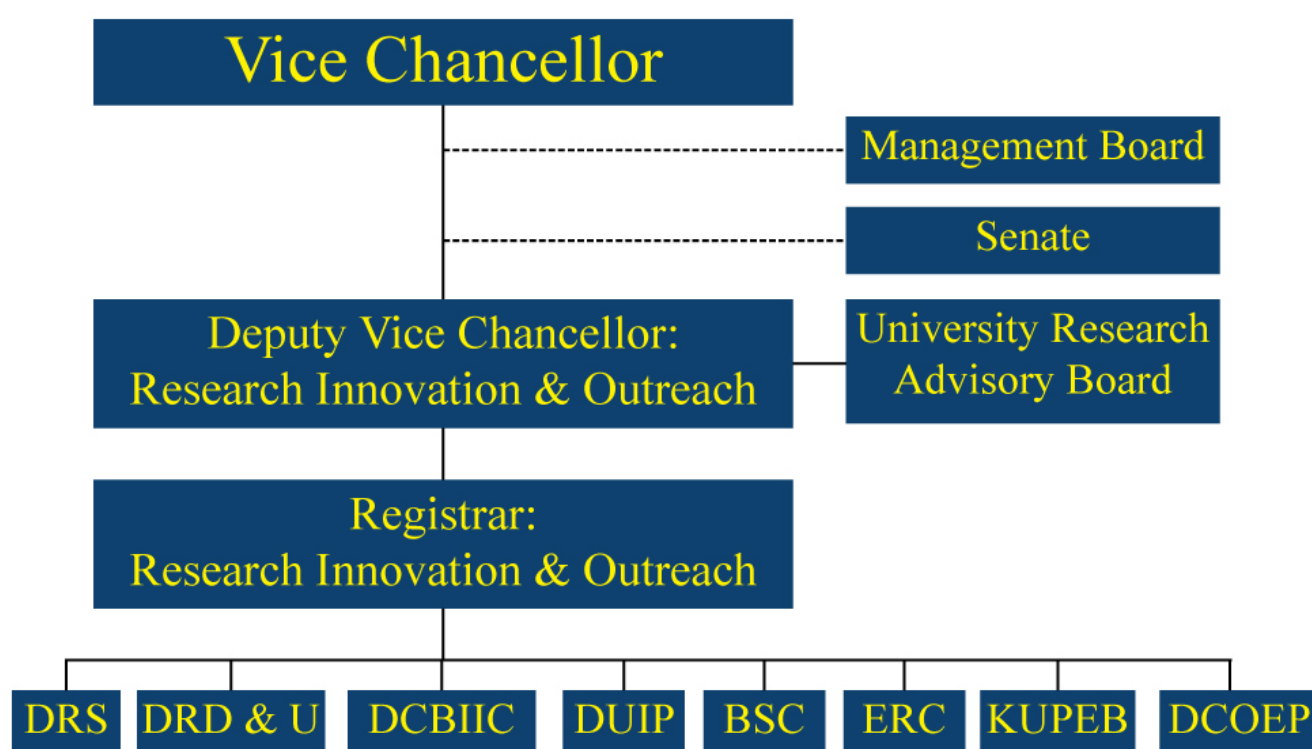
The University and its researchers recognize that in and through their work they are ultimately accountable to the general public and should act accordingly. They should ensure that any research undertaken complies with any agreements, terms and conditions relating to the project, and allows for proper governance and transparency. Researchers should follow the requirements and guidance of any professional bodies in their field of research. Researchers who are members of a regulated profession must follow the requirements and guidance of the body regulating their profession.

vi) Training and Skills

Training and opportunities for development are subject to availability of resources and will be provided for researchers along with the necessary resources, to enable them to conduct research to the required standards. Researchers will be supported in identifying unmet needs for training and development. Researchers should ensure that they have the necessary skills, training and resources to carry out research in the proposed research team or through collaboration with specialists in relevant fields, and report and resolve any unmet needs identified.

1.4 Research Management Structure

Management of the university research will be headed by the Vice Chancellor who will be supported by the Deputy Vice Chancellor (Research, Innovations and Outreach) and Registrar (Research, Innovations and Outreach). These three offices will form the apex management level and will be in charge of making final decisions in consultation with the University Management Board.



Key: DRS - Director, Research Support
 DRD & U - Director, Research
 Dissemination and Uptake
 BSC - Bio-Safety Committee
 ERC - Ethics Review Committee
 DCOEP- Director Community Outreach and
 Extension Programme

DUIP - Director, University Industry Partnerships
 DIPR - Director, Intellectual Property Rights
 DCBIIC - Director, Chandaria Business
 Innovation and Incubation Centre
 KUPEB - Kenyatta University Press Editorial Board

1.5.1. Research Innovation and Outreach Division

Mandate

The mandate of the Division of Research, Innovation and Outreach includes coordination of the preparation of project proposals individually or in teams, to develop a research policy for the university and ensure its approval by the senate and subsequent implementation, coordination of provision of skills in grant proposal writing to academic staff, provide assistance to departments, schools and colleges on writing competitive proposals, develop a research culture in the university, coordination of the Vice-Chancellor's competitive research grants, start and maintain a quarterly research and development bulletin, and working out modalities of implementing proposals funded through the University.

Functions

The Division of Research, Innovation and Outreach shall coordinate all matters related to research at the University. Specifically, the Division shall:

- *Maintain a database of all financial supporters of research i.e. public and private sector, local and international NGOs, including their research interests and research agenda.*
- *Disseminate information on research funding opportunities to Departments, Schools and Colleges.*
- *Process project proposals submitted for peer review in order to strengthen them and make them competitive.*
- *Organize periodic seminars/workshops on competitive project proposal writing, project reporting*
- *Assist Departments, Schools and Colleges to develop project proposals by providing materials and capacity support.*
- *Assist Departments, Schools and Colleges market their proposals to funding agencies.*
- *Obtain project proposal formats from funding agencies and advise Departments, Schools and Colleges accordingly.*
- *Develop for approval of Senate a sharing format for research funds secured among (1) the investigator(s) (2) Department(s) of researcher(s) and (3) University.*
- *Maintain a list of consultants in the various disciplines who shall be remunerated for academic services they are requested to give on behalf of the University.*
- *Protect research results and pursue their commercial potential for the public benefit, while providing fair reward to individual inventors and the University.*
- *Promote research training and uptake*
- *Continually review the Division's policies, resources and services to ensure that they reflect the changing needs of the University and funding agencies.*

1.5.2. University Research Advisory Board (URAB)

Membership

Chairman: Appointed by the Vice Chancellor

Secretary: Registrar, Research, Innovation and Outreach

Members: Academic and Research & Extension Staff (Experts in different areas drawn from various schools based on research experience) appointed by the Vice Chancellor.

Co-opted member: University Legal Officer

Functions

- i. *Advise the University Management on administration of the University Research Fund*
- ii. *Ensure the adherence to and implementation of the University research policy*
- iii. *Ensure that capacity building in Research is undertaken regularly*
- iv. *Establish a database and recommend peer reviewers of proposals for inclusion in the database who should be drawn from both within and outside Kenyatta University*
- v. *Consider and recommend to the University Management Board through Deputy Vice Chancellor (Research, Innovation and Outreach) proposals that merit the award of the Vice Chancellor's research grant.*
- vi. *Put appropriate mechanisms in place to ensure that University rating based on research indicators is improved*
- vii. *Investigate and establish misconduct in research and make appropriate recommendations to the University Management Board*
- viii. *Provide quarterly reports to University Management Board through the office of the Deputy Vice-Chancellor, Research, Innovation & Outreach*
- ix. *Co-opt individuals into the Board as need arises*
- x. *Perform any other task as may be assigned by the Deputy Vice Chancellor(RIO) or the Vice Chancellor*

1.5.3. University Ethics Review Committee (ERC)

The University acknowledges and accepts its responsibility for protecting the rights and welfare of human research subjects, and acknowledges that it bears full responsibility for the performance of all research involving human subjects and for complying with laws and regulations that relate to such research. Kenyatta University therefore has set up a University Ethics Review Committee (ERC) which has drawn up a set of Guidelines approved by Senate which regulate research on human subjects. Members of the University, whether staff or students, doing research on human subjects are expected to ensure that the rights and dignity of their subjects are respected, that they are only exposed to minimal risk if at all, and that any procedure is performed only after their subjects' informed consent has been obtained. Further safeguards are in place in the case of vulnerable research subjects, including children.

The ERC is made up experts in different areas of research, and reaches its decisions after considering the recommendations of the respective Faculty Research Ethics Committee which first examine the research proposals.

The ERC will play a primary role in:

- i. *Prospective and continuing review of each research protocol involving human subjects, including an evaluation of its risks and benefits to human subjects,*
- ii. *Reviewing the adequacy of the informed consent document, particularly as to its description of the risks and benefits,*
- iii. *Receiving and evaluating reports of unanticipated problems, possible non-compliance, and other information and incidents that might affect its approval of the protocol or the subjects' willingness to continue to participate, and*
- iv. *Conducting reviews concerning possible non-compliance.*
- v. *Promoting awareness and understanding of ethical issues in research throughout the University's research community (i.e. ethical issues that are relevant to research that involves human participants and also ethical issues that are relevant to other types of research);*
- vi. *Providing advice on any ethical matters relating to research that are referred to it from within and outside the University;*
- viii. *Keeping abreast of new externally-driven developments, policies and regulations concerning research ethics and, where appropriate, ensuring that the University meets all necessary requirements.*

1.5.4. Institutional Animal Care and Use Committee (IACUC)

The main functions of IACUC will be to ensure that all animal experimentation and use of all animals within the University being used by University staff or in University projects outside Kenyatta University are conducted in a humane way and that the welfare of animals is taken into consideration.

1.5.5. University Intellectual Property Rights Office (IPRO)

IPRO will be involved in evaluating, searching and protecting intellectual property and copyrights generated within and in University research projects through the relevant national and international channels.

Royalty payment

"Royalty payment" shall mean all payments received by the University through the licensing or other transfer of University Intellectual Property. For the purposes of this definition, revenues shall include, but are not limited to, fees, milestone payments and percentages of gross or net sales of licensed products.

Copyright

Copyright applies to work that is recorded in some way; rights exist in items such as literary, artistic, musical and dramatic work as well as films, sound recordings and typographical arrangements. It gives the author specific rights in relation to the work, prohibits unauthorized actions, and allows the author to take legal action against instances of infringement or plagiarism.

1.5.6 Directorate of Research support

Directorate of Research Support, mandated to augment the University's research capacity thorough skill development and increase competitiveness for research funding. The Directorate shall:

- *Source for and provide information on funding sources and requirements.*
- *Organize and conduct proposal writing workshops.*
- *Coordinate the development of large, multi-disciplinary university research proposals*
- *Coordinate internal review of grant applications in response to funding announcements*
- *Oversee reporting of research progress and funder satisfaction on project completion.*
- *Coordinate the establishment of university research skills and capacity inventories*
- *Organize training to update staff knowledge and skills on research methods.*
- *Building research capacity of academic staff to enhance teaching and supervision of postgraduate students.*
- *Develop and strengthen research partnerships nationally and internationally*
- *Work closely with directorates, departments, schools and colleges to enhance research in KU.*
- *Report to the DVC(RIO)*

1.5.7. Chandaria Business Innovation and Incubation Centre

Mandated to stimulate innovation among our students and the public resulting to commercialization of viable ideas and creation of employment opportunities

- *Blend academic training and research with entrepreneurship.*
- *Motivate Kenyatta University's staff, students and others towards being innovative and entrepreneurial.*
- *Utilize Public-Private-Partnerships (PPPs) in achieving the Mission of the Centre.*
- *Provide high-level professional mentorship to incubates.*
- *Provide adequate and excellent facilities for the incubates to develop their ideas.*
- *Seek funding to support incubation activities.*
- *Seek to position Chandaria BIIIC as a regional incubation hub.*
- *Provide a model business and innovation incubator replicable locally and internationally.*
- *Report to the DVC(RIO)*

1.5.8. Directorate of Research Dissemination and Uptake

Mandated to optimize conditions for the application of scientific evidence, including facilitating evidence-based policymaking, knowledge sharing and technology transfer to targeted stakeholder, users and audiences. The Directorate shall;

- *Support researchers in framing their research problem and aligning it with evidence base*
- *Strengthen the capacity of researchers to engage in demand driven research that responds to, and supports the need of the public and the private sector in their daily work*
- *Build the capacity of researchers in collaborating with the public and the private sector to generate essential information and to encourage active sharing, and identify pressing priorities*
- *Support researchers in creating targeted messaging (e.g. policy briefs, press releases) emphasizing the role of research evidence in contributing to better programmes and improved interventions*
- *Turn research evidence into compelling stories that have the likelihood of influencing decision-making*
- *Support researchers to pursue personal contacts with practitioners and built trust from personal relationships, thus connecting research and practice.*
- *Report to the DVC(RIO)*

1.5.9. University-Industry Partnerships Directorate

Mandated to pursue collaborations between the University and various industries for purposes of skill development, innovation and technology transfer and possible stimulation for additional R&D investment by the private sector players expanding the relevance of research carried out in within the University

- *Strengthen the link between University and the private section locally and internationally.*
- *Co – ordinate good will activities between the University and Industry.*
- *Explore sources for motivational awards and the Corporate Sector.*
- *Spearhead the process of starting and developing Industrial/Technology Research Parks at the University.*
- *Ensure product support research once products, technologies and innovations are in market.*
- *Ensure the development of Science and Technology programmes by liaising with relevant Chairman of Departments and Deans of Schools.*
- *Liaise with industries to provide Excellence Awards to our excelling students.*

- *Strengthen the Student Work Induction Program (SWIP) so that it takes root in the University along the Canadian Universities model.*
- *Build linkages between University and other Science and Technology Institutes/Units.*
- *Mobilize resources for product development, incubation, research, technology and industrial park.*
- *Report to the DVC(RIO)*

1.5.10. Centre for Community Outreach and Extension Programmes

Seeks to reach out to communities outside the University and impact them positively through well-coordinated outreach initiatives that are need based and research driven.

- *Sensitize the university community, both staff and students, on the importance of reaching out to communities and positively impact their lives.*
- *Conduct needs assessment to identify community needs and the available resources for relevant interventions.*
- *Coordinate community service projects for students and staff.*
- *Assist the university community in identifying, planning, implementing, monitoring and evaluating community-based projects for further intervention.*
- *Mobilize resources from the campus and off-campus community and other stakeholders to address community needs.*
- *Establish links with relevant collaborators and stakeholders outside the university to help in accomplishing the university's vision of service to humanity.*
- *Report to the DVC(RIO)*

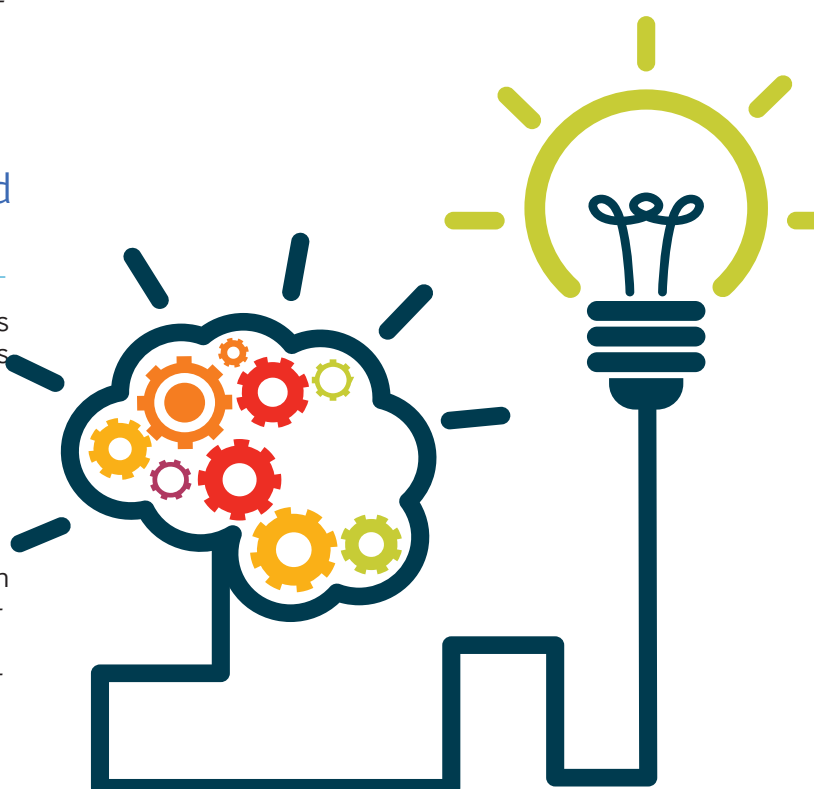
1.5.10. Research Management and Budget Office

The Research Management and Budget Office provides oversight and management of research grants as per the University Policy:

- Managing funded research contracts.
- Managing research budgets.
- Processing payments to researchers.
- Filling of soft and hardcopies of funded proposals.
- Providing information to principal investigators with deadlines for submission of both technical and financial reports.
- Ensures compliance with sponsors and university expectations for managing sponsored program funds.
- Verify request by researchers.
- Keeping records of activities

1.6. Declaration by the Researcher (APPENDIX 1 (1))

Copyright applies to work that is recorded in some way; rights exist in items such as literary, artistic, musical and dramatic work as well as films, sound recordings and typographical arrangements. It gives the author specific rights in relation to the work, prohibits unauthorized actions, and allows the author to take legal action against instances of infringement or plagiarism.





Chapter Two

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ACADEMIC POLICIES

2.1. Principal Investigator Responsibilities

The responsibilities of Principal Investigators (PIs) at Kenyatta University include the direction of research and scholarship and the education and training of students. These crucial roles must be carried out in compliance with University policy reflecting laws, regulations and sponsor requirements.

Kenyatta University requires its PIs to complete a review of essential information related to the regulatory environment in which sponsored projects are conducted. Regardless of their field of research or scholarship, all PIs at Kenyatta University need to understand the regulatory underpinning of University policies related to the conduct of research.

2.2. Principal Investigator (PI) Eligibility and Criteria for Exceptions

Principal investigators or co-principal investigators on externally-funded projects are limited to holders of PhD and above in both the Academic (faculty) and Research and (AS-RE) staff, with specific exceptions.

2.2.1. Principal Investigator Eligibility Policy

Eligibility to act as a principal investigator (PI) or co-principal investigator (Co-PI) on externally-funded projects is a privilege limited to holders of PhD and above in both the Academic and AS-RE Staff. This policy limitation is in place because principal investigators are responsible for determining the intellectual direction of the research and scholarship, and for the training of graduate students.

Non-PhD holders wishing to be “PI” or “Co-PI” will require specific approval by the Deputy Vice Chancellor (Research, Innovation and Outreach) as described below.

2.2.2 Exceptions

There are two kinds of exceptions to the principal investigator eligibility policy. The first, described in Section II A below, deals with those situations in which exceptions may be granted by the Deputy Vice Chancellor (Research, Innovation and Outreach) if all of the prescribed conditions are in place. The second category of exception, as described in Section II.B., represents all other situations which require the approval of the Deputy Vice Chancellor (Research, Innovation and Outreach). Exceptions in this second category will rarely be granted.

A. Exceptions Subject to the Approval of the Deputy Vice Chancellor (Research, Innovation and Outreach)

Requests for PI eligibility for researchers who are not holders of PhD and above in both the Academic and non-teaching research Staff (e.g., Academic Staff members, Postdoctoral Scholars, Instructors or other researchers) in the following situations may be made on a case-by-case basis by the relevant member who has oversight responsibility for the proposed principal investigator.

Such requests are subject to the written approval of the Deputy Vice Chancellor (Research, Innovation and Outreach). The approval of the Deputy Vice Chancellor (Research, Innovation and Outreach) shall not be pro forma, but shall take into account the academic quality of the proposal, the qualifications of the proposed principal investigator, and the relevance and importance of the proposal to other activities of the University. Such requests will be made only for a particular project with a specified project period. Documentation of the Chair and Dean’s recommendation must accompany proposals submitted to the Deputy Vice Chancellor (Research, Innovation and Outreach).

1. Conferences, exhibits, workshops, or public events:

Researchers who are not holders of PhD and above in both the Academic and non-teaching research Staff may be approved to serve as PIs on externally-sponsored projects whose sole purpose is to fund short conferences, exhibits, workshops, or other public events of a character appropriate to the University.

2. Specific projects which are part of large interdisciplinary programs

Researchers who are not members of the Academic and Research Staff may be approved to serve as PIs on projects within the scope of a large interdisciplinary program. For this purpose a “large interdisciplinary program” is defined as a research program which: a) is directed by a holder of PhD and above in both the Academic and non-teaching research Staff, b) has an expected duration beyond the involvement of any individual faculty participant, c) has more than one faculty member involved, and d) requires expertise in more than one discipline or technical area. All of the following conditions must be met in order for the Deputy Vice Chancellor (Research, Innovation and Outreach) to approve PI exceptions in such cases:

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- a. *The proposed project must be a demonstrably important component of the success of the overall interdisciplinary program, as defined above;*
- b. *There is no holders of PhD associated with the large interdisciplinary project who is qualified to take responsibility for the scientific direction of the prospective research project;*
- c. *No incremental space will be required for the project;*
- d. *For each graduate student participating on the project, a qualified faculty member has been identified to assure that the student's research program and the education derived from it are consistent with the degree for which the student is a candidate;*

Exceptions approved under this provision will be reported to the Vice Chancellor Outreach on an annual basis.

3. Career development awards

Researchers who are not members of the Academic and Research & Extension Staff may be approved to serve as PIs on a class of projects generically referred to as Career Development Awards, whose stated purpose is to advance the individual's scientific career. Such petitions may be approved if the project is to be carried out under the mentorship of an established Academic or Research & Extension investigator who is named in the proposal, and if the project can be conducted within the overall intellectual scope and laboratory space of the faculty mentor. Typically in these cases the awards cover only the individual's salary and incidental expenses, but not incremental staff or students.

B. Rare Exceptions

In addition to the foregoing, rare exceptions to the PI eligibility policy may be made at the discretion of the Deputy Vice Chancellor (Research, Innovation and Outreach) or Vice Chancellor in unusual and non-recurring situations that meet a particular need or opportunity for the University. Such requests will be considered only for a specific project with a specific project period. Examples of rare exceptions that have been granted are: proposals submitted by visiting faculty members and other senior visitors for a limited period of time; proposals submitted by a faculty candidate selected by a department but not yet approved by the Vice Chancellor, Advisory Board, and Vice chancellor; permission for administrators to submit proposals in support of a project in their area (e.g., the museum or the Kenyatta University Press), special cases of sponsored instruction and situations where a PhD investigator ceases to be available and it is necessary for the proposed principal investigator to oversee an orderly phase out of a project.

Requests for such exceptions should be made by the Head of Department or School Dean on behalf of the proposed principal investigator. Such requests are subject to the approval by the Deputy Vice Chancellor (Research, Innovation and Outreach). In all cases, the following six criteria must be met:

1. *The proposed research must meet a programmatic need of Kenyatta University. Meeting a programmatic need means addressing an area of investigation that is not currently covered at Kenyatta University and is endorsed by a sponsoring PhD holder as directly relevant to and supportive of the research or teaching programs of the faculty. Research that may be important in its own right and for which outside funding is available will not be judged as meeting the programmatic need criterion unless it facilitates the ongoing objectives of the University in an identifiable and direct way.*
2. *The proposed research cannot be funded and/or conducted effectively at Kenyatta University unless the proposed individual is the principal investigator. Among other things, this generally will mean that there is no member of the Department, Head of department, or School Dean available to take the responsibility for the scientific direction of the project.*
3. *The proposed principal investigator's qualifications to direct the project provide assurance that the work will be conducted in accordance with the standards of excellence of the University.*
4. *No incremental space will be required for the project.*
5. *For each graduate student participating in the project, a qualified faculty member has been identified to assure that the student's research program and the education derived from it are consistent with the degree for which the student is a candidate.*
6. *The research must be designed and conducted in such a way that work can be discontinued when programmatic need ends or if the sponsoring faculty member ceases to be available.*

Exceptions to the PI eligibility policy will be rare in situations other than those described in Section II.A above. A written copy of any such requests, along with the justification and recommendations of the sponsoring faculty member, the Department Chair, School Dean and Deputy Vice Chancellor (Research, Innovation and Outreach) should accompany the sponsored project proposal submitted.

2.2.3. Project Designations other than Principal Investigator (PI)

Establishment of project teams is the Principal Investigator's responsibility. In this regard, the PI will consider such factors as project requirements, sponsor guidelines related to key project personnel, and the qualifications and contributions of participating researchers, among other factors. Kenyatta University considers co-principal investigators (Co-PIs) to be equivalent to principal investigators in all regards; eligibility for co-principal investigator status is therefore the same as for principal investigator status, as defined in this policy. Other project designations are at the discretion of the Principal Investigator, and may include, for example:

A. Associate investigators

In circumstances where this designation would be consistent with sponsor guidelines, the PI may designate members of the Academic Staff-Teaching (AS-T, Lecturers and Sr. Lecturers), Academic Staff-Research & Extension (AS-RE, Research Associates and Sr. Research Scientists, Sr. Research Engineers, and Sr. Research Scholars), Academic Staff - Libraries (Assistant Librarians, Associate Librarians, Librarians, Senior Librarians), Postdoctoral Scholars, Instructors or other researchers as "Associate Investigators" on sponsored projects.

B. Co-investigators

Senior members of the Academic Staff-Research & Extension (Sr. Research Scientists, Sr. Research Engineers, and Sr. Research Scholars) and senior members of the Academic Staff may also be designated by their supervisors as "Co-Investigators" on those externally-funded projects in which such senior Academic staff members (Research) carry substantial project leadership roles. It is not expected that this designation will normally be used for Postdoctoral Scholars, Instructors or other researchers, although such designation may be used in cases where the researcher is performing in such a role and the designation is allowed by the sponsor.

2.2.4 Review

The Principal Investigator (PI) Eligibility and Criteria for Exceptions policy, including all modifications, should be reviewed by the appropriate body of the University such as the University Research Policy Review Committee in a period not more than five years.

2.2.5. Exceptions for acting Principal Investigators

Ordinarily, if a faculty member is absent from campus for a period of less than three months, he or she retains the title of PI for the project. Even if the leave period exceeds three months, in some cases, the regular PI may still retain responsibility for the overall intellectual direction of the project, with the sponsor's permission.

Occasionally a member of the PI's staff may be designated as acting project manager during the PI's leave. This would be appropriate if the staff member is asked to assume the day-to-day administrative tasks of the project while still adhering to the overall goals, objectives, and protocol outlined by the PI before his or her departure.

If the regular PI's absence from Kenyatta University does not permit a sufficient level of involvement in the sponsored activity, another faculty member should assume the role of Acting PI. That is, Acting PIship is subject to the same criteria for eligibility as is regular PIship. Designation of individuals as acting PIs who are not ordinarily eligible to be regular PIs requires the prior approval of the cognizant dean and the Deputy Vice Chancellor (Research, Innovation and Outreach) according to the criteria outlined in Kenyatta University's policy on PI eligibility and criteria for exceptions.

Responsibilities for the intellectual direction of our externally sponsored teaching and research activities must rest with the faculty and should not be delegated to others, even on a temporary basis, without prior approval.

2.3 Openness in Research

The policy expresses Kenyatta University's commitment to openness in research; defines and prohibits secrecy, including limitations on publishing of results, specifies certain circumstances which are acceptable under this policy.

Stipulates:

1. That the principle of openness in researches - the principle of freedom of access by all interested persons to the underlying data, to the processes, and to the final results of research - is one of overriding importance. Accordingly, it is the decision of the Senate that principle be implemented to the fullest extent practicable, and that no program of research that requires secrecy (as hereafter defined) be conducted at Kenyatta University, subject to the exceptions set forth in Paragraph 4 of this Resolution.

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2. That a research program shall be regarded as requiring secrecy;
 - a. If any part of the sponsoring or granting documents that establish the project is not freely publishable, or
 - b. If there is a reasonable basis for expectation that any documents to be generated in the course of the research project will be subjected by an outside sponsor to restrictions on publication for a period in excess of that reasonably required (i.e., more than 90 days) for the sponsor to ascertain whether information he or she is entitled to have treated as confidential would be disclosed by publication, or
 - c. If access will be required in the course of the project to confidential data so centrally related to the research that a member of the research group who was not privy to the confidential data would be unable to participate fully in all of the intellectually significant portions of the project
3. That these rules be adopted by the Kenyatta University Senate:
 - a. No research on a thesis or dissertation should be undertaken if, at the time the topic is set, there is any substantial possibility that it will lead to a secret thesis or dissertation.
 - b. No secret thesis or dissertation should be accepted as the basis for a degree unless, in the judgment of the Committee on Graduate Studies, the imposition of secrecy could not reasonably have been foreseen until the work was so far advanced that modification of the thesis topic would have resulted in substantial inequity to the student.
 - c. Scholarly activities not accessible for scrutiny by the entire Advisory Board should not be considered in connection with appointments, re-appointments or promotions.
 - d. The University should enter no contract and accept no grant to carry out research if the grant or contract restrains the freedom of the University to disclose:
 - 1) the existence of the contract or grant or
 - 2) the general nature of the inquiry to be conducted or
 - 3) the identity of the outside contracting or granting entity, or
 - 4) the research results;

provided that clause (3) shall not apply either (a) to anonymous gifts or grants that do not call for the performance of specified lines of inquiry, or (b) to research grants or contracts from individuals or non-governmental entities who request anonymity out of a justifiable motivation to protect individual privacy.
4. That a program of research, appropriate to the University on other grounds, shall not be regarded as unacceptable by reason of secrecy merely because one or more of the following circumstances exists:
 - a. In a program of research involving the examination, through interview techniques or otherwise, of a living human being reasonable provision may be made to protect the rights of that individual to privacy.
 - b. In a program of research, the purposes of which would be significantly advanced by access to information generated elsewhere which had been subjected to security classification, provision may be made for security clearance and for access to that information on the part of one of several of the participating investigators provided that the classified information is peripheral to the research program in the following sense: the relationship between the classified data and the overall research endeavor must be sufficiently remote so that:
 - i. *A member of the research group who did not hold a security clearance would nevertheless be able to participate fully in all of the intellectually significant portions of the project; and*
 - ii. *There is no substantial basis for an expectation that any part of the final results of the research, or any but a trivial part of the research processes will be subject to restriction on publication more enduring than those described in Paragraph 2.*
 - c. In a program of research sponsored by an outside entity, provision may be made for a short delay in the publication of research results, (the period of delay normally not to exceed 90 days), for patenting purposes or for sponsor review of and comment on manuscripts, providing that no basis exists at the beginning of the project to expect that the sponsor would attempt either to suppress publication or to impose substantive changes in the manuscripts. When it is in the best interests of the research, the Vice Chancellor, on the advice of Deputy Vice Chancellor (Research, Innovation and Outreach) may approve contractual arrangements that could lead to publication delays in excess of 90 days. An example is a multi-site study for which a publication committee receives data from participating sites and makes decisions about joint publications. Requests for the Dean of School to approve such contractual arrangements should include:
 - i. *The rationale for the request*
 - ii. *A description of who will have authority over publication decisions, and;*
 - iii. *A statement of the provisions that will allow the investigator to publish within a defined period of time, regardless of other considerations.*

Under no circumstances should a faculty member engage a student in a project governed by an extended publication delay agreement or contractual arrangement that could present a barrier to the timely submission of the student's thesis or dissertation.

- d. If, in a program of research, an outside person or entity has made available to the investigator confidential information, provision may be made to preserve confidentiality and/or a short delay in the publication of research results during which time the information source may examine the proposed publication in order to assure that the investigator has not disclosed, intentionally or unintentionally, any portion of the confidential information supplied, provided that any such provision for delay must contain assurance from the information source that he will conduct his review as expeditiously as possible, that he will not attempt to thwart publication for any reason except to protect confidential information previously supplied, and that he will indicate with specificity a sentence or sentences which he contends constitute such a disclosure.
- e. If, in a program of research, private papers, documents, diaries or analogous materials have been provided to the investigator, provision may be made to preserve the confidentiality of those materials for the purpose of protecting the individual privacy of the author, or of the addressee, or of the immediate family of either the author or the addressee.
5. This policy shall be reviewed every three years by the Division of Research, Innovation and Outreach through URAB in one of its meetings. This meeting and others primarily devoted to considering a revision of research policy shall be announced publicly through the University calendar and other suitable means.

2.4. Scientific Misconduct: Policy on Allegations, Investigations and Reporting

Each member of the University community has a responsibility to foster an environment which promotes intellectual honesty and integrity, and which does not tolerate misconduct in any aspect of research or scholarly endeavor. Scientific misconduct is extremely troubling - in spite of its infrequency - because when it occurs, it is very destructive of the standards we attempt to instill in our students, of the esteem in which academic science in general is held by the public, and of the financial support of the government and other sponsors for academic scientific enterprise. The importance of integrity in research cannot be overemphasized.

Some Government agencies currently have their own policies regarding scientific misconduct, and require notification to the agency in the event of such an allegation or investigation. Where required, this notification will be made by the Vice Chancellor and Deputy Vice Chancellor (Research, Innovation and Outreach) and Dean of Schools.

2.5 Applicability and Definitions

A. Applicability

Kenyatta University's definition of scientific misconduct, and procedures for investigating and reporting allegations of misconduct, conform to the definitions and regulations of those Government funding agencies which have policies on this subject. Kenyatta University policy is applicable to:

1. *Research proposed, conducted or reported at Kenyatta University by Kenyatta University-related individuals, i.e., those with an appointment or official affiliation with Kenyatta University, including faculty, academic staff, research & extension staff, students, postdoctoral scholars, visiting scholars who make significant use of university research resources (including participation in any sponsored project awarded to Kenyatta University), and those with any other Kenyatta University teaching and/or research titles such as voluntary clinical or consulting appointments;*
2. *Research proposed, conducted or reported elsewhere by such Kenyatta University-related individuals as part of their Kenyatta University-related duties or activities; and*
3. *At the discretion of the University, to research proposed, conducted or reported where such research is claimed, cited or implied to have been done at Kenyatta University, or where a Kenyatta University appointment or official affiliation is claimed, cited or implied in connection with the research.*

B. Definitions

1. Scientific misconduct

“Scientific misconduct” is defined as fabrication, falsification, plagiarism, or other practices that seriously deviate from those commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data. Also included as “scientific misconduct” for this purpose is retaliation of any kind against a person who, acting in good faith, reported or provided information about suspected or alleged misconduct.

This policy addresses only scientific misconduct. Kenyatta University’s statement on faculty discipline has been interpreted to include such other violations as reckless disregard for accuracy, failure to supervise adequately, and other lapses from professional conduct or neglect of academic duties. Findings (pursuant to this scientific misconduct procedure) of serious academic deficiencies in proposing, conducting or reporting research - but not constituting scientific misconduct - are to be addressed by the relevant Dean, or by initiating the relevant disciplinary process, as appropriate. Allegations or suspicions of misconduct outside the scope of this policy should be referred for investigation to the relevant dean; the process of investigation and reporting obligations may differ from those required for scientific misconduct cases.

The Division of Research, Innovation and Outreach will be the recipient of reports of such misconduct reports and will conduct the inquiry in liaison with the relevant deans and departmental heads.

2. Inquiry

An inquiry consists of preliminary information-gathering and preliminary fact-finding to determine whether an allegation or an apparent instance of misconduct has substance. The outcome of an inquiry is a determination as to whether or not an investigation is to be conducted. Such an investigation will be conducted by the Dean of the relevant school.

3. Investigation

An investigation is a formal examination and evaluation of relevant facts to determine whether or not misconduct has taken place.

2.6 Individual Reporting Responsibility

Any individuals who believes an act of scientific misconduct has occurred or is occurring should notify the Dean of the appropriate school, who should immediately begin an inquiry and so inform the Deputy Vice Chancellor (Research, Innovation and Outreach), who acts on behalf of the Vice Chancellor. Reporting such concerns in good faith is a service to the University and to the larger academic community, and will not jeopardize anyone’s employment.

2.7 Process and Time Frame for School Dean’s Review

The inquiry and, if called for, the investigation may be carried out personally or through such standing or ad hoc arrangements as each Dean deems best.

A. Inquiry

Upon receipt of an allegation of scientific misconduct, the Dean shall immediately begin an inquiry and shall so inform the Deputy Vice Chancellor (Research, Innovation and Outreach), identifying any outside funding source(s) for the research that is the subject of the inquiry. This inquiry is to determine whether a formal investigation is warranted, and shall be guided by the following:

1. *The accused individual shall be informed of the allegations, and be invited to comment on them. This individual should also be provided with a copy of the draft report of the inquiry, and be given an opportunity to comment on the findings. In so doing, best efforts should be made to protect the confidence of the individual who brought forward the complaint.*
2. *Any other relevant individuals, including the individual(s) who raised the concern, if known, should be interviewed.*
3. *The final report, including a recommendation as to whether or not a full investigation is warranted, must be submitted by the School Dean to the Deputy Vice Chancellor (Research, Innovation and Outreach) within 60 days of receipt of the allegation. (If this time frame is not possible in a particular case, the reasons are to be documented and the Deputy Vice Chancellor (Research, Innovation and Outreach) so informed). The final report shall include any comments provided by the accused in response to the draft report.*
4. *The documentation should include sufficient detail to permit a later assessment of the determination of whether or not a full investigation was warranted. It should describe the information reviewed, include a summary of the interviews conducted, state conclusions reached, and indicate whether or not the Deputy Vice Chancellor (Research, Innovation and Outreach) believes an investigation is warranted.*

5. *The final report of the inquiry and documentation must be maintained in the Division of Research, Innovation and Outreach for three years.*
7. *In addition to the interview summaries and comments by the accused and accuser(s) on the draft report, the final written report should include:*

Unless the Deputy Vice Chancellor (Research, Innovation and Outreach) has further concerns, a Dean's recommendation that an internal investigation will be final.

B. Investigation procedures

If the inquiry leads to the conclusion that an investigation is necessary, it will be guided by the following considerations:

1. *The formal investigation should begin within 30 days of the completion of the inquiry. The investigation should be completed and the final report sent to the Deputy Vice Chancellor (Research, Innovation and Outreach) within 90 days. (If an investigation cannot be completed within this time frame, the Deputy Vice Chancellor (Research, Innovation and Outreach) should be notified as soon as possible. In such cases, it may be necessary for the Deputy Vice Chancellor (Research, Innovation and Outreach) to request an extension of time from relevant funding agencies.)*
2. *The investigative process must be thorough, fair and protective of the confidentiality and reputations of all participants.*
3. *An investigation should normally include an examination of all documentation, including but not limited to relevant research data and proposals, publications, correspondence, and memoranda of telephone calls.*
4. *Those making accusations, those accused, and those who may have information related to the matter should be interviewed. Complete written summaries of each interview should be provided to the individual being questioned, and any comments should be appended to the summary, or reflected in a revised summary if the interviewer agrees. The summaries must be retained by the Dean of School.*
5. *All significant issues should be pursued until the investigator is reasonably certain that he or she has amassed all necessary and available information.*
6. *A draft written report of findings should be made available to the accused. Where identified, those who made the allegations should also receive the portions of the draft report which concern the role or opinions they had in the investigation. Comments on the draft from the accused or the accusers should be appended to the final report.*
- i. *A description of the policies and procedures followed*
- ii. *How and from whom relevant information was obtained*
- iii. *The findings and basis for them.*
8. *If either the School Dean or the Deputy Vice Chancellor (Research, Innovation and Outreach) considers that sanctions may be warranted, the Deputy Vice Chancellor (Research, Innovation and Outreach) shall refer the final report to the University Management Board who will make that determination. The report should be sufficient for the Vice Chancellor, or other appropriate University officers, to determine whether disciplinary action is called for. If any sanctions result, the Deputy Vice Chancellor (Research, Innovation and Outreach) shall be informed, and shall append that information to the final report.*

2.8. Internal Coordination / Reports to Deputy Vice Chancellor (Research, Innovation and Outreach)

A. In order to assure compliance with external notification requirements, School Deans must report the following circumstances to the Deputy Vice Chancellor (Research, Innovation and Outreach) in a timely manner, who in turn must report to the Vice Chancellor:

- *commencement of an investigation*
- *consultation if an investigation will take more than 90 days to complete*
- *conclusion of an investigation*

If termination of an inquiry or investigation before its completion is contemplated for any reason, this should be reported and discussed with the Deputy Vice Chancellor (Research, Innovation and Outreach) and reported to the Vice Chancellor.

B. In addition, the Deputy Vice Chancellor (Research, Innovation and Outreach) is to be advised at once if any of the following circumstances are discovered:

- *An immediate health hazard*
- *An immediate need to protect government or university funds or equipment*
- *An immediate need to protect those making the allegation, those accused or any of their associates*
- *Likelihood that an alleged incident will be reported publicly*
- *A reasonable indication of a possible criminal violation.*

NOTE: If there is more than one accused individual, and their involvements are found not to be identical, separate draft reports should be prepared if practical, in order to preserve confidentiality.

NOTE: In emergency situations, Deans are authorized to notify external agencies directly, if conference with the Deputy Vice Chancellor (Research, Innovation and Outreach) is not possible in a timely manner. (See Section V, Notification to External Agencies, below.)

- C. The Dean shall also take interim action as necessary to protect Government funds and the purposes of the Government grant or contract that may be involved. Such action is administrative and not disciplinary. The School Dean shall inform the Deputy Vice Chancellor (Research, Innovation and Outreach) of such actions.
- D. If, during an investigation, facts come to light that could affect current or potential funding of the people under investigation, or that may, in the Dean's judgment, need to be disclosed in order to ensure proper use of research funds or protection of the public interest, these facts should be reported to the Deputy Vice Chancellor (Research, Innovation and Outreach) as they are learned.

2.9 Notification to External Agencies

NOTE: Kenyatta University will comply with the requirements and regulations of its funding agencies. The following section reflects those requirements. In any particular situation, School Deans are advised to review current regulations and requirements.

- A. Under circumstances not involving Public Health Service or other regulated funding agencies, the Vice Chancellor will make the decision whether information about the charges and their disposition will be disclosed publicly or to specific parties, including the research sponsor. This decision will normally be made upon the conclusion of the final report. However, if required by urgent circumstances, such a disclosure may be made at any time. The Vice Chancellor will consult with the Advisory Board to the extent feasible and appropriate in such cases. In the absence of such urgent need, Kenyatta University will not make interim reports to outside agencies unless required by external regulation.
- B. The Public Health Service requires annual assurances from Kenyatta University of compliance as well as aggregated information on allegations, inquiries, and investigations. Further, in accord with Public Health Service and National Science & Technology regulations, in cases involving research funded by either of those agencies, the funding agency will be informed in the following situations. The notifications to external agencies will be made only by the Vice Chancellor, and on the basis of the information provided by the Dean of School.

2.10. Determination of Disciplinary Action

The determination as to whether discipline is to be imposed is governed by existing policies. In cases involving faculty, sanctions may only be imposed by the Vice Chancellor, through the faculty disciplinary process. The Deputy Vice Chancellor (Research, Innovation and Outreach) will refer cases of significant student misconduct to the Deputy Vice Chancellor (Academic). Cases involving staff members will be referred to the Deputy Vice Chancellor (Administration).

Both PHS and NACOSTI have the right to impose additional sanctions, beyond those applied by the institution, upon investigators or institutions, if they deem such action appropriate in situations involving funding from their respective agency.

2.11 Cautions and Assistance

A. The gathering and assessing of information in cases of alleged scientific misconduct can be extremely difficult. It is essential to protect the professional reputations of those involved, as well as the interests of the public and of any who might be harmed by the alleged misconduct. In the course of conducting inquiries or investigations, the following provisions are applicable:

- i. *Expert assistance should be sought as necessary to conduct a thorough and authoritative evaluation of all evidence.*
- ii. *Precautions should be taken to avoid real or apparent conflicts of interest on the part of those involved in the inquiry or investigation.*
- iii. *The anonymity of accused individuals and, if they wish it, the confidentiality of those who in good faith reported the alleged misconduct, should be protected as much as possible, and care should be taken to protect their positions and reputations. Except as required in the reporting provisions above, only those directly involved in an inquiry or investigation should be aware that the process is being conducted or have any access to information obtained during its course. Where appropriate, efforts should be made to restore the reputations of those accused when allegations are not confirmed.*

B. Questions on the interpretation of this policy should be directed to the Deputy Vice Chancellor (Research, Innovation and Outreach) and the Vice Chancellor. Accurate and appropriate research records are an essential component of any research project. Both the University and the Principal Investigator (PI) have responsibilities and rights concerning access to, use of, and maintenance of original research data.

Except where precluded by the specific terms of sponsorship or other agreements, tangible research property, including the scientific data and other records of research conducted under the auspices of Kenyatta University, belongs to Kenyatta University. The PI is responsible for the maintenance and retention of research data in accord with this policy.

2.12. Retention of and Access to Research Data

2.12.1 Definitions and Applicability

This policy shall apply to all Kenyatta University faculty, staff, students and any other persons at Kenyatta University involved in the design, conduct or reporting of research at or under the auspices of Kenyatta University, and it shall apply to all research projects on which those individuals work, regardless of the source of funding for the project.

Research data include laboratory notebooks, as well as any other records that are necessary for the reconstruction and evaluation of reported results of research and the events and processes leading to those results, regardless of the form or the media on which they may be recorded. Kenyatta University must retain research data in sufficient detail and for an adequate period of time to enable appropriate responses to questions about accuracy, authenticity, primacy and compliance with laws and regulations governing the conduct of the research. It is the responsibility of the Principal Investigator to determine what needs to be retained under this policy.

Where research is funded by a contract with Kenyatta University that includes specific provision(s) regarding ownership, retention of and access to technical data, the provision(s) of that agreement will supersede this policy.

2.12.2 Ownership

The University's ownership and stewardship of the scientific record for projects conducted at the University, under the auspices of the University, or with University resources are based on both regulation and sound management principles. Kenyatta University's responsibilities in this regard include, but are not limited to:

1. *Complying with the terms of sponsored project agreements;*
2. *Ensuring the appropriate use of animals, human subjects, recombinant DNA, etiological agents, radioactive materials, and the like;*

3. *Protecting the rights of students, postdoctoral scholars and staff including, but not limited to, their rights to access to data from research in which they participated;*
4. *Securing intellectual property rights;*
5. *Facilitating the investigation of charges, such as scientific misconduct or conflict of interest.*

2.12.3 Collection and Retention

The PI is responsible for the collection, management and retention of research data. PIs should adopt an orderly system of data organization and should communicate the chosen system to all members of a research group and to the appropriate administrative personnel, where applicable. Particularly for long-term research projects, PIs should establish and maintain procedures for the protection of essential records in the event of a natural disaster or other emergency.

Research data must be archived for a minimum of three years after the final project close-out, with original data retained wherever possible. In addition, any of the following circumstances may justify longer periods of retention:

1. *data must be kept for as long as may be necessary to protect any intellectual property resulting from the work;*
2. *if any charges regarding the research arise, such as allegations of scientific misconduct or conflict of interest, data must be retained until such charges are fully resolved; and;*
3. *If a student is involved, data must be retained at least until the degree is awarded or it is clear that the student has abandoned the work.*
Beyond the period of retention specified here, the destruction of the research record is at the discretion of the PI and his or her department or laboratory.

Records will normally be retained in the unit where they are produced. Research records must be retained in the Kenyatta University campus, or in facilities under the auspices of Kenyatta University, unless specific permission to do otherwise is granted by the Deputy Vice Chancellor (Research, Innovation and Outreach) with approval by the Vice Chancellor.

2.12.4 Access

Where necessary to assure needed and appropriate access, the University has the option to take custody of the data in a manner specified by the Deputy Vice Chancellor (Research, Innovation and Outreach).

2.12.5. Transfer in the Event a Researcher leaves Kenyatta University

When individuals involved in research projects at Kenyatta University leave the University, they may take copies of research data for projects on which they have worked. Original data, however, must be retained at Kenyatta University by the Principal Investigator.

If a Principal Investigator leaves Kenyatta University, and a project is to be moved to another institution, ownership of the data may be transferred with the approval of the Vice Chancellor on recommendation of the Deputy Vice Chancellor (Research, Innovation and Outreach), and with written agreement from the PI's new institution that guarantees: 1) its acceptance of custodial responsibilities for the data, and 2) Kenyatta University access to the data, should that become necessary.

2.13. Establishment of Independent Laboratories at Kenyatta University

Kenyatta University's ability to promote interdisciplinary scholarship is enhanced by the existence of Independent Laboratories and Independent Research Centers which exist outside of organized schools and departments. Such centers and labs not only facilitate staff research into new areas of inquiry, they also offer students and others in training a unique opportunity to explore interdisciplinary studies that extend beyond the boundaries of traditional programs, departments and schools.

However, new centers usually entail incremental resources, and represent exceptions to the principle of organizing research programs within regular academic channels. This memo is to be written to set forth considerations, guidelines, and procedures for establishment and evaluation of Independent Laboratories and Centers at Kenyatta University.

2.13.1 Definitions

The term "Independent (Laboratory, Center, or Institute)" has a more specific meaning at Kenyatta University to designate those formally-organized research or scholarly programs, which involve staff members from more than one School and/or staff from organizations.

other than the University (e.g. Wellcome Trust, KAVI, NIH etc), and which report to the Vice Chancellor. Independent Labs and Centers must be directed by members of the Kenyatta University permanent staff; they may not offer courses for credit which are not cross-listed with regular academic departments, they do not admit students; and in most cases they do not have staff billets which exist outside regular academic departments. Staff billets may be approved for an Independent Laboratory or Center only in limited circumstances with the approval of the Vice Chancellor.

2.13.2 Issues

There are many reasons for establishing an Independent Laboratory or Research Center at Kenyatta University. Of prime importance is the opportunity to extend the University's research in areas of inquiry that require mutual effort by staff from various disciplines, and the potential to offer staff and students opportunities to do research in multidisciplinary configurations not permitted by the boundaries of traditional departments and programs. Frequently, such Centers and Laboratories offer a programmatic focus to multidisciplinary research thrusts in ways that help to attract new staff as well as external funding.

The impact of proposed new Independent Labs or Centers must be carefully assessed before they are approved. In addition to their obvious advantages, such new enterprises virtually always entail demands for incremental University resources in the form of funding, space and/or administration. Management of the Labs and Centers places an increased workload on the Lab directors. Moreover, Independent Labs and Centers directly and indirectly influence the interactions, program directions, and priorities of staff and graduate students and their relationships to their academic departments.

2.13.3 Sunset Provisions

Research programs within Independent Laboratories and Centers necessarily evolve over time. Therefore, they should not be assumed to be permanent entities, but rather should be established with a clear understanding of their potential life cycle. Some enterprises will be more transient by nature than others, but all depend upon continued participation of tenured staff to provide the intellectual leadership and to take on, over time, the responsibility of Directorship of the Laboratory or Center.

Each Laboratory or Center should be evaluated on a regular basis to ascertain whether the circumstances that led to its creation still exist and whether the Laboratory or Center continues to meet the goals of the participating staff. Although the initial charters may vary, it is anticipated that a five year review cycle would be normal. Such reviews need to evaluate the continued intellectual vitality of the Laboratory, the commitment of the tenured staff to its program, the involvement of students and visiting scholars, and the availability of funding and other resources. Sunset provisions should be part of the formal review process. In order for the Laboratory or Center to continue, an affirmative decision re-authorizing approval needs to be reached. Possible outcomes of such reviews include discontinuation of the Center; revision of the charge to reflect changes in organization of program directions, priorities and/or participants, restructuring of the Lab or Center into a new academic department or an organized school, or renewal of the charge without change for another fixed term.

In those cases where assimilation into a school or department is viewed as desirable, a decision to continue would require transfer of budget responsibility to the Vice Chancellor, unless there is an explicit reason for exception. In any of these cases, it is crucial to establish at the time of review a clear understanding regarding the financial basis on which the Independent Laboratory or Center would be continued or would be phased down.

2.14. Relationships between Students (Including Postdoctoral Scholars) and Outside Entities

As part of their Kenyatta University education, students, including postdoctoral scholars, may establish relationships with outside entities, such as private companies or non-profit organizations (including government agencies, foundations, public action organizations, school systems, etc.). These relationships may range from student internships that are part of a formal educational program established by the student's department or program to the actual conduct of a student's research or scholarship project at the outside entity.

In addition to these activities, which are part of the students' academic programs, students may have the opportunity to serve as consultants to outside entities, independent of their academic programs at Kenyatta University. All of these relationships may have considerable educational value for the student, providing unique educational or research resources and familiarizing students with the work environment of private companies or non-profit organizations. However, the establishment of these relationships with outside entities, as part of or outside the student's academic program at Kenyatta University, raises issues concerning the open vs. proprietary nature of the work, the ownership of any intellectual property that may result, and possible conflicts of commitment and interest.

This policy establishes guidelines for the conduct of these relationships such that the student's outside activities are conducted in a manner that allows openness in research, appropriate ownership of any resulting intellectual property, and protection against potential conflicts of commitment and interest. These policy statements apply to all students, including undergraduate and graduate students, and postdoctoral scholars. Throughout this policy, the term "students" shall represent all three of these groups.

Policies expressed here are consistent with and cross-reference existing policies on:

- a. *Openness in Research*
- b. *Staff Policy on Conflict of Commitment and Interest*
- c. *Inventions, Patents and Licensing*
- d. *Copyright Policy*

As discussed in more detail in Section 3.a below, these policies are intended to be consistent with Kenyatta University's current policy that full-time study is expected of all undergraduate and graduate students and, in some situations, of postdoctoral scholars as well.

2.14.1. Openness in Research

Kenyatta University departments or programs may establish formal internship programs to expose their students to the work of outside entities. During these internships students may work either on campus or at the site of the outside entity. Alternatively, students may undertake a research project or other activity in collaboration with an outside entity, in some cases even performed at the outside entity's site. Where this is allowed, as part of the student's academic program (for example, research for a Ph.D. dissertation or an undergraduate Honors project), a staff advisor must approve and oversee the student's project and be responsible for the student's grade and the certification of the appropriateness of the dissertation.

Kenyatta University's Openness in Research policy, which applies to all research carried out at Kenyatta University and as part of Kenyatta University academic programs, indicates the University's commitment to openness in research, defines and prohibits secrecy, and specifies rare circumstances where some degree of secrecy may be acceptable (such as publication delays of less than 90 days for sponsor review of manuscripts or for patenting purposes). This policy is applicable in full to the relationships between students and outside entities.

When a student's relationship with an outside entity is part of his/her Kenyatta University academic program, it is inappropriate for the student's entire project at the outside entity to be secret or proprietary to the extent that the student cannot discuss his work in at least general terms with his teachers, advisors, or fellow students. Students must be able to discuss their work with their staff advisors, to present their work at seminars that may be a component of an internship program, and to summarize their work in oral reports, term papers, honors thesis, and dissertations. In cases where the research is primarily performed on-site at an outside entity, that entity may keep certain information confidential (as happens in many research interactions between academic researchers and outside entities). The outside entity may also request the right to delay for up to 90 days publication of any work pending review of the intellectual property. However, this delay should not be allowed to delay the student's completion of required academic work, such as oral presentations, thesis defenses, term papers, theses, or dissertations.

Students may not expect that their course work will be kept proprietary. If a student establishes a consulting relationship with an outside entity that is independent of his academic program, this work may be governed by the confidentiality policies of the outside entity and may be proprietary.

A. Student internships and research projects with outside entities

Ownership of intellectual property is further complicated if the student's creation or invention was developed during an internship or research project performed as part of a relationship with an outside entity. In general, the ownership of any resulting intellectual property (other than creative works developed in the course of the student's education, as specified above, ownership of which generally remains with the student) should reflect the relative roles and contributions of the student, the outside entity and Kenyatta University to the creation of the work or the development of the invention.

i. Internships

For internships sponsored by an outside entity and not involving more than incidental use (for inventions) or significant use (for creative works) of University resources (as defined, respectively, in "Inventions, Patents, and Licensing" and "Copyright Policy"), ownership of the intellectual property may belong to the outside entity (as determined by the student and the outside entity). During the establishment of any internship program that will entail more than incidental use of Kenyatta University resources, it is advisable for the outside entity and Kenyatta University to develop an agreement specifying the degree to which Kenyatta University resources will be used by the student interns and defining rights to intellectual property resulting from the internship.

ii. Research Projects

If a student research project is funded by a sponsored project, ownership of intellectual property resulting from the student's work is specified by Kenyatta University policy and by the terms of the particular funding agreement. If a student is the sole inventor of an invention resulting from the use of resources of both Kenyatta University and an outside entity, Kenyatta University may agree to co-assignment of the intellectual property. If an invention is co-invented by a student, and involves both a co-inventor from an outside entity and more than incidental use of Kenyatta University resources, the technology will be jointly owned by Kenyatta University and the outside entity, pursuant to patent law. Depending on their contributions, the staff advisor and perhaps other staff, students, or staff may be co-creators or co-inventors. However, in the rare circumstance where a student's entire project is performed at an outside entity with no involvement of Kenyatta University resources other

than the student's involvement, the student's work may be governed by the intellectual property policies of the outside entity.

Kenyatta University should provide health insurance of students while on they are on attachment and internships.

B. Student consulting with outside entities

Kenyatta University does not claim ownership of intellectual property resulting from students' consulting outside their academic programs at Kenyatta University, assuming that there was not more than incidental use (for inventions) or significant use (for creative works) of University resources.

2.15. Rights and Responsibilities in the Conduct of Research

During this period of intense internal and external scrutiny of Kenyatta University's accounting and other systems, it is important that we also remember our individual obligations to students, staff, and external sponsors. A review of faculty members' rights and responsibilities in the conduct of research at Kenyatta University by all investigators is encouraged.

2.15.1 Rights of Faculty Members

To carry out Kenyatta University's research mission effectively, scholars are guaranteed certain freedoms. You have the right to academic freedom in the pursuit and support of research as defined in the statement of Principles concerning Research. You have the right to disseminate the results and findings of your research without suppression or modification from external sponsors beyond those provisions explicitly stated in the policy on Openness in Research. As a member of the Academic Staff you have the right to engage in external consulting activities, subject to the University's, and in some cases your School's, limitations. It's important that we adhere to both the spirit and the letter of the policy.

2.15.2. Responsibilities of Faculty to Staff and Students

Faculty members must be aware of their obligations to staff and students working as part of the research team. It is particularly important that at least annually, each faculty member should review intellectual and tangible property rights and responsibilities (for management of data in all media, for proper authorship attribution, etc.), with all members of the group under his or her direction, including staff, students, postdocs, and visiting scholars.

Each member has the right to know who is sponsoring the research and supporting his or her salary or stipend.

On an individual level, the best interests of each staff member and student should be of particular concern. The University is committed to demonstrate support and appreciation for its staff. To that end, faculty members are encouraged to provide staff development opportunities and, if possible, a mentor relationship for those in their group.

2.15.3 Health and Safety

The University would like to emphasize that each faculty member is responsible for training members of his or her team in appropriate health and safety procedures for that particular research area, and for management of those procedures in his or her laboratory or other workplace. PIs are also responsible to assure the periodic inspection of lab facilities, and to cooperate in any inspections by Kenyatta University personnel or by external agencies. (See also Health & Safety at Kenyatta University; Principles, Responsibilities and Practices)

2.15.4. Consulting by Academic Staff-Research & Extension

Please recall that on an exception basis, members of the Academic Staff-Research & Extension occasionally may be permitted to engage in outside consulting activities under conditions outlined in the related chapter of this Research Policy.

2.15.5 Responsibilities to Sponsors

Fiscal obligations

Although the legal agreement funding a sponsored project is between the sponsor and the Kenyatta University, the overall responsibility for management of a sponsored project within funding limitations rests with the principal investigator (PI). Funds must be expended within the restrictions of the contract or grant, and if any overdraft should occur, it is the responsibility of the principal investigator to clear the overdraft by transferring charges to an appropriate account. (See also Fiscal Responsibilities of Principal Investigators)

Equipment control

The control of Kenyatta University-owned equipment is mandatory under Kenyatta University's externally sponsored contracts and grants as well as under University policy. Principal Investigators are responsible for securing necessary approvals for the purchase of the equipment, and for proper tagging, inventory, and disposal of equipment. (See also Control of Property)

Proposal preparation

The cost of proposal preparation activities in support of NEW directions in research may not be charged to sponsored projects. Department Chairs and Dean of Schools must ensure that non-sponsored project funds are available to offset the portion of the investigator's and his or her staff's salaries from sponsored projects for effort spent preparing proposals to support new directions in research. The cost of proposal preparation efforts for continuing research is appropriately charged to current projects. Also, should there be questions on which direct costs are subject to indirect costs as proposal budgets are prepared, please refer to the appropriate documents in the Research Policy.

Certification of salaries charged to sponsored projects

Kenyatta University is required by the Government and external funding agencies to document effort charged to sponsored projects. It is the responsibility of each Department Chair and Dean to see that a system is in place to ensure that the PIs in their areas fulfill the requirement for review and certification of salaries, and to assure that salaries charged to sponsored projects correspond to effort expended on those projects, within the appropriate limitation for their School.

Technical and invention reports

Sponsor-required reports should be submitted through the Registrar, Research, Innovation and Outreach on a timely basis. If the report is sent directly to project monitor, a copy should be sent through the Registrar, Research, Innovation and Outreach at the same time, so that contract and grant files may be complete.

Patents and copyrights

All participating researchers, including postdocs, students, and visiting scholars, must sign Kenyatta University's Patent and Copyright Agreement before the commencement of any research activities. (See also Inventions, Patents and Licensing and Copyright Policy).

2.15.6 Other Responsibilities

Conflict of interest

The key to Kenyatta University's policy pertaining to conflict of interest is the trust in the integrity of the individual faculty member to disclose any situation that could lead to real or apparent conflict of interest. Kenyatta University policy requires an annual certification of compliance and disclosure of potentially conflicting relationships. In addition, situations which arise during the year in which outside obligations have the potential for conflict with the faculty member's allegiance and responsibility to the University require a prompt ad hoc disclosure. (See also Policy on Conflict of Commitment and Interest).

Research protocols

Faculty members also need to ensure that approved research protocols for the use of human and animal subjects in research are obtained and followed.

This discussion has centered on those rights and responsibilities which are collected as written University policies. Please remember that there are academic obligations which may be unwritten, but are just as important.

With this in mind KU research policy has developed the following guidelines and procedures for research publications emanating from individual or group research publications. These guidelines are fairly straight forward and are designed to continually inform those persons engaged in research activities. They are applicable to all schools as they cut across multidisciplinary areas.

1. *The researcher or group has special responsibilities to assure the overall cohesiveness and validity of the publications drawn out of their respective research.*
2. *All authors have a shared responsibility for the published results and should have the opportunity to review all sampled preparation procedures and data, as well as all data acquisition and analysis procedures.*
3. *Where there are more than one author, each author should have access to the manuscript prior to it being submitted for publication, and should agree to his or her inclusion as a co-author. All the authors in the study / research should know that the paper is being presented for publication.*
4. *Each researcher should define appropriate practice for treatment and maintenance of data.*

Placement in Publication Authorship

Reward system is based on the number of publications published and the role played by the researcher in the work performed. Consistent with Kenyatta University world class status, this policy stipulates that KU adopts the International standards of authorship:

- *Where only one author actually carries out the bench work, recognition shall be for that author. However, the author will be responsible for assuring overall cohesiveness and validity of the publication on which they appear as the author. This will be the person under whose funding the project is undertaken.*
- *Where there are more than one author, the first author will be the person that actually carries out the bench work. The author will be responsible for assuring overall cohesiveness and validity of the publication on which they appear as the author. This will be the person under whose funding the project is undertaken.*

Presents a systematic discussion of two related issues: first, the allocation of responsibility and credit for scholarly work; and second, those forces that are pushing toward a level of complexity in the conduct of research at which it becomes difficult to determine responsibility of authorship.

Related Research Policy Handbook Documents:

- *Rights and Responsibilities in the Conduct of Research*
- *Multi-Authored Research Papers*

2.17 Research Publications

Research publications at Kenyatta University form one of the bedrock requirements for research information sharing, dissemination and academic staff mobility within various academic grades. Beyond these individual responsibilities and as part of good academic practice, Kenyatta University expects that academic staff members will continually engage in research activities in their respective disciplines (fields of specialization) and share resultant information and/or emerging issues with local and international academic community for implementation and posterity. The standard practice for sharing such information is through seminars and workshops, peer reviewed academic journals, and other relevant fora.

Multi-investigator research teams differ significantly from the individual faculty/graduate student research teams which are the norm at Kenyatta University. In particular, the former often consist of colleagues from different disciplines who perform different, specialized functions. It is possible for participants to have little knowledge or understanding of parts of the work performed by their colleagues. Sometimes, there is no single person who understands all the research.

With this in mind, the KU research Policy has drawn up the following guidelines for scholarly manuscripts emanating from multi-investigator research. We have endeavored to keep these simple and fundamental. As a consequence, the guidelines appear applicable to all scholarly collaborations in which multiple authorship is anticipated.

1. *Principal investigators and senior faculty have special responsibilities to assure the overall cohesiveness and validity of the publications on which they appear as co-authors.*
2. *All authors in a group effort have a shared responsibility for the published result and should have the opportunity to review all sample preparation procedures and data, as well as all data acquisition and analysis procedures.*
3. *Each author in a group effort should have access to the manuscript prior to its being submitted for publication, and should agree to his or her inclusion as a coauthor. All the participants in the program should know that the paper is being prepared for publication.*
4. *Early in the project, each research group should define appropriate practices for the maintenance of data.*

In addition, this policy stipulates that KU adopts the international standards of authorship:

- *First author will be the person that actually carries out the bench work. This could be a student or research fellow working in a project under a principal investigator.*
- *Last author will be the person who has responsibilities to assure the overall cohesiveness and validity of the publications on which they appear as co-authors i.e. the principal investigator. This will be the person under whose funding the project is undertaken. This is really the principal author.*
- *Authors in between depend on level of inputs for example a second author works on the bench with first author, second last author is the other authority in the work being undertaken.*

2.18. Incentives, Recognition and Awards

Payment of Bonus per Paper Published in a Refereed Journal

The University will pay a cash bonus to members of academic staff who publish their papers in refereed journals. The payment shall be considered based on the international reputation of the journal, the impact factor and rank indicator of the journal. The exact amount to be paid shall be determined from time to time subject to availability of resources.

Payment of Bonus per Book Published by a Reputable Publishing House

The University will pay a cash bonus to members of academic staff per book authored and published by a reputable publishing house. The payment shall be considered based on the rank, reputation of the book and the Beall's list of publishers. The exact amount to be paid shall be determined from time to time subject to availability of resources.

Payment of Bonus per Exhibition at a Peer Attended Fora

The University will pay a cash bonus to members of academic staff per exhibition at a peer attended fora. The payment shall be considered based on the recognition of the exhibition by national, regional and international professional bodies. The exact amount to be paid shall be determined from time to time subject to availability of resources.

NOTE:

According to the Committee on Publication Ethics (<http://publicationethics.org>), one has to meet the following criteria in order to be counted as an author:

- *Make substantial contributions to the research process*
- *Be significantly involved in drafting or revising the paper*
- *Have final approval of the published article.*
- *All of these must be true.*

To further strengthen research, creativity and innovation, the University will continue supporting excellence through various ways including:

- *Recognition during the annual university honours day*
- *Support to participate in conferences and other academic areas*
- *Promotion*



Chapter Three

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FINANCIAL MANAGEMENT AND ADMINISTRATION OF RESEARCH GRANTS

3.1. Administration of Research Grants

- a. For all the internal grants, the Vice Chancellor or her/his representative shall on behalf of the University sign a contract with principal investigators for the purposes of accountability and management of the funds following approval by the University Management Board.
- b. For an externally funded project, the Principal Investigator (where applicable) shall sign a contract with the donor and Vice-Chancellor or his/her representative on behalf of the University. Copies of the contract will thereafter be kept in the office the Deputy Vice Chancellor (Research, Innovation and Outreach) for the purposes of monitoring of funds and project activities.
- c. Upon signing of a contract in respect of an externally funded project, and funds are remitted to the University, the funds will be disbursed as follows:

Item	Percentage
Research	85%
University	10% - 15%

Note

These allocations do not apply to projects funded by Kenyatta University.

- d. For all internal grants the University Research Advisory Board (URAB) shall recommend award of a grant to staff to the University Management Board. The URAB will develop criteria for reviewing of proposals. In circumstances where the expertise for review is not found within the University, then expertise to review will be sourced externally.
- e. The Principal Investigator shall submit three copies of technical and financial reports certified as true by the P.I. to the Deputy Vice Chancellor (Research, Innovation and Outreach) every quarter.

3.2. Fiscal Responsibilities of Principal Investigators (PIs)

- Shall manage the project within the funding limitations.
- Shall adhere to the communicating the requirements to give assurance that the sponsor will be notified when significant conditions related to project status change.
- Shall review their obligations for stewardship of sponsor funds and compliance with applicable regulations.

- Shall regularly (timeframe) conduct specialized briefing on funds and compliance with applicable regulations.
- Shall ensure accountability for compliance with the Kenyatta University policy and the sponsor.
- The day to day management of project finances may be delegated to administrative staff.

This policy is divided into three parts:

- Preparation and Submission of proposed budgets. This will include consideration of budget flexes, cost sharing, commitment of effort, and estimating methods.
- Management of project expenditures. This will include review and certification of direct charges and cost-shared expenditures, charging of salary and vacation, monitoring of funds within the sponsor's funding limitations, and project close-out.
- Special requirements related to sponsor notifications and prior approvals.

3.2.1. Preparation and Submission of Proposed Budgets

In proposing budgets for sponsored projects, the PI assures Kenyatta University and the potential sponsor that project finances are represented as accurately as possible. In addition, specific requirements, including cost principles and consistency requirements are adhered to as defined by Kenyatta University.

Cost Sharing

Proposed budgets should delineate the complete committed cost of the project, identifying the amount requested from the sponsor, and other costs that Kenyatta University commits to pay. A commitment to use Kenyatta University resources to pay any portion of project costs that would otherwise be borne by the sponsor must be identified and tracked as cost sharing. At the time such awards are finalized, PIs must assure that department funds are identified and separately budget for those expenses. Voluntary effort above and beyond what was committed does not have to be treated as cost sharing.

Commitment of Effort

Proposals should accurately represent the amount of time that key personnel are committing to the project. In preparing proposals, PIs must be careful not to over-commit themselves or others. Distribution of effort must take into account the time required for teaching and campus citizenship.

Note: Individual Schools may have their own thresholds for how much Academic Staff Research & Extension (AS-RE) must reserve for non-research activities. The suggestion in this policy is that Kenyatta University requires a commitment of at least 1%-10% on the part of the Principal Investigator during the period in which effort is devoted. This effort may be expended during the Academic Year, Summer semester, or both.

This requirement does NOT extend to:

- *Equipment grants*
- *Dissertation support, training grants or other awards intended as “student augmentation”*
- *Limited-purpose awards characterized by Kenyatta University as other sponsored activities, including, for example, travel grants, conference support, etc*

AS-RE PIs may submit proposals on the assumption that not all will be awarded, but, at the time of award, an accurate representation of time to be devoted to the project, whether that effort will be paid for by the sponsor or by Kenyatta University, is necessary. Subsequent changes in levels of effort may also require advance notification to and approval by sponsors.

Project Cost estimating methods

When budgeting in foreign currency e.g. dollars or euros. Forex fluctuations should be taken into considerations and should be consistent with Central Bank of Kenya rates.

Budget Justifications

Kenyatta University is obligated to treat types of expenses consistently as either direct or indirect costs. If a proposed budget includes the direct expenditure of project funds for costs that would normally be charged indirectly, e.g., clerical and administrative expenses, general-purpose equipment, or operations and maintenance, then those items must be supported in the proposal by an explicit budget justification.

Note: This section is not intended to override sponsor requirements related to proposals

3.1.2. Management of Project Expenditures

A. Authorization of Direct Charges

To authorize the expenditure of funds to be charged directly to sponsored projects, the PI must assure that:

- *The estimated charge is reasonable and necessary.*
- *The expenditure is allowable by the funding source.*
- *The expenditure is allocable to the project, i.e., provides benefit to the project*
- *The funds are available within the authorized award amount and funding limitations*
- *The justification for the expenditure is documented.*
- *The method of allocation of costs is appropriate and documented.*
- *The charge is coded with the correct expenditure type and charged to the correct project-task-award (pta)*
- *The charge has been processed through the appropriate University system.*

B. Review of Project Expenditures

Monthly Expenditure Statements will be prepared and issued by the grant accountant to the PI. These are the official record of project expenses and the basis for cost reimbursements to Kenyatta University.

Expenditure Statements for sponsored project and cost sharing accounts must be reviewed each month by the Principal Investigator or designee, so that adjustments can be made in a timely manner, and that rates of expenditures can be monitored to assure availability of funds. This review is documented by means of a signature on the Expenditure Statement.

Any questionable charges must be brought promptly to the PI's or grant accountant's attention, and, if needed, corrected by an appropriate transfer.

C. Certification of Project Expenditures

In addition to monthly review, expenditures for sponsored project and cost sharing accounts must be certified by the Principal Investigator at least quarterly. The following certification statement appears on Expenditure Statements for every sponsored project and cost sharing account:

“To the best of my knowledge, salary and wages charged to this project are appropriate in relation to work performed on this project. All other costs charged to this project are, to the best of my knowledge, appropriate. Where required, corrections have been or will be made through the accounting system.”

Project expenditures must be certified no less frequently than every academic quarter, recorded by signature on the last expenditure statement of the quarter (or the last statement for a project which ends mid-quarter). This certification is the responsibility of the project Principal Investigator (or Co-PI). A PI may delegate the monthly review of statements for accuracy, but may not delegate certification of the appropriateness of the charges.

The PI's certification assures that all expenses charged to the account are allowable, allocable to the project, and reasonable. The certification of salary expenditures assures that salaries charged to the account are supported by a corresponding expenditure of effort during the time period being certified. The certification also assures that other expenditures are for items or services purchased and used during the project period as specified by the award. It is the PI's responsibility to seek a No-Cost Extension of the award if that is necessary in order to complete the project. To be considered timely, the certification must be signed within two months of the end of the academic quarter being certified.

Adequate explanation and documentation for all project charges must be maintained for three years after the sponsor closes out the award. Where documentation cannot be provided as to the allowability, allocability and reasonableness of any project expense, including but not limited to expenses incurred late in the project period, the sponsor may deny them. In this case, the PI, department or school will be expected to cover the expense from unrestricted sources.

Each school and independent laboratory must maintain a mechanism to retain reviewed and certified Expenditure Statements. Difficulties regarding the timely certification of expenditures shall be discussed with the Department Chair, Dean of School, and/or Vice Chancellor, DVC Research, Outreach and Innovation and Registrar, Research, Innovation and Outreach. Schools and Departments may consolidate Expenditure Statements for certification, as long as every expenditure can be linked to a certification.

D. Charging Salary to Projects

Salary being charged to sponsored projects must be supported by documentation as negotiated by the PI and Kenyatta University.

E. Charging of Vacation to Projects

Staff at Kenyatta University, including Academic Staff-Research & Extension (non-teaching) and Visiting Researchers, accrues vacation as specified by University policy. Vacation charges to sponsored projects are appropriate only when such vacation is earned on the respective project. When staff members leave the University, they must be paid for accrued vacation. Such vacation shall not be charged to any project(s) on which it was not earned.

F. Charging Proposal Expenses to Ongoing Projects

Proposal preparation costs may not be charged to sponsored projects unless the proposal is being prepared for submission to a current sponsor for non-competing extension or continuation of its ongoing project. In those circumstances, it is appropriate to charge those proposal development costs directly to current projects. The costs for development of proposals for submission to other sponsors, or for work that does not relate to ongoing projects, is not allocable to current projects and may not be charged to those projects.

G. Monitoring of Funds within Sponsor Funding Limitations

PIs are responsible for the ongoing fiscal management of awarded projects, including regular monitoring against project period budgets. Government grants policy establishes the approved project budget as the financial expression of the project, and sponsors may evaluate the project against the budget at any time. Although sponsors allow certain flexibilities with respect to re-budgeting, un-obligated balances, and pre-award costs, Kenyatta University and sponsors expect expenditures to be reasonably consistent with the approved project and budget. Sponsors may question or restrict expenditures that appear inconsistent with the project plan and budget. PIs are obligated to request prior approval when budget and program plan revisions indicate a significant change in scope. Indicators of a change in scope can include, for example, significant expenditures beyond the amount authorized on the award, or requests for additional funding.

It is Kenyatta University's expectation that projects will be managed within their established budgets. If, as a result of unusual circumstances or unanticipated project expenses, an account is in overdraft upon expiration of the term of the sponsored project, and if additional funds have not been received from the sponsor, the PI must identify an appropriate source of funds (e.g., gift, endowment, or operating budget) to cover the expense. The overdraft must be transferred, in sufficient time to permit Kenyatta University to comply with the financial reporting requirements of the original award (See Project Closeout, below).

Since charges to clear overdrafts reflect direct project costs, they must not be incorporated into cost pools which lead to indirect cost recovery. These monies represent project costs being borne by Kenyatta, and therefore must be accounted for in the same manner as cost sharing.

The department must identify the source of funds to the designated School office which will create a cost sharing account. The department will then initiate the necessary expense transfer, including documentation of the nature of the expenses, noting they were legitimate project expenses but the funding was inadequate, and other reasons for the transfer. Such transfers must occur in sufficient time to permit Kenyatta University to comply with the financial reporting requirements of the award (See Project Closeout, below.)

The school is responsible for the timely clearance of any such unfunded expenditures from within its resources.

H. No-Cost Time Extensions

If additional time is needed to complete a project and there is an unexpended balance in the award, PIs may request that the period of performance of an award be extended. In some cases, Kenyatta University officials are authorized to approve no-cost time extensions; in other cases, agency prior approval is required. Requests for extensions should be initiated by a PI and processed in accordance with the terms of the sponsored award; in most cases, the countersignature of an authorized institutional office is required. To ensure compliance with the reporting requirements of awards, PIs are urged to submit no-cost time extension requests as soon as the need becomes apparent. Requests for a no-cost extension should be submitted no later than the end date of the award (unless an earlier date is required by the agency.) Award closeouts cannot be delayed to accommodate pending requests submitted after the award end date.

If final technical reports are to be completed after the project end date, and funds from the project are available to pay these expenses, a no-cost extension should be obtained from the sponsor to cover the expense of producing and distributing those reports. If funds are not available from the project, then the PI, department or school must identify unrestricted funds to pay final report costs. (See “Monitoring of Funds within Sponsor Funding Limitations” above).

I. Project Closeout

PIs are responsible for overseeing the proper closeout of sponsored projects, including the timely submission of all required reports (including final technical reports). While central offices prepare and submit final administrative reports, including financial and property reports, they do so on the basis of documentation created in the department. PIs must assure that such documentation is adequate and readily available. In addition, PIs are responsible for ensuring that any necessary final financial adjustments and documentation (e.g., final invoices from vendors or sub-recipients) are received promptly after the end of the award.

If an approval to close an award has not already been provided by the PI, the University Grant Accountant will prepare and submit financial reports based on the information reflected in the financial system as of two weeks prior to the due date for the final report. In addition, some financial reports may require the PI's signature.

3.1.3. Special Requirements Related to sponsor Notifications and Prior Approvals

The PI must assure that ongoing fiscal management is accomplished in accordance with sponsor requirements, including necessary notifications to the sponsor about project status.

Remaining in communication with sponsors and with Kenyatta University administrative offices is an important part of project management. To keep all involved parties aware of project status, it is good practice to maintain communications with each of the following:

- *The sponsor's technical officer (the project or program director),*
- *The sponsor's grant or contract officer (the administrative officer), and*
- *The institutional representative for Kenyatta University (Research, Innovation and Outreach Division, or school office with delegated authority).*

In all cases, required notifications or requests for prior approval of contract or grant status, including those described in the sections below, should be made in writing to both the administrative and technical officials in the sponsoring agency. Such notifications must be coordinated through the Registrar, Research, Innovation and Outreach.

A. Communication Related to Project and Funding Status

Separate regulatory requirements exist for notification to the sponsor in the case of Government contracts and in the case of Government grants. In all cases, such notifications must be made on a timely basis, in order to allow sufficient time to arrange for and process additional funds, or for the reduction in spending and effort in order to phase out the program in an orderly fashion if additional funds are not available. The Principal Investigator's Department Chair and Dean of School should also be informed, in advance, of potential funding problems.

1. Financial status of Government cost-type contracts

In the case of Government cost-type contracts (as opposed to grants), Principal Investigators must assure compliance with the Limitation of Funds and/or Limitation of Cost clauses which include the requirements that:

- a. The Contractor notify the sponsoring agency in writing at any time that there is reason to believe the total cost to the Government for the performance of the project will be greater or substantially less than the estimated cost, and further,
- b. The Contractor notify the sponsoring agency if, at any time, there is reason to believe that the costs which are expected to be incurred in the next succeeding 60 days, when added to all costs previously incurred, will exceed 75% of the specified estimated cost.

Failure to provide such notice may preclude Kenyatta University from receiving additional funding on that contract.

1. Project and financial status of Government grants

Administrative requirements for Government grants indicate that prior written approval by the sponsor is necessary in the following circumstances:

- a. Change in the scope or the objective of the project or program (even if there is no associated budget revision)
- b. Change in a key person specified in the application or award document (see discussion of changes in PI status below)
- c. Need for additional Government funding
- d. Transfer of funds allotted for training allowances (direct payment to trainees) to other categories of expense

Prior approval must be requested of granting agencies when either a significantly accelerated rate of project expenditures, or expenditures that are significantly behind budget projections, indicates that the scope of the project has been changed.

In addition, the specific award notice or the agency's policy manual or administrative guide may also establish requirements for communication with the sponsor during the course of the project.

B. Changes in Principal Investigator Status

In addition, sponsors often have requirements regarding notification or prior approval of changes in availability of the Principal Investigator.

For government contracts and non-government projects, the terms and conditions of the particular agreement will govern.

For government grants require prior written approval from the awarding agency for either of the following circumstances involving the Principal Investigator or approved Project Director.

1. A reduction in time devoted to the project of 25% or more from the proposed and awarded level
2. An absence from the project for more than three months. For any additional requirements, the grant award and grant policy of the specific agency should be reviewed.

The Principal Investigator or Department Chair should contact the Registrar, Research, innovation and Outreach to coordinate securing required approvals in either of the circumstances above. If, in the original award, Kenyatta University had committed to fund some of the Principal Investigator's effort as cost sharing and the PI reduces the overall committed level on the project, Division of Research, Innovation and Outreach will also negotiate reductions in levels of the cost-shared component of effort, as appropriate.

In addition, when a Principal Investigator's appointment will terminate prior to or during a project's period of performance, the sponsor is so informed by the DVC RIO. Therefore, the relevant Chair of department should keep the Registrar, Research, Innovation and Outreach informed through the relevant dean.

3.2 Administration and Management of University Research Fund

In recognition of the fact that research is one of the three core functions of the university, a fund will be set aside annually for various research activities. Initially, the fund will be competitively used to undertake preliminary research for the proposals that demonstrate potential to leverage external funding for university research. As the research fund grows, specific research geared towards development of research products identified as having commercial potential will be funded.

3.2.1. General Principles of University Research Fund

For purposes of disbursement of funds under the university research fund, the following principles will apply:

The proposed research

- Can be strategic, basic, applied and productive;
- Must demonstrate responsiveness to a national, regional or global need;
- Must demonstrate originality and potential to contribute to the generation of new knowledge;
- Must show involvement of multidiscipline staff working on a common theme;
- Should demonstrate development of new research teams which have the potential to develop academic and research excellence;
- Must focus towards fulfilling Kenyatta University vision and mission.

The research fund will also be used:

- For the development of strategic research teams and partnerships within and across Schools/Institutes/Departments as well as with national and international partners
- To support and develop research capacity and capability within the university by training staff to become competitive researchers
- To motivate staff rewarding excellence in scholarship and research.
- To support development of research products to commercial products

3.2.2. Allocation and Distribution of University Research Funds

The money for research fund will come from tuition fees, industrial linkages, alumni, fundraising and friends of Kenyatta University. The University will set aside a percentage (5%) of its annual income to Research, Innovation and Outreach to be distributed as shown below:

- i. Annual Research Grant
- ii. Training to improve research competitiveness
- iii. Product development

Research Project Funding

Initial screening of applications will be done by the relevant mechanisms within schools/departments and forwarded to the Deputy Vice Chancellor, Research, Innovation and Outreach. Recommendation for approved proposals will be forwarded to the Vice Chancellor through the DVC Research, Outreach and Innovation for funding. Funding will be given annually. Projects designed to run for more

than one year will be considered provided satisfactory progress is demonstrated annually. Allocations will depend on the merits of proposals as recommended by inter-schools research review committees.

In assessing proposals, evaluations will be guided by the following principles:

- Focus towards fulfilling Kenyatta University vision and mission;
- Originality and potential to contribute to the generation of new knowledge;
- Involvement of inter-discipline team working on a common theme;
- Development of new research teams which have the potential to develop academic and research excellence.

Where necessary, the URAB and the Division of Research, Innovation and Outreach will refine the criteria for evaluation of proposals in keeping with the broad principles outlined above.

Awards and Incentives

Development of research proposals takes a lot of time and effort and would demand that a person so involved spends all his time in the university. Owing to the low remuneration in the university most competitive researchers prefer to undertake research for private and international organizations that recognize and reward such efforts by either doing private consultancy or by entirely moving out of the university to work for them. This leads to brain drain from the university and loss of much needed research income that would be accrued by the university. To avoid this, an incentive scheme will be worked out to enhance retention of competitive research staff and grants within the university. Such incentives might include:

Publications

In recognition that research and publications increase the quality of teaching, the “publish or perish” requirement is mandatory if Kenyatta University is to have a pool of quality teacher-researchers. As an incentive to staff who excel in research and publications, publication awards will be given to deserving lecturers annually. The details of criteria for selection of nominees and the type of award will be prepared by the URAB. Publications include books, chapters, peer reviewed articles, patents and copyrights

Innovations

A new and original form or item of Intellectual Property (IP)

Training for Research Competence

The currently ongoing research in the University is mainly individual effort with little inter-discipline collaboration within the university and is usually developed as projects as opposed to programs. In addition, there is limited capacity to write fundable proposals and to manage projects when such proposals are funded. There is therefore need to develop the capacity of the academic and research staff to develop skills for the development and management of inter-discipline research programs through training workshops and courses including proposal writing, project management and reporting, whole-system-in-the-room workshops, donor relationships, financial management for non-financial managers etc. A percentage of the research fund will be set aside for in-house training of academic staff in such workshops and/or to send trainers to such training who will in turn return to build capacity within the university.

An important aspect of the professional development of all academic staff is attendance to seminars, workshops and conferences. It is therefore advisable that proposed projects allocate funds to encourage academic staff in particular, to attend conferences.

Additionally, some funding will be set aside for the organization of the annual KU research review to facilitate dissemination of research results and improve the quality of research being undertaken within the University.

Product Development

A part of the research grant will be used to sponsor development of research products that have potential for commercialization and also to incubate development of patents and copyrights.

3.3. Research Participating Agreements (RPAS) with Non-Kenyatta University Entities

This section defines policy for the establishment of agreements to make Kenyatta University personnel, academic facilities and/or laboratory equipment available to non-Kenyatta University entities. It also defines necessary criteria and approvals for such agreements.

3.3.1 Background and Purpose

The exchange of ideas and research techniques between the private and non-profit sectors has proven mutually beneficial and has resulted in many important scientific developments. Many of the academic research facilities at Kenyatta University are unique in their combined expertise and instrumentation, and could be used on an incidental basis to assist industries in ways that are consistent with the primary teaching, research, and public

service missions of the University. Therefore, this policy sets the conditions for occasional use of Kenyatta University research capabilities for outside purposes in ways consistent with Kenyatta University's primary missions.

3.3.2 Definitions

A Research Participation Agreement (RPA) is a form of sponsored project in which services of Kenyatta University personnel, academic facilities, and/or laboratory equipment are employed on behalf of parties not otherwise affiliated with the University as faculty, staff, or students. Faculty relationship to the project may range from the degree of oversight required by the Policy Statement below through the full intellectual involvement characteristic of principal investigators, except that the project requirements may be established in detail by the sponsor. Work on the project will normally be conducted by Kenyatta University personnel.

Occasionally, personnel supplied by the contracting party will be permitted to work directly on the project at Kenyatta University, but in those cases additional requirements may be part of the RPA to assure proper use of equipment, compliance with University policies, and protection of the University from liabilities resulting from matters such as negligence on the part of the unaffiliated party. A RPA is different from other forms of sponsored research projects in that a significant portion of the responsibility for the intellectual direction, interpretation, and/or outcome of the work rests with the outside user.

3.3.3 Policy Statement

Kenyatta University places a high value on facilitating the transfer of technology from its research laboratories to the private and public sectors where it can be applied in ways that will benefit the general population. For this reason, the University would like to foster cooperation and collaboration with entities such as other Universities, research institutes, government laboratories, and private sector partners. One way of doing this is to make unique University research expertise and facilities available for research purposes of those other entities. Such efforts must not compromise research priorities of the faculty of the University who have developed and who maintain these facilities. However, because of the highly specialized nature of Kenyatta University's expertise and facilities, there is occasionally sufficient time and capacity available to assist the research endeavors of other universities, research organizations, or companies. When that situation occurs, Kenyatta University's academic departments, schools, and laboratories may enter into RPAs to make certain research resources available to outside users if all of the following criteria are met, and with relevant administrative reviews as noted :

- *The resource, that is the combination of instrumentation and expertise, is unique in the area in the case of RPAs with local entities, or is not easily available in the case of such agreements with entities that are not local. In general, the RPA should not put Kenyatta University in competition with entities that can provide the resource commercially.*
 - *The work to be performed under the RPA is related to the academic missions of the department, school, or independent laboratory established within Kenyatta University, and is performed for research or testing purposes only, not for production or manufacturing or for sale. The analysis of techniques or processes related to production or manufacturing in general is acceptable.*
 - *A Kenyatta University faculty member who has oversight responsibilities for the University laboratory, center, or facility involved approves the work to be performed under the RPA, and a Kenyatta University faculty member familiar with the facility undertakes to oversee the work, assumes financial control of the project, and assures that the project complies at all times with relevant University policies and requirements of outside regulatory agencies. The RPA must not interfere with the education of Kenyatta University students.*
 - *The activities performed under the RPA comply with the terms of Kenyatta University's Openness in Research policy.*
 - *The party for whom the work is being done agrees that any potentially patentable invention conceived or first reduced to practice in the course of the work on the project shall be disclosed to the University on a timely basis. Title to any such inventions shall;*
 - a. *Belong solely to the outside entity if created solely by personnel of that entity;*
 - b. *Be assigned to the outside entity and Kenyatta university jointly if created by personnel of both; or*
 - c. *Be assigned to Kenyatta University if created solely by Kenyatta university personnel.*
 - d. *The outside entity shall in the second and third cases be entitled to a license, the terms of which are to be negotiated, and in the first case, Kenyatta University will have shop rights.*
 - *The RPA will not interfere with the work done for Kenyatta University users, who must be given first priority;*
 - *Such activities will only constitute an incidental amount of the total activity within the laboratory/center in any given year; such determination will be made by the Dean of School during the approval process.*
 - *No restrictions against the proposed use have been imposed by external sources which funded the building, instrumentation, or capital equipment involved.*
- Payments received for work for outside parties must cover the full costs of the service and the outside parties must be charged at rates at least as high as those charged to internal users and other forms of sponsored projects. Indirect costs at the University's on-campus Organized Research rate will be applied. (Any exceptions to the use of this rate must be approved in advance in writing by the Deputy Vice Chancellor (Research, Innovation and Outreach).
- ### 3.3.4 Approval Process
- The principal investigator, laboratory or center director proposing to make the services of his or her laboratory or center available for outside use shall request approval from the cognizant department chair and dean in writing. The proposal must be accompanied by a RPA. If it is anticipated that the expertise or facility will be used on a recurring basis for RPAs, the principal investigator, laboratory or center director may request a blanket approval to provide a class of services through RPAs without the need to request approval from the chair and dean for each individual arrangement. Whether the proposal is for single RPA or for blanket approval for multiple RPAs, the chair and dean will respond in writing to the request, with copies of their approvals sent to Deputy Vice Chancellor (Research, Innovation and Outreach).
- After approval by the chair and dean is obtained, the responsible faculty member shall submit the proposal to the Deputy Vice Chancellor (Research, Innovation and Outreach) who will:
- *Consult with the University Accounting Officer to establish and approve the accounting mechanisms and unit costs to be charged to the outside users, and to determine if the income from the RPA will be subject to sales tax. (If sales tax is determined necessary by the Accounting Officer, the host department or laboratory must calculate and charge such tax to the outside user.)*
 - *Subject the proposal to Risk Management Assessment to address issues of risk, liability, and insurance, and, if deemed necessary, create appropriate provisions in the RPA agreement; and*
 - *Consult with the Kenya Revenue Authority to assess any service center- or indirect cost-related implications*
- Deputy Vice Chancellor (Research, Innovation and Outreach) will confirm in writing the approved accounting arrangements, sales tax requirements, and insurance/indemnification requirements to the responsible faculty member and appropriate administrators.

Note: Most RPAs complying with the criteria listed above will not create unrelated business income tax requirements for the University. However, if the Accounting Officer determines that the activities may create Unrelated Business Income (UBI), which is taxable to the University, he or she will seek the Vice Chancellor's approval before the activity may be undertaken. In such cases, the UBI tax will be deducted from the income received by the host department.

3.3.5. Procedure after Blanket Approval has been Established

After the required approvals have been granted by the chair and dean, and Deputy Vice Chancellor (Research, Innovation and Outreach), the responsible faculty member may enter into RPAs by preparing a short description of each such arrangement and sending it through the usual sponsored project proposal routing process, accompanied by a RPA Proposal Routing Sheet available from the Office of the Deputy Vice Chancellor (Research, Innovation and Outreach).

3.3.6 Conflict of Interest

Kenyatta University personnel must comply with applicable University policies on conflicts of interest. For example, if any of the Kenyatta University personnel or members of their immediate families have consulting arrangements or personal financial interests in the outside entity executing a RPA, full disclosure of the arrangements must be made to the Dean of School, who must approve each such arrangement before the RPA may be undertaken.

3.3.7 Applicability of this Policy

This policy applies only to certain services to be performed by academic centers, departments, or laboratories for purposes that are to be undertaken on behalf of companies and organizations external to Kenyatta University. It does not affect the normal research collaborations between Kenyatta University researchers and colleagues from other institutions including industries.

This policy comes under the authority of Kenyatta University's Council. The Division of Research, Innovation and Outreach will have this policy reviewed no later than every five years after its original approval by the Senate, and once every five years thereafter, unless a more immediate need for review arises. The Deputy Vice Chancellor (Research, Innovation and Outreach) has oversight responsibility for interpreting this policy and granting exceptions to it. The Internal Audit Department is responsible for periodically reviewing compliance with the provisions of this policy.





Chapter Four

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CONFLICTS OF COMMITMENT AND
INTEREST

4.1 General Principles

4.1.1 Conflict of Commitment

Kenyatta University Staff members owe their primary professional allegiance to the University, and their primary commitment of time and intellectual energies should be to the education, research and scholarship programs of the institution. The specific responsibilities and professional activities that constitute an appropriate and primary commitment will differ across schools and departments, but they should be based on a general understanding between the Staff member and his or her department chair and Dean of School or Principal of College.

Even with such understandings in place, however, attempts of Staff to balance University responsibilities with external activities - such as consulting, public service or pro bono work - can result in conflicts regarding allocation of time and energies. Conflicts of commitment usually involve issues of time allocation. Whenever an individual's outside consulting activities exceed the permitted limits (as will be defined), or whenever a full-time Staff member's primary professional loyalty is not to Kenyatta University a conflict of commitment exists.

4.1.2 Conflict of Interest

A conflict of interest occurs when there is a divergence between an individual's private interests and his or her professional obligations to the University such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise. A conflict of interest depends on the situation, and not on the character or actions of the individual.

Conflicts of interest are common and practically unavoidable in a modern research university. At Kenyatta University, conflicts of interest can arise out of the fact that a mission of the University is to promote public good by fostering the transfer of knowledge gained through University research and scholarship to the private sector. Two important means of accomplishing this mission include Staff consulting and the commercialization of technologies derived from Staff research (see chapter 5 on intellectual property rights). It is appropriate that Staff be rewarded for their participation in these activities through consulting fees and sharing in royalties resulting from the commercialization of their work.

It is wrong, however, for an individual's actions or decisions made in the course of his or her University activities to be determined by considerations of personal financial gain. Such behavior calls into question the professional objectivity and ethics of the individual and it also reflects negatively on the University. Kenyatta University is an institution of public trust and staff must respect that status and conduct their affairs in ways that will not compromise the integrity of the University.

Academic Staff members should conduct their affairs so as to avoid or minimize conflicts of interest, and must respond appropriately when conflicts of interest arise. To that end, the purposes of this policy are to educate academic staff about situations that generate conflicts of interest, to provide means for staff and the University to manage conflicts of interest, to promote the best interests of students and others whose work depends on staff direction, and to describe situations that are prohibited. Every Kenyatta University staff member has an obligation to become familiar with, and abide by, the provisions of this policy. If a situation raising questions of conflict of commitment or interest arises, staff are urged to discuss the situation with the department chair, Dean of School and Principal of the College and the same be communicated to the Vice Chancellor.

4.2 Key Provisions of the Policy

Below is a summary of the key provisions of this Policy. Academic staff urged to read the document in its entirety to fully understand the spirit of these provisions, the bona fide exceptions, and requirements for compliance.

1. *Staff must maintain a significant physical presence on the campus, as stipulated in the University Terms of Service, throughout each semester they are on active duty.*
2. *Staff must not allow other professional activities to detract from their primary allegiance to Kenyatta University. For example, a staff member on full-time active duty must not have significant outside managerial responsibilities nor act as a principal investigator on sponsored projects that could be conducted at Kenyatta University but instead are submitted and managed through another institution.*
3. *Academic staff must foster an atmosphere of academic freedom by promoting the open and timely exchange of results of scholarly activities, ensuring that their advising of students and postdoctoral scholars is independent of personal commercial interests, and informing students and colleagues about outside obligations that might influence the free exchange of scholarly information between them and the staff member.*

CHAPTER FOUR: CONFLICTS OF COMMITMENT AND INTEREST

4. *Academic Staff may not use University resources, including facilities, personnel, equipment, or confidential information, except in a purely incidental way, as part of their outside consulting activities or for any other purposes that are unrelated to the education, research, scholarship, and public service missions of the University.*
5. *Academic staff must disclose on a timely basis the creation or discovery of all potentially patentable inventions created or discovered in the course of their University activities or with more than incidental use of University resources. Ownership of such inventions must be assigned to the University regardless of source of funding. The inventor will share in royalties earned.*
6. *Academic staff must disclose to the University whether they (or members of the immediate family, as defined below) have consulting or employment relationships with, and/or significant financial interests (also defined below), in an outside entity before the University will approve the following proposed arrangements involving them between such entities and Kenyatta University) gifts; b) sponsored projects; c) technology licensing arrangements; and d) certain procurements. In such cases, approval by the Dean of School will be required prior to entering into each proposed arrangement.*
7. *In situations in which the objectivity of a staff member could reasonably be questioned, the Dean of a School may establish an independent oversight committee to take steps including (but not limited to) the following: to review the appropriateness of the proposed research to be conducted at Kenyatta University, to oversee the conduct of the research, and to ensure open and timely dissemination of the research results. Such oversight committees will be required for all clinical trials raising questions of conflict of interest.*
8. *On an annual basis all Staff members must certify to their Dean of Schools their compliance with Kenyatta University's policies related to conflict of interest and commitment. They must also disclose information about their (and their immediate family members', as described below) financial relationships with outside organizations that are sponsors of their teaching or research programs or are otherwise involved in current, proposed or pending financial relationships with the University that involve the Staff member. In addition, Staff must disclose to their Dean of School on an ad hoc basis current, proposed or pending situations that may raise questions of conflict of commitment or interest, as soon as the academic staff member knows such situations.*
9. *Dean of Schools shall establish procedures to ensure timely review of their Academic staff annual and ad hoc disclosures of potential or apparent conflicts, and to ensure (in consultation with the Principal of the College the appropriate management of such conflicts. Such procedures may involve representatives from the school's Staff as part of a reviewing body. Dean of Schools will file their own annual disclosures and certifications of compliance with the Deputy Vice Chancellor (Research, Innovation and Outreach).*
10. *All deans of school will implement this policy, interpret policy provisions in consultation with Deputy Vice Chancellor (Research, Innovation and Outreach). The Deputy Vice Chancellor (Research, Innovation and Outreach) will respond to staff wishing to appeal Dean of Schools' decisions, and report to the University Management Board on a regular basis on the status of this policy and its implementation.*
11. *Should Academic staff member wish to appeal a decision made by the Deputy Vice Chancellor (Research, Innovation and Outreach), he or she may present the appeal to the Vice Chancellor, who will consider the case in consultation with the University Management Board.*

4.2.1 Presence on Campus

Appointment as academic staff member of Kenyatta University confers the privilege and obligation to pursue teaching, research, scholarship, and clinical care (whichever are appropriate to the position held). In addition, Academic Staff are expected to participate in University governance, in the formulation of academic policy, and in the determination of the intellectual directions and academic priorities of the University. Fulfillment of these obligations requires a primary commitment of expertise, time, and energy.

A full-time appointment conveys an obligation for a Staff member to have a significant physical presence on campus (main or satellite), to be accessible to students and staff, and to be available to interact with Kenyatta University colleagues throughout every semester during which he or she is on active duty, unless the department chair and/or Dean of School has granted specific prior approval for extended or frequent absences from campus. Because requirements for field research and other reasons for absence from campus differ across the University, schools and departments should define for their faculties what qualifies as inappropriate, extended or frequent absences.



4.2.2. Limitations on Outside Professional Activities

Kenyatta University encourages academic staff to become involved in the transfer of knowledge from the University laboratory into the commercial marketplace. It is an appropriate role for the University to facilitate the transfer of the knowledge gained through academic research to applications that can benefit the general population. Moreover, experience gained by Staff in the course of outside professional activities can enhance their teaching and research or scholarship within the University.

But the process of technology transfer can create the potential for conflicts of commitment and/or interest, particularly when there is opportunity for personal gain on the part of the Staff. The intent of this provision of the policy is to minimize these conflicts and provide means of managing them when they arise.

An implicit assumption underlying the University's Policy on outside consulting activities by Academic staff is that such outside professional activities are a privilege and not a right and must not detract from academic staff member's full-time obligation to his or her University duties. When any outside activity detracts from the conduct of University duties, a conflict of commitment will result. Even activities such as pro bono work, government service in the public interest, and any outside employment unrelated to the staff member's University responsibilities (therefore not included as "consulting" in the policy on outside consulting), should be managed so they do not take precedence over a staff member's primary commitment to the University.

Outside professional activities can also generate conflicts of interest regardless of the time involved. For example, direction of a program of research or scholarship at another institution that could be conducted appropriately at Kenyatta University as part of the academic staff member's normal duties can deprive Kenyatta University students and colleagues of the benefits of the staff member's primary intellectual energies. Another example is submitting research proposals through channels other than Kenyatta University to support work that could be performed at Kenyatta University. First, the use of Kenyatta University resources in the course of that work is practically unavoidable. Second, it becomes difficult, if not impossible, for the University to review and reward the contributions of Kenyatta University academic, staff, and students for work managed and/or conducted elsewhere. Third, the action can result in situations that place students and staff in conflicts of interest. For these reasons Kenyatta University staff members on active duty normally are prohibited from serving as principal investigators on sponsored projects submitted and managed through other institutions.

This stipulation is not intended to limit staff from participating in multi-site training or research programs. Nor is it intended to apply to circumstances in which the Staff member's research requires access to facilities not available at Kenyatta University.

Significant management roles (those that involve supervision of the work of others and/or day-to-day responsibility for operating decisions) in private business typically are demanding both in terms of time and energy. It is unlikely that such roles can be fulfilled within the maximum time permitted for full-time academic to engage in outside consulting activities (details can be obtained from the University Service Charter). Because full-time academic staff are expected to devote their primary energies and professional interests to their University obligations, they may not accept significant managerial responsibilities as part of their outside consulting activities. Normally it will be necessary for academic staff to take a full leave of absence from their University responsibilities in order to take on a significant management role in an outside entity; doing so while on sabbatical is not appropriate.

Whenever academic staff members are involved in research as part of their outside consulting or business activities, they must establish clear boundaries that separate their University and outside obligations, so as to avoid questions about their appropriate use of resources and attributions of products of their work.

4.2.3. Free and Open Exchange of Research Results

The integrity of the University as a community of scholars requires the free and open exchange of ideas and the results of scholarly activities. Academic staff obligated to maintain an atmosphere free from unwarranted external influences. Students and collaborators must be able to pursue topics of interest, have access to available information and facilities, and be able to communicate the results of their work to other scholars and the public. Therefore, staff must ensure that:

- The results of research or scholarship undertaken at Kenyatta University are disseminated on an open and timely basis to the broader scholarly community and public in keeping with Kenyatta University openness in research policy;*
- The academic activities of students and postdoctoral scholars are free from the personal commercial interests of the staff member; and*

- c. *The work of students, staff, postdoctoral scholars and collaborators is not exploited in the course of a staff member's outside obligations. To this end, staff members should be open about their involvements with and obligations to outside third parties who could benefit from the work or ideas of their students, staff, and colleagues. Similarly, students, associates, and staff should have access to information about the sources of funds that support their research.*

4.2.4. Appropriate use of University Resources, including Facilities, Personnel, Equipment and Information

Academic staff may not use University resources, including facilities, personnel, equipment, or confidential information, except in a purely incidental way as part of their outside consulting activities or for any other non-University purposes (cross reference with chapter 5 "consultancies"). Inappropriate use of University resources includes the following:

- a. *Assigning the staff member's students, staff or post-doctoral scholars University tasks for purposes of potential or real financial gain of the academic staff member rather than the advancement of the scholarly field or the students' educational needs.*
- b. *Involvement of the staff member's students or staff in his or her outside consulting or business activities without prior approval of the department chair or Dean of School.*
- c. *Granting access to external entities to Kenyatta University resources or services for purposes outside the University's missions, or offering inappropriate favors to outside entities in an attempt to unduly influence them in their dealings with the University.*
- d. *Using for personal gain, or granting unauthorized access to others, of confidential information acquired through conduct of University business or research activities. Confidential information includes, but is not limited to, medical, personnel, or security records of individuals; proprietary knowledge about corporate anticipated material requirements or price actions, and proprietary knowledge of possible new sites for government operations or information about forthcoming programs or selection of contractors or sub-contractors in advance of official announcements.*
- e. *Providing preferential access to research results, materials or products generated from University teaching or research activities to an outside entity for personal financial gain. (This would not preclude appropriate licensing arrangements for inventions, or consulting on the basis of sponsored project results where there is significant additional work or expertise involved.)*

4.2.5. Disclosure and Ownership of Intellectual Property

Kenyatta University wishes to encourage academic staff members to be involved in technology transfer as part of their University duties without raising questions as to their motives. However, staff ownership of inventions created in the course of their University activities or with more than incidental use of University resources creates conflicts of interest. First, most research and scholarly work conducted at Kenyatta University have been supported directly and indirectly by numerous sources with which the University has entered into contractual agreements. It is the responsibility of the University to honor the terms of those contracts regarding commercialization of results of the work they sponsored. For staff members to decide ownership of intellectual property based on source of support when they stand to gain financially from such decisions constitute a serious conflict of interest. Second, for staff members to claim ownership of an invention resulting from their University activities calls into question whether they are using University resources for personal financial gain. Third, the opportunity for a staff member to assume ownership of an invention and then grant exclusive access to it to a sponsor or potential sponsor of his or her university research creates an incentive for inappropriate relationships. Academic staffs are expected to exercise scientific objectivity in the conduct of research and guidance of students and associates. To the extent that the financial interests of a staff member and a corporate sponsor become intermingled, the scientific objectivity of the staff member can be called into question.

To manage and minimize conflict over intellectual property rights, all potentially patentable inventions created or discovered by staff in the course of their University activities, or with use of University resources, must be disclosed to the University on a timely basis. Ownership of these inventions must be assigned to the University regardless of source of funding. Institutional management of the commercialization of technologies developed using University resources guarantees that contractual obligations to sponsors are fulfilled. Kenyatta University management of technology also reduces the potential for individual conflicts of interest, since the institutional managers of the assets do not have personal financial interests in the outcomes of licensing processes nor do they participate in making academic or future research decisions.

In this context, "invention" includes tangible research property. The term does not, however, include books, scholarly articles, musical and artistic works, and other forms of educational media, title to which remains with the creator. In accord with academic tradition, except to the extent required by the terms of funding agreements, Kenyatta University does not claim ownership to pedagogical, scholarly, or artistic works, regardless of their

form of expression. Such works may represent the personal or scholarly beliefs of the author. The protection of academic freedom of the staff requires that the University not attempt, nor have the right, to control the content or distribution of such works. An additional consideration is that the University does not wish to accept liability for academic staff member's works that are individual forms of expression.

Ownership of computer software requires special consideration. Some forms of software are patentable, and thus must be assigned to the University. Other forms of software are more like books in that they are digital expressions of scholarly, artistic, or educational works, in which case title rests with the creator. Rights to software that is not patentable rest with the individual academic staff creator except in the following circumstances: the work is supported by a direct allocation of funds through the University for the pursuit of a specific project, is commissioned by the University, or is otherwise subject to contractual obligations. Title to software created jointly with students or other staff shall be jointly owned by the creators. Title to software created jointly by academic staff and University staff members will be jointly owned between the staff creator and the University. Academic staff must be aware, however, that the creation, upgrade, or maintenance of commercializable software, when done as part of a staff member's university activities, can lead to the same types of conflicts of commitment and interest as patentable inventions. It is the responsibility of the academic staff member to avoid such conflicts. One way of doing so is to voluntarily assign copyright and licensing authority to the University.

This policy is not intended to go beyond any contractual obligations to restrict the creator of a technology from placing his or her creation in the public domain if he or she believes that would be in the best interest of technology transfer, unless such an action is restricted by contractual obligations. Also, this policy is not intended to slow or restrict the transfer of technology, so if the University does not proceed in a timely manner to patent a technology and/or license it, the ownership may be reassigned to the creator at his or her request if permitted by contractual obligations. In those cases where the sponsor requires the University to take title, the University may recommend to the sponsor that ownership be assigned to the inventor.

When the University is successful in the licensing of a technology created by a staff member, he or she will share in the royalties earned under the terms of the applicable University policy.

4.2.6. Staff Involvement in Transactions between Outside Entities and Kenyatta University

Academic staff involvement in gifts, sponsored projects, technology licensing or certain procurement arrangements between Kenyatta University and an outside entity, where the involved Staff member (or members of the immediate family, which includes the staff member's spouse or dependent children as determined by the Kenya Revenue Authority, or a domestic partner) has any consulting or employment relationships with, and/or significant financial interests in, that entity, raises particular questions of potential or apparent conflicts of interest; such situations require special ad hoc disclosures, review and approval.

For this purpose, "significant financial interests" in an entity means:

- Any current or pending ownership interests (including shares, partnership stake, or derivative interests such as stock options) in a privately-held entity (e.g., in a "startup" company);
- Any current or pending ownership interests (including shares, partnership stake, or derivative interests such as stock options) in a publicly-traded entity, amounting to at least one-half percent (0.5%) of that entity's equity or at least \$10,000 in ownership interests (except when the ownership interest is managed by a third party such as a mutual fund); or
- Any income amounting to at least \$10,000 per year (other than from employment, consulting, or ownership interests as covered above) -- including for example honoraria, licensing or royalty income.

NOTE: Where the Staff member is participating in research involving human subjects, and has any financial interest in the sponsor (or a member of the immediate family has such an interest), that interest must be disclosed on an ad hoc basis, regardless of its value (see Section 7, below).

Additionally, academic staff members seeking funding from an external sponsor must ensure compliance with that sponsor's disclosure requirements.

Prior to the University entering into any of the following arrangements, the involved staff member must submit to the Dean of School a complete written disclosure of his or her (or his or her immediate family member's) consulting or employment relationship with, and/or significant financial interest in the outside entity, the nature of the proposed transaction, and the means by which the Staff member will ensure separation of his or her University role from the Staff member's (or family members, as described above) role or interests in the company:

- a. Gifts to Kenyatta University of cash or property which will be under the control, or will directly support the teaching or research activities of a staff member from an entity in which that staff member (or members of the immediate family as described above) has a

CHAPTER FOUR: CONFLICTS OF COMMITMENT AND INTEREST

consulting or employment relationship with, and/or significant financial interests (as defined above) in;

- b. Sponsored project proposals in which any of the involved investigators (or members of their immediate families as described above) have a consulting or employment relationship with, and/or significant financial interests in (or, in the case of research involving human subjects, ANY financial interest in) the proposed sponsor, or with proposed subcontractors, vendors, or collaborators;*
- c. University technology licensing arrangements with companies for which the staff inventor (or members of the immediate family as described above) has a consulting or employment relationship with, and/or significant financial interests in; and*
- d. Sole-source procurement of materials or services from an outside entity, or procurements involving a privately-held entity where the staff member involved in the procurement (or members of the immediate family as described above) has a consulting or employment relationship with, and/or significant financial interests in, the proposed supplier.*

There must be objective interpretation of these provisions. That is, no matter what dollar amounts are involved, if an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, the relationship should be disclosed and approval sought for the proposed transaction.

When such proposed arrangements are disclosed, the Dean of School shall, in consultation with the Deputy Vice Chancellor, Research, Innovation and Outreach, determine an appropriate resolution for the situation. Either the Dean of School or the Deputy Vice Chancellor, Research, Innovation and Outreach may convene an ad hoc committee to advise him or her on any such proposed arrangements.

The committees may include other members of the Staff and/or individuals not otherwise affiliated with Kenyatta University, as long as none of them has vested interests in the outcome of the proposed arrangements.

4.2.7. Situations Raising Questions of Scientific Objectivity

In cases where the University has approved arrangements as described in Section 6 above, or in Clinical Technology Assessment Agreements (clinical trials) in which the investigators have any personal financial interests (including consulting or employment relationships), the scientific objectivity of the staff member's activities may be

questioned by reasonable people. To address these situations, oversight committees may be established by the Dean of School to take steps including (but not limited to) the following: to review the appropriateness of the proposed activity, to monitor the conduct of the activity (including use of students and postdoctoral scholars), and to ensure open and timely dissemination of the research results.

Clinical trials and other research involving human subjects raise particularly sensitive issues in those cases where the investigator has any personal financial interests -- no matter what amounts are involved -- in the outcomes and these financial interests must therefore be disclosed to the Dean of School. The demand for therapeutics requires that new agents be developed and tested. The processes that must be followed in the testing and development of therapeutics raise an inherently contradictory situation for staff, since frequently the inventors of therapies or medical devices are those who do research on the disease in question, are the leaders in the field, and are the most qualified to carry out pre-clinical and clinical testing. Also, the most qualified laboratories and individuals to conduct trials may receive, or be candidates to receive, research support from the external organization. In neither case could the staff member be disinterested with respect to the outcome of the trials.

Therefore, the staff member (and the Dean of School to whom the disclosure is made) must take appropriate steps to guarantee objective evaluation of the agent or device, especially for advanced clinical trials (FDA phase II and phase III). Testing might involve other members of the department or division, but if the staff member is a Department Chair or Division Chief, the referral for testing the therapy/device to another staff member (particularly to a junior Staff member) may carry implied coercion. Integrity should be protected by an independent oversight group for evaluation and monitoring of the research (e.g., to an ad hoc committee appointment by the Dean of School) whenever:

- a. Academic staff member is involved in clinical trials of his or her inventions;*
- b. A company licensed to use a staff member's invention is sponsoring the trial;*
- c. There may exist a reason to question a staff member's objectivity*
- d. The outcome of the trial could be seen as influencing existing or potential research support*
- e. Such testing is referred to other members of the staff member's department or division.*

Under appropriate circumstances, the University may require that the investigator either divest any financial interest or not perform the work at Kenyatta University.

4.2.8 Certification of Compliance

Staff members must disclose information about their (and their immediate family members') interests in outside entities that are sponsors of their teaching or research programs, or that are otherwise involved in current, proposed or pending transactions with the university in which they are involved. Staff members must also disclose on an ad hoc basis other arrangements with outside entities with which they are involved as described above in sections 6 and 7. In addition, staff must disclose if they have served as principal investigators or managers of outside research or business activities in their professional fields, or if they have involved their students or staff in their outside consulting or business activities. Staff members should supply this information for confidential review by the University and for such other purposes as are required by law, contract or regulation in schools where the established review mechanism includes the department chair and/or a staff committee, staff members may request that the certification and disclosures be reviewed by the Dean of School instead.

In addition, staff members must disclose to their Dean of School (with a copy to the department chair) on an ad hoc basis current, proposed or pending situations that may raise questions of conflict of commitment or interest, as soon as such situations become known to the staff member.

4.2.9. Responsibilities of Dean of Schools

Each Dean of School is responsible for the timely collection and review of annual certifications as well as ad hoc disclosures, and (in consultation with the Deputy Vice Chancellor, Research, Innovation and Outreach) for the management of conflict situations that arise.

The dean should use his or her discretion and knowledge of local conditions to set up a system that works well for the school. Each school's plans for distribution, receipt, processing, and review of disclosure forms shall be submitted to and approved by the Deputy Vice Chancellor, Research, Innovation and Outreach. The review process in each school may be assigned to a designee of the dean, or a committee. However, if for reasons of confidentiality, a staff member wishes to have his or her disclosure reviewed personally and exclusively the Dean of School must make that option available. Individual schools may have more, but not less, restrictive internal policies than those set forth by the University. Dean of Schools will file their own annual disclosures and certifications of compliance with the Deputy Vice Chancellor Research, Innovation and Outreach.

4.2.10. Responsibilities of the Deputy Vice Chancellor, Research, Innovation and Outreach

The Deputy Vice Chancellor Research, Innovation and Outreach is the University officer responsible for interpreting and overseeing implementation of and compliance with this policy. He or she is responsible for reviewing and approving each school's mechanisms for implementing this Policy, for consulting with Dean of Schools to determine appropriate strategies for managing conflict situations, and for reporting annually to the University Research Review and Advisory Board on the effectiveness of the policy throughout the University. In addition, the Deputy Vice Chancellor Research, Innovation and Outreach shall adjudicate situations in which staff wish to appeal a decision of a Dean of School. The Deputy Vice Chancellor Research, Innovation and Outreach shall work with Dean of Schools to ensure that this policy is implemented with reasonable consistency across the University.

4.2.11. Appeals of Decisions made by the Deputy Vice Chancellor Research, Innovation and Outreach

Should a staff member wish to appeal a decision made by the Deputy Vice Chancellor, Research, Innovation and Outreach, he or she may present the appeal to the Vice Chancellor, who will consider the case in consultation with the University Management Board.

4.3. Conflicts of Commitment and Interest by Graduate Students of Kenyatta University

4.3.1 Conflicts of Commitment

As a general proposition, Kenyatta University students are expected to be engaged full-time in their academic activities, with several exceptions including Tutorial Fellowships, Research Assistantships, Graduate Assistantships, and Ph.D students. In addition, graduate students who are Kenyan citizens or permanent residents may be employed for up to 8 hours/week on or off campus. Postdoctoral fellows may be prohibited from engaging in outside work, for pay or not, by their funding agency.

Despite the expectation that students' primary obligation is to fulfilling their degree requirements and that they will generally be full-time, it has not been Kenyatta University's practice to prohibit students from outside work, whether for pay or not. Students have a wide variety of outside interests and activities that take time away from their academic pursuits, including involvement with outside non-profit or for profit entities, some of which may be related to the students' academic interests and future careers. It would be both difficult and inappropriate for the University to decide which of these activities are allowable. It is, however, appropriate for students' academic advisors to monitor their academic performance, and if inadequate, to inquire about the students' outside activities and to recommend that students reduce or terminate their outside commitments.

Students should not make more than incidental use of Kenyatta University resources in the course of pursuing activities with outside entities that are not part of their Kenyatta University activities.

4.3.2 Conflicts of Interest

Students as well as staff are involved in the transfer of technology gained through their Kenyatta University research to the private sector to benefit society, an important function of the modern university. This may lead to relationships such as the following between students and an outside entity: licenses for technologies invented at Kenyatta University; consulting, directorship, or founder positions; and research or stipend support. Situations such as these raise the potential for conflicts of interest. Perspectives on the situations in which conflicts of interest arise and on the rationale for the University's policies are provided in the Staff Policy on Conflict of Commitment and Interest. As stated in that policy, a conflict of interest occurs where there is overlap and conflict between "an individual's private interests and his or her professional obligations to the University such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise.

A conflict of interest depends on the situation, and not on the character or actions of the individual. "It is wrong for an individual's actions or decisions made in the course of his or her University activities to be determined by considerations of personal financial gain." See the Staff Policy on Conflict of Commitment and Interest for a fuller discussion of situations that may generate conflicts of interest and how such conflicts may be managed.

The following are additional guidelines applicable to situations where students have relationships with outside entities related to their academic activities:

1. *Students must support and foster an atmosphere of academic freedom by promoting the open and timely exchange of results of scholarly activities, by ensuring that their scholarship is not influenced by consideration of personal commercial interests, and by informing their staff advisor or teacher of outside obligations that might influence the free exchange of scholarly information between them and others in their research group or class.*
2. *Students may not use University resources, including facilities, personnel, equipment, or confidential information, except in a purely incidental way, as part of their outside consulting activities or for any purposes that are unrelated to the education, research, scholarship, and public service missions of the University.*
3. *Students must disclose on a timely basis the creation or discovery of all potentially patentable inventions created or discovered with more than incidental use of University resources. Ownership of such inventions must be assigned to the University regardless of the source of funding. The inventor will share in royalties earned. There may be cases of institutional co-ownership of intellectual property where 2 or more institutions co-supervise students. Such co-ownership should be stipulated in the memoranda of understanding between the institutions.*
4. *Students must disclose to the University whether they (or members of their immediate family) have consulting arrangements, significant financial interests, or employment in an outside entity before the University will approve either technology licensing arrangements or procurements between such entities and Kenyatta University in situations which involve the student. In such cases, formal University approval will be required prior to entering into each such proposed arrangement.*
5. *Student disclosures of outside relationships should be made to the student's staff research advisor or relevant staff member/ instructor. The staff member should call unusual situations to the attention of the department chair or Dean of School (in those schools without departments).*
6. *In situations in which the objectivity of the student could reasonably be questioned, the student and research advisor should discuss how the conflict of interest might be managed with the department chair and/or Dean of School. The student may appeal any decision made by the department chair to the Dean of School. An appeal of the Dean of School's decision may be made to the Deputy Vice Chancellor, Research, Innovation and Outreach.*



Chapter Five

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INTELLECTUAL PROPERTY

5.1 Patent Policy

5.1.1 Purpose

Kenyatta University mission underscores the need for discovering and transmitting knowledge and providing public service through research. The research environment conducive to conception and development of many forms of intellectual property some of which may have commercial value. This can be enhanced through the use of patents. Kenyatta University recognizes, fosters and support development of inventions for public use. However, the contractual rights of extramural sponsors and the system's commitment to the principles of academic freedom and the tradition of free and open discussion of research must also be maintained.

It is the purpose, here, to state for faculty, students and university collaborators the relevant policies, as well as the nature of faculty, students and collaborators' responsibilities, privileges and options when they have made an invention or discovery.

5.1.2 Background

Patent agreements between individual faculty, or students and collaborators may be entered into at Kenyatta University. In the absence of contractual provisions obligating transfer of all or some proprietary rights in an invention, the inventor traditionally is free to dispose of those rights at will.

Much of the research undertaken at the Kenyatta University is funded from external sources through formal research grants, contracts and consultancies. The University is the legal recipient of all grants and contracts which are accepted on behalf of faculty, students and collaborators. The University therefore has the legal mandate for complying with all contractual obligations. Consequently, when an invention is generated, it is necessary that the designated authorities at the university review and make determinations with regard to patent rights as set forth by funding sources contributing to the making of that invention.

To insure that all obligations attached to the grants and contracts are met by faculty, students and collaborators who participate in programs, extramural support will be required to complete a patent agreement which recognizes those obligations.

The University intends to manage its innovations in such a manner as to benefit the University, the innovator(s) and the general public. This Policy has thus been developed for the following purposes:

- i. *To facilitate and enhance the transfer of University innovations derived from research and the dissemination of knowledge to the community.*
- ii. *To protect the equitable rights of the University, its Innovator(s), researchers, sponsors and the public.*
- iii. *To stimulate additional support for research by industrial partners resulting in the innovation of novel technologies and creative works for commercialization.*
- iv. *To derive additional revenue for the support of University research and educational initiatives, as well as personal incentive for Innovator(s) to create and disclose.*
- v. *To provide a resource for the University community with respect to Intellectual Property.*
- vi. *To limit the infringement, improper exploitation and abuse of University technologies and creative works.*

5.1.3 Policies

A. Government Policies

In order to expand public use of inventions and in recognition of the need for establishing government-wide policies for the allocation of rights to government supported inventions the public law should be adopted. Thus the following Acts should be studied and adapted to fit inventions that might take place in the university

1. *National Science and Technology Act*
2. *Environment Management and Coordination Act*
3. *Industrial Development Act*
4. *Copyrights Act*
5. *Education Act*

The most significant aspect of these laws is if the university can use a single policy document and essentially uniform policies for all Government Ministries. Because these laws require that the staff member and university initiate appropriate patent action for each invention, it is essential that faculty, staff and students become familiar with the reporting requirements. The most relevant of these policies and requirements are summarized in this patent policy and should include the following:

1. *The patent policy does not apply to funding agreements made for educational purposes. Specifically, no scholarship, fellowship, or training grant will contain any provision giving the awarding Federal agency any rights to inventions made by the recipient. Thus research support rather than financial aid will determine the status of inventions by these fellows and trainees.*

2. Definition of terms:

Assignment: The execution of a written agreement by the Innovator, assigning all of the Innovator's rights, titles and interests in and to an Innovation to the University. Innovations are assignable as of the time they are conceived or reduced to practice.

Associate of University: Diploma, undergraduate and postgraduate students, postdoctoral fellows, visiting scientists and any other individuals participating in research sponsored or hosted by University, or making significant use of KU facilities, funds or other resources. Corporate associates such as companies and organizations who may take part in the activities listed in this definition.

Copyright: Written materials, artistic works, directions, computer programs and similar types of informational material that is new and unique. Protection ensures the Innovator's or University's right, established at the point of innovation, to prevent unauthorized copying of an original work of authorship fixed in a tangible medium of expression, as well as the right to prevent some limited types or uses of those works, such as public performances.

Industrial Design: Is the ornamental or aesthetic aspect of an article. It may be the shape, the patterns, lines or color of an article. Industrial designs are what make an article attractive and appealing; hence they add to the commercial value of a product and increase its marketability.

Innovation: A new and original form or item of Intellectual Property (IP).

Innovator: Scientists, Researchers, faculty, staff (researchers and non-researchers), undergraduate and graduate students, candidates for masters and doctoral degrees, postdoctoral and pre-doctoral fellows, including those and any other persons employed by the University, whether full or part-time, emeritus faculty while at the University, visiting faculty and researchers, adjunct faculty and professors, company representatives, administrators and any other persons who create or discover applicable IP using University resources or who receives funds or other rewards for their services (work-for-hire), work done through research whether or not government funded, or those who voluntarily assign their IP to the University.

3. *The University must disclose each subject invention to the appropriate Government agency within two months after the inventor discloses it in writing to university personnel responsible for patent matters.*

4. *The university must elect in writing whether or not to retain title to any such invention by notifying the Government agency within two years of its disclosure to the agency.*
5. *The university must secure written agreement from all employees, other than clerical and non-technical employees, to disclose promptly in writing to personnel identified as responsible for the administration of patent matters and in a format suggested by the university, each subject invention in order that the university can comply with the disclosure provisions of paragraph 6 above and execute all papers necessary to file patent applications on subject inventions and to establish the Government's rights in the subject inventions. (See APPENDIX 5 (1))*
6. *The university must agree to submit periodic reports no more frequently than annually on the utilization of a subject invention or on efforts at obtaining such utilization by its licensees or assignees. Such reports shall include information regarding the status of development, date of first commercial sale or use, and gross royalties received by the university*

B. Non-government Support

The patent expectations of the many non-Government funding sources of university research vary. That fact plus the frequent practice of using funds from more than one source in support of a given research project can place an inventor in an ambiguous and even conflicting position with several sponsors.

In discussions with any extramural research sponsor, principal investigators must take into consideration existing contractual obligations involving any personnel or resources to be involved in the proposed research. This is especially important where the proposed support is for research whose purpose is the same or similar to research conducted by the principal investigator with some government funding, however minimal. Obligations which exist because of government or other extramural sponsors must be recognized in the negotiated agreement. Written agreements between the employee and the sponsor may be used to designate assignment of inventions as long as the agreement does not conflict with other existing agreements or with university policies on the conduct of research.

The disposition of all inventions generated at Kenyatta University, regardless of funding sources, is subject to review by the Vice Chancellor or Vice Chancellor's designee. The purpose of the review is to determine if any contractual obligation exists in connection with and as a result of, the funding leading to the invention.

C. Institution/Staff Contractual Agreements

Special circumstances may arise where faculty/staff work assignments have been made with an expectation that patentable materials will be produced. In such cases, a written agreement between the employee and the institution may be executed, specifying the disposition of any patents developed in the course of the work. The normal presumption of faculty/staff ownership and control of patents developed on non-governmentally funded projects prevails unless agreements to the contrary have been executed.

D. Procedures for Reporting an Invention

When any member of the staff or student on appointment makes a discovery or invention in pursuing his/her university duties, or on university premises, or with university supplies or equipment, a report of this fact must be made to the Vice Chancellor or his/her designee. The required "Invention Record and Report" form is provided in Appendix 5 (2)

The Vice Chancellor (or designee) will judge the relation of the reported discovery or invention to the purpose of any grant or contract that may be involved.

The Vice Chancellor (or designee) has the ultimate responsibility for determining if an obligation to a grantor does exist and, if so, to insure that such obligations are fully met.

In the interest of protecting the inventor's patent rights by the prompt filing of appropriate patent applications, the inventor is urged to pursue patent filing at the same time that the invention report is in process. As noted earlier, the opportunity to obtain foreign patent protection on an invention is generally lost if a publication disclosing that invention is issued prior to filing.

E. Restricted Inventions (Government)

All personnel who, having complied with the established reporting procedure, are advised by the Vice Chancellor's office that their research was funded in whole or in part by a Government grant, may choose either of two options:

Option 1: Submit the invention to the designated administrative office or extramural organization which will examine thoroughly the invention and will, when it considers such action is warranted in the public interest, accept assignment of the invention, prepare and file patent applications, and thereafter exercise its best effort to bring the invention quickly and effectively into public use.

Option 2: Propose to the Vice Chancellor or his or her designee that the university assigns the invention to the Government to dispose of as it sees fit. Although the inventor and the Vice Chancellor may recommend whether the invention ought or ought not to be patented, the final decision under this option will be made by the Government.

F. Restricted Inventions (Institutional/Staff Contractual Agreements)

When the Vice Chancellor's Office determines that an invention or discovery has been made under an institutional or contractual agreement (other than a Government agreement) the inventor will be advised of the options available. It will be the responsibility of the Vice Chancellor's Office to assure that the obligations of the contract are carried out.

G. Unrestricted Inventions

When, after review by the Vice Chancellor or his or her designee, it has been determined that no third party is contractually entitled to exercise control over the proprietary rights in an invention, or that no contractual agreement exists with the institution, the inventor will be so advised and will be free to dispose of the invention. Practically speaking, any one of three options is available to the inventor.

Option 1: Submit the invention to designated office or organization as in Option 1 under Restricted Inventions (Government)

Option 2: Under his/her own initiative and resources seek patents on the invention and thereafter administer, dispose of, or license such patents in whatever manner seems appropriate.

Option 3: Dedicate the invention to the public by publishing findings and taking no legal action.

It is suggested that the inventor thoroughly weigh the relative advantages and consequences of these options in terms of which will most likely result in early public use and greater public benefit.

H. Publication

Regardless of the option selected, the inventor is free, indeed urged, to establish scientific priorities through publication of research results. It is recognized, of course, that short delays may be required to establish patent rights.

5.1.4. Institutional Reporting Requirements

All inventions, whether supported by Government or non-government funds are to be reported on an Invention Record and Report Form (See Appendix 5 (2)). Patent protection and notification of sponsors are to be processed as soon as adequate information is in hand. Schools and departments, in addition to being responsible for insuring compliance with the above policies and procedures, will prepare an annual report for submission to the Vice Chancellor through the Registrar (RIO).

The report should include the following information: a listing of patent applications by invention title, the inventor(s) name and title, identification of funding sources and a brief description of the invention(s).

5.1.5. Ownership of Intellectual Property

A. Inventions, patents, and licensing Policy

Graduate students, postdoctoral scholars, and all others participating in research projects (including undergraduates working on research projects, either for pay or for academic credit) are covered by the Kenyatta University policy on Inventions, Patents and Licensing. This policy states that these individuals must disclose “all potentially patentable inventions conceived or first reduced to practice in whole or in part, in the course of their University responsibilities or with more than incidental use of University resources. Title to such inventions shall be assigned to the University.”

NOTE: The phrase “University responsibilities” is not generally interpreted to include a student’s regular coursework. However, if, in the course of this work, a student makes more than incidental use of University resources (including specialized equipment, laboratories and research facilities) to create a potentially patentable invention, that invention must be disclosed to Kenyatta University and title assigned to the University (See Inventions, Patents and Licensing).

The policy also specifies that the University shall share with the inventors royalties from inventions assigned to the University. These individuals are expected to sign the Kenyatta University Patent and Copyright Agreement.

B. Ownership of intellectual property

As has been traditional in academia, Kenyatta University generally does not claim ownership to pedagogical, scholarly, or artistic works, including “those of students created in the course of their education, such as dissertations, papers, and articles” (Kenyatta University Copyright Policy). Under the provisions of the Copyright Policy, copyright ownership in original works by students shall remain with the creator “unless the work is a work-for-hire, is supported by a direct allocation of funds through the University for the pursuit of a specific project, is commissioned by the University, makes significant use of University resources or personnel, or is otherwise subject to contractual obligations.”

Example # 1: Students who are hired to write software and are paid through Kenyatta University are considered to be covered by “work-for-hire” provisions.

Example #2: While a graduate student owns the copyright to her dissertation, a videotape developed as part of her dissertation research that presents some of the observations or results reported in the dissertation would be owned by the University if it were produced with support from a sponsored project, significant assistance from Kenyatta University personnel, etc.

5.2. Copyrightable Instructional Materials Ownership, Use and Control

5.2.1 Background

Kenyatta University is often directly involved in the development of copyrightable instructional materials. Institutional involvement is likely to expand substantially with the increased use of information technology in the creation of multimedia instructional materials and distance education course offerings.

Kenyatta University does not assert a property interest in materials which result from the author’s pursuit of traditional teaching, research, and scholarly activities. The creation of materials such as theses, scholarly articles, journal articles, research bulletins, monographs, and books occurs, in most circumstances, as an integral part of the author’s position as Kenyatta University employee. In those cases where substantial institutional resources are provided to support the development of instructional materials, however, the University may assert ownership or other property interests that should be addressed through specific agreements with the authors and producers of the materials.¹

This policy paper identifies typical situations in which the development of copyrightable instructional materials occurs, and provides information and guidance for those situations when copyrightable instructional materials are developed with substantial support from Kenyatta University.

¹Ownership interests acquired by Kenyatta University under this policy vest and are taken in the name of “The Kenyatta University”

5.2.2 Policy

A. Copyrightable Instructional Materials

Copyrightable instructional materials include, but are not limited to, the following: books, texts, glossaries, bibliographies, study guides, laboratory manuals, syllabi or tests, lectures, musical or dramatic compositions and scripts, films, filmstrips, slides, charts, transparencies and other visual materials, video and audio recordings of presentations, programs or performances, programmed instructional materials and computer programs; computer software; and educational multimedia projects incorporating various copyrighted media formats including, but not limited to, motion media, music, text material, graphics, illustrations, photographs and digital software which are combined into an integrated presentation.

B. Developmental Conditions

Copyrightable instructional materials may be produced or developed under the following conditions:

1. No Kenyatta University support or involvement;
2. Minimal² Kenyatta University support or involvement;
3. Substantial³ Kenyatta University or institutional support or involvement.
4. As an assigned duty or pursuant to a work-for-hire agreement;
5. With support from an extramural sponsor.

C. Ownership Interests

1. It is the policy of Kenyatta University that copyrightable instructional materials developed under the conditions identified in sections I.B.1 and 2 of this policy paper belong solely to the author⁴.
2. Copyrightable instructional materials developed under the conditions identified in section I.B.3 of this policy paper are required to be the subject of a written agreement between the author and the Vice Chancellor, or his or her designee, that equitably determines copyright and ownership rights.

²Minimal," as used in this policy, includes the use of university laboratories or equipment, but does not include released time from regularly assigned duties.

³Substantial," as used in this policy, includes, for example, released time from regularly assigned duties; direct investment by the University Funds or staff, or the purchase of special equipment for the project; use of multimedia production personnel and facilities; or extraordinary use of computing resources.

⁴Author," as used in this policy, means the authors, artists or other creators of instructional materials and may include faculty, staff or students who, as a regular part of the instructional program, become participants in the creation of copyrightable materials.

3. When the production of copyrightable instructional materials is the primary purpose of an employment or independent contractor relationship with Kenyatta University institution, as under section I.B.4 of this policy paper, the Kenyatta University institution shall own all rights, including copyrights, in the materials produced, and a written work-for-hire agreement shall be executed. Under the work-for-hire agreement, fair payment shall be made to the author of the copyrightable instructional materials and the University shall receive all rights, including copyrights, to the materials, together with any royalties and fees.

When copyrightable instructional materials are produced as an assigned duty of employment, the University shall own all rights, including copyrights, in the materials produced, together with any royalties and fees, unless a contrary agreement has been reached prior to the beginning of the project between the author and the Vice-Chancellor or his or her designee.

When copyrightable instructional materials are produced with extramural support, as under I.B.5 of this policy paper, the agreement with the extramural sponsor shall be considered in determining the copyright and ownership rights of the parties.

5.2.3 Contractual Guidelines

The conditions of production, use and final disposition of copyrightable instructional materials will vary from project to project. Where such materials are to be produced under the conditions specified in II.B.3 and 4 of this policy, it is necessary for the authors and the institution to enter into a written agreement prior to beginning the project that defines the rights and responsibilities of the author and institution, and where possible, describes the interests of any extramural sponsors or other participants in the project. Such an agreement may also be appropriate when copyrightable instructional materials are produced under the conditions specified in II.B.5 of this policy. In addition, to establishing ownership interests in accordance with II.C of this policy, all such written agreements should reflect the following principles:

A. Author and Institutional Responsibilities

1. The Vice Chancellor or his/her designee shall be responsible for determining whether a project is suitable and reasonably related to the academic mission of the institution.
2. The sponsoring department or functional equivalent shall be responsible for designating an individual ("the responsible individual") to assume responsibility for the content and structure of the project.
3. The responsible individual will be responsible for obtaining clearances or any necessary permission for the use of previously copyrighted materials, which are planned for inclusion in the project.

4. *The responsible individual will also be responsible for obtaining any necessary agreements, waivers and releases of rights from project participants in connection with their contributions to the project.*
2. *If the producing institution continues the use of copyrightable materials, or authorizes the use of such materials by others, contrary to the recommendation of the author, the producing institution shall not advertise or present the materials as the work of that author, except to the extent appropriate to acknowledge the author's participation in the original production of the copyrightable materials.*

B. Internal Use

1. *"Internal use," as used in this section, means use by Kenyatta University department or School within University, by any means including broadcast, closed circuit television, compressed video, digital software or multimedia formats.*
2. *Internal use and sharing of instructional materials should be encouraged. Accordingly, agreements developed under this policy should address internal use, and may provide that any charges by the producing department/school Kenyatta University department/schools System institutions for internal use of copyrightable instructional materials be limited to reflect actual, direct costs incurred by the producing institution, such as production, promotion, handling and duplicating.*
3. *The author shall be offered the opportunity to assume responsibility for the revision of the instructional material. If the author declines, the Vice-Chancellor or his or her designee will make the assignment of responsibility.*
4. *The author should be consulted when instructional materials are considered for uses other than the ones for which they were produced.*

5.2.5 Remuneration Issues

A. Production

1. *A sponsoring department or its functional equivalent may grant released time from regularly assigned institutional duties to an author of copyrightable instructional materials.*
2. *Released time under this section would normally be granted in the stages of planning, production, presentation, evaluation, and revision, including the first and subsequent semesters of utilization.*

B. Allocation of Financial Benefits of External Distribution

1. *Where copyrightable instructional materials produced under the conditions specified in II.B.3 and 4 of this policy are to be distributed externally, the financial benefits of external distribution shall be shared by the sponsoring department or functional equivalent, the author and the institution.*
2. *Revenue generated by external distribution should be shared between the author and the institution in accordance with revenue distribution schedules, established in percentages, based on preamortization⁵ and post amortization of the project costs, as follows:*
 - a. *Preamortization. A reasonable pattern of distribution prior to amortization provides an approximate return of ten percent of gross receipts to the author with ninety percent retained for distribution to the department or functional equivalent or institution for amortization of their contributions.*

C. External Distribution

1. *Distribution external to the Kenyatta University may occur either through direct rental, sale or licensing by the producing Kenyatta University departments / Schools or its designee, or through commercial rental, sale or distribution by a third party publisher under an agreement for payment of royalties.*
2. *Release of instructional materials for external distribution shall be negotiated between the institution and the author. Whenever possible, the results of the negotiating process should be incorporated in the pre-project agreement developed under this policy. Since it is not always possible to anticipate all future uses of the instructional materials, the agreement should also provide that additional uses may be arranged upon further negotiation.*

5.2.4 Revision or Withdrawal

Where the University Council on behalf of a Kenyatta School or department owns a copyright interest in instructional materials, the materials should receive timely and periodic review by users and producers to insure currency and relevance, consistent with the following:

1. *Copyrightable instructional materials shall not be altered or revised without consultation with the author.*

- b. *Postamortization.* After amortization, the author's share of receipts should increase to approximately twenty-five percent of gross receipts.
3. *The share of receipts assigned to the department or functional equivalent should be used for the support of teaching load adjustments necessitated by the project, or the development of new course materials or the revision or improvement of the original project.*
4. *Any distribution of gross receipts agreed upon in accordance with this policy paper shall continue under the terms of the agreement, regardless of the author's termination from employment with KU.*

C. Outside Resource Person

Fees for outside consultants or other participants in a project shall be negotiated between the responsible author and the consultant. Any agreement for the payment of fees shall include a waiver, by the consultant or other participant, of any ownership interest, including any copyright or other intellectual property interest, in the resulting project materials.

5.2.6. Administration and Review of Guidelines

- A. Administration of these guidelines shall be vested in the Vice Chancellor or his/her designee.
- B. These guidelines may serve as the basis of contract between the author and KU.

5.3 Computer Software Ownership

5.3.1 Background

To encourage the production and distribution of creative works, the Kenyan legal system, through Kenya Intellectual Property Institute (KIPI) has established property rights for inventions and writings through patents and copy-rights. Ownership of these properties is reserved to the creator for a limited time during which the creator may sell, lease or distribute the product of his/her efforts. The purpose of these limited rights is to establish an incentive to make the fruits of individual creativity available to society at large.

Although governmental agencies and most businesses assert ownership of the intellectual property created by their employees, Kenyatta University has not typically done so. Such ownership provides the opportunity to withhold as well as disseminate. Ownership of intellectual property by the University would provide a general right, and perhaps a responsibility to censor; this runs counter to the University mission to engage in open innovation and inquiry. Individual ownership is also more consistent with the self-directed nature of much university work.

The intellectual property in original works of authorship such as books, articles and similar works, is protected by copyright, which is held to exist at the point the material is created. As with patents, ownership at the University is normally vested in the creator. International Copyright law has been amended recently to include computer software. One provision called "work for hire" states that when an employee is specifically directed to produce a software product as a condition of employment, ownership rights including copyright rest with the employer.

5.3.2 Policy

- a. *It is the policy of Kenyatta University that ownership of software created as a consequence of individual scholarship be vested with the creator.*
- b. *If the software is created under the sponsorship of a grant or contract, the ownership should be defined before the project is undertaken.*
- c. *If the software development is a joint effort (i.e., faculty and graduate students) the rights of ownership should be defined before the project begins.*
- d. *If the software is developed by an employee hired for that purpose, the software is owned by the University.*
- e. *Each school/Department should inform faculty, students and staff of their ownership rights.*

⁵"Amortization" as used in this policy means that point at which the institution has recovered at least the costs of production of the project. Elements of costs eligible for amortization include, but are not limited to: costs of materials and services, costs of personnel time, usage costs of equipment, studios and the like, distribution costs and applicable indirect costs.



Chapter Six

.....
ENVIRONMENTAL HEALTH
AND SAFETY

An independent Environmental Health and Safety (EH&S) Unit shall be created in Kenyatta University. The Unit will deal with specific requirements related to chemical hygiene, radiological hazards, lasers, and bio hazardous agents and emergency procedures. The unit shall establish standard operating procedures (SOPs) for dealing with hazardous substances and waste as well as emergency response to spillage and fires.

6.1. Health and Safety at Kenyatta University: Principles, Responsibilities and Practices

6.1.1 Principles

Kenyatta University makes all reasonable efforts to:

- *Protect the health and safety of Kenyatta University faculty, staff and students;*
- *Provide safe workplaces - academic, research, and administrative - for faculty, staff and students;*
- *Provide information to faculty, staff, and students about health and safety hazards;*
- *Identify and correct health and safety hazards and encourage faculty, staff and students to report hazards;*
- *Provide information and safeguards for on-campus and in the surrounding community regarding environmental hazards arising from operations at Kenyatta University.*

Kenyatta University is committed to strong programs of accident and injury prevention and to complying with all environmental and health and safety laws and regulations. Good health and safety practices are a responsibility of each faculty member, staff member, and student.

Line responsibility for good health and safety practice begins with the supervisor in the workplace, laboratory or classroom and proceeds upward through the levels of management. In academic areas, supervisors include the lab directors, class instructors, principal investigators and faculty, or others having direct supervisory authority. Academic levels of management are the Chairpersons, Deans, Registrar, Research, Innovation and Outreach, Deputy Vice Chancellor, Research, Innovation and Outreach and the Vice Chancellor. Administrative levels of management include mid-management, Directors, and Deputy Vice chancellors. Final responsibility for health and safety policy and programs rests with the Vice chancellor of the University.

The Director of Environmental Health and Safety is responsible for recommending University-wide health and safety policies; ensuring overall institutional compliance

with policies, statutes, and regulations, monitoring the effectiveness of the safety programs, and providing central health and safety services to all areas of the University.

6.1.2 Responsibilities

1. Supervisory responsibilities

All University supervisors, including faculty supervisors, are responsible for protecting the health and safety of employees and students under their supervision. This responsibility entails:

- *Implementing Kenyatta University health and safety policies, practices and programs;*
- *Ensuring that workplaces and equipment are safe and well maintained;*
- *Ensuring that workplaces or laboratories are in compliance with Kenyatta University policies, programs and practices.*

2. Managerial responsibilities

All University managers, academic and administrative, are responsible for ensuring that:

- *Individuals under their management have the authority to implement appropriate health and safety policies, practices and programs;*
- *Areas under their management have adequate funding for health and safety programs, practices, and equipment;*
- *Areas under their management are in compliance with Kenyatta University health and safety policies, practices and programs.*

3. Environmental Health and Safety (EH&S) responsibilities

EH&S is responsible for:

- *Reviewing legislation, recommending policies, and monitoring compliance with environmental and health and safety statutes and regulations and University health and safety policies and programs;*

- *Providing guidance and technical assistance to supervisors and managers in the schools, departments, and other work units in identifying, evaluating, and correcting health and safety hazards;*
- *Developing programs for the safe use of hazardous radiological, biological, and chemical substances and lasers;*
- *Providing training materials, assistance, and programs in safe and healthy work practices;*
- *Providing emergency services for incidents involving hazardous materials;*
- *Providing fire prevention and investigation services;*
- *Operating hazardous waste disposal services.*

While EH&S is responsible for developing and recommending policies, policy approval rests with other University bodies, e.g. Faculty Senate, Dean's Cabinet, Operations Council, University Health and Safety Committee, URAB, Administrative Panels, depending on the content of the proposed policies.

4. Employee and student responsibilities

Employees and students are responsible for:

- *Keeping themselves informed of conditions affecting their health and safety;*
- *Participating in training programs provided by their supervisors and instructors;*
- *Adhering to healthy and safe practices in their workplace, classroom, laboratory and student campus residences;*
- *Advising their supervisors or instructors of serious hazards in the workplace, classroom or laboratory*

In case of disagreement between EH&S and the cognizant facilities department, the conflict shall be resolved by the Deputy Vice Chancellor Administration in consultation with the cognizant Dean or Dean of Student. The determination of the Deputy Vice chancellor Administration may be stayed by the EH&S pending a prompt appeal to the Vice chancellor.

B. Finding and Correcting Workplace Hazards

Supervisors, both faculty and staff, shall conduct regular, periodic inspections of workplaces to identify and evaluate workplace hazards and unsafe work practices.

- *The frequency of inspections should be proportional to the magnitude of risk posed in the particular workplace.*
- *Inspections are also required whenever new substances, processes, procedures, or equipment presenting new health and safety hazards are introduced into the workplace.*

Means of correcting discovered hazards and/or protecting individuals from the hazards shall be determined and implemented promptly. Unsafe conditions which cannot be corrected by the supervisor or manager must be reported to the next higher level of management. Any supervisor or manager who becomes aware of a serious concealed danger to the health or safety of individuals shall report this danger promptly to the Department of EH&S and to the faculty, staff and students who may be affected.

Kenyatta University encourages employees and students to report health and safety hazards to their supervisors, managers, or EH&S. Employees and students shall not be discharged or discriminated against in any manner for bona fide reporting of health and safety hazards to Kenyatta University or to appropriate governmental agencies. Supervisors shall inform students and employees of this policy and encourage reporting of workplace hazards.

6.1.3 Practices

6.1.3.1 Providing a Safe Workplace

A. Facility Design

Facilities will be designed in a manner consistent with health and safety regulations and standards of good design. Those Facilities departments charged with primary responsibility for the design, construction, and/or renovation of facilities, together with EH&S, shall ensure that there is appropriate health and safety review of facility concepts, designs, and plans.

C. Shutdown of Dangerous Activities

The Director of EH&S has the authority to curtail or shut down any University activity considered to constitute a clear and present danger to health or safety. In the event of such curtailment or shutdown, the cognizant dean, director or DVC and the Director of Students (or designate) shall be immediately notified:

- *In cases of dispute, an order to curtail or shutdown will remain in effect until the DVC Administration (or their respective designees) determine in writing that the danger has passed or been mitigated or that the order should be rescinded for other reasons.*
- *Should the EH&S disagree with a determination to restore a curtailed or shutdown activity, the Director may promptly appeal the matter to the Vice chancellor. In the event of an appeal, the order to curtail or shutdown shall be in effect until the Vice chancellor determines otherwise.*

D. Providing Medical Surveillance

Kenyatta University shall evaluate and monitor, through a program of medical surveillance, the health of Kenyatta University faculty, staff and students who are exposed to certain hazardous materials and situations as defined by law or University policy. Each supervisor is responsible for ensuring that employees and students under their supervision participate in the medical surveillance program as required by University policy. EH&S will monitor medical surveillance program participation. Each University department/school shall administer the program for staff and students covered by University policy.

6.1.3.2. Emergency Response and Preparedness

The Departments of Public Safety and EH&S shall provide guidelines for emergency response plans. Every building shall have individual emergency response plans. The plan shall include evacuation and assembly procedures, posted evacuation maps, reporting and communication practices, training, and drills. Exits shall remain free of obstructions and materials that could render the exit hazardous. In areas where hazardous materials are used, handled, or stored, the emergency response plan shall conform to the Emergency and Hazardous Material Release Response policy set forth in this chapter.

6.1.3.3 Communication and Training

A. System of Communication

Supervisors, both faculty and staff, shall establish, implement and maintain a system for communicating with employees and students about health and safety matters. Information must be presented in a manner readily understood by the affected employees and students. Due attention must be paid to levels of literacy and language barriers. Verbal communications should be supplemented with written materials or postings. Whenever appropriate, statutes and policies affecting employees and students shall be available in the workplaces.

B. Communication about Hazards

Faculty, staff, and students who may come in contact with hazardous substances or practices either in the workplace or in laboratories shall be provided information concerning the particular hazards which may be posed, and the methods by which they may deal with such hazards in a safe and healthful manner. In areas where hazardous chemicals are used, handled, or stored, communications about these hazards shall conform to the Chemical Hazard Communication policy set forth in this chapter.

C. Training

Supervisors shall be trained or knowledgeable in the safety and health hazards to which employees and students under their immediate direction and control may be exposed.

Staff and students shall be trained to protect themselves from hazards in their working environment. All supervisors shall train employees and students in:

- *General health and safety practices;*
- *Job-specific health and safety practices and hazards;*
- *Recognition and assessment of health and safety risks;*
- *How to minimize risks through sound safety practices and use of protective equipment;*
- *Regulations and statutes applicable to their work; and,*
- *Kenyatta University's health and safety policies, including: Policy on the Use of bio hazardous Agents, Policy on Emergency and Hazardous Material Release Response, Policy on Emergency and Hazardous Material Release Response for the School of Health Sciences, Chemical Hazard Communication Policy, Policy on Radiological Hazards, and Policy on Laser Safety.*

Training shall occur:

- *When an employee is hired;*
- *When an employee or student is given a new assignment for which training has not previously been received;*
- *Whenever new hazards are introduced by new substances, processes or equipment.*
- *Training shall be communicated in a manner readily understandable to faculty, staff and students, in accordance with the communication policy outlined above.*

D. Health and Safety Performance Standards

Managers and supervisors shall establish and maintain a system of rewards and discipline to support good health and safety practices.

6.1.3.4. Documentation, Record-keeping, and Compliance

Required documentation and records shall be kept to demonstrate compliance with statutes, regulations and standards. Examples of records that need to be maintained include:

- *Records of training which must include who was trained, who provided the training, what did the training cover, and what date did the training take place.*
- *Records of workplace inspection and hazard correction which must include who conducted the inspection, the inspection date, any unsafe conditions or practices found, and the corrective measures taken.*
- *Records of disciplinary action for failure to comply with health and safety policies and practices.*

Additional information that would help the supervisors implement their responsibilities is attached on appendix 6 (1)

6.2. Chemical Hygiene Plan and Chemical Hazard Communications Policy

Related Research Policy Handbook Documents:

- *Health and Safety at Kenyatta University: Principles, Responsibilities and Practices*
- *Emergency and Hazardous Material Release Response*
- *Emergency and Hazardous Material Release Response for the School of Health Sciences*

6.2.1 Summary

National regulations require employers to inform employees about the potential hazards of chemicals to which they may come in contact in the workplace or laboratory. Kenyatta University's Chemical Hazard Communication Policy expands this requirement to include students and the University's Chemical Hygiene Plan addresses these requirements in laboratories.

The Chemical Hazard Communication Policy and Program applies to all workplaces and is included within the University's overall program of Injury and Illness Prevention. For laboratories, the relevant part of the University's Chemical Hazard Communication Program is the Chemical Hygiene Plan. The Chemical Hygiene Plan includes the basic elements of the Hazard Communication Program, sets forth procedures to protect employees and students from exposure to chemical hazards within laboratories and conforms to regulatory requirements. The Centre for Environmental Health & Safety

(EH&S) will work with academic departments to develop local programs for the safe use of chemicals.

It is Kenyatta University policy that information concerning the particular hazards which may be posed, and the methods by which they can use these materials in a safe and healthful manner, be available to all staff, and students who use hazardous chemicals in either the workplace or in laboratories. Questions concerning which substances are considered to be hazardous chemicals should be directed to EH&S.



6.2.2. Chemical Hygiene Plan for Laboratories

Kenyatta University has developed and written a Chemical Hygiene Plan that is directed at controlling exposures to hazardous chemicals in laboratories. The Plan sets forth procedures, equipment, personal protective equipment, and practices that are capable of protecting employees from health hazards presented by hazardous chemicals used in laboratories and are capable of keeping chemical exposures below regulatory limits. Elements of the plan include:

6.2.3 Standard Operating Procedures

EH&S shall develop broad standard operating procedures for general laboratory operations. Additionally, each laboratory shall review operations and processes to determine the need for additional, more specific standard operating procedures and control requirements.

6.2.4. Criteria to determine Control Measures Implementation and Circumstances requiring Prior Approval

Each lab should establish a set of criteria based on normal use of chemicals, above which additional control measures or approvals will be required.

6.2.5 Fume Hood Operations

The EH&S Industrial Hygiene Program and Facilities Heating Ventilation and Air Conditioning Division oversee the procedures for operation and maintenance of fume hoods. Guidelines for use of such hoods should be described in the Kenyatta University Safety Manual.

6.2.6 Information and Training

Employees and students should receive information and training on chemical hazards when they start work, when their work changes, or when a new hazard is introduced into the laboratory. A Kenyatta University Safety Manual should be developed by EH&S for consultation.

6.2.7. Medical Consultation And Medical Exams

The University should develop a program for medical surveillance for faculty, staff, and students who are exposed to certain hazardous materials and situations as defined by law or University policy.

6.2.8. Designation of Responsibility for Implementation

The University will designate a Chemical Hygiene Officer within the Environmental Health & Safety Department. Supervisors are responsible for protecting the health and safety of employees and students under their supervision. The Director of the Centre for Environmental Health & Safety is the cognizant administrator of environmental health and safety programs at the University.

6.2.9. Additional Employee Protections

EH&S shall provide information and guidance with regard to work with particularly hazardous substances such as select carcinogens, reproductive toxins, and acutely toxic substances which will be outlined in the University Safety Manual.

The Chemical Hygiene Plan shall be made available to the school/department safety coordinator or EH&S. The full text of the Chemical Hazard Communication Policy and detailed policies and procedures governing the acquisition, use, and disposal of chemicals will be found in the Kenyatta University Safety Manual.

6.2.10 Chemical Waste Program

Hazardous Chemical Waste Management Reference Guide for Laboratories (to be developed by EH&S)
Laboratory Clean Out Guidelines for Reagent for Reagent Chemicals (to be developed EH&S)
Chemical Waste Pick-up Form (to be developed by EH&S)



6.3 Radiological Hazards

Related Research Policy Documents:

- *Administrative Panels for Research Compliance*
- *Health and Safety At Kenyatta University: Principles, Responsibilities and Practices*
- *Emergency and Hazardous Material Release Response*
- *Emergency and Hazardous Material Release Response for the School of Health Sciences*

6.3.1 Summary

Possession and use of radioisotopes must be authorized under a broad scope radioactive materials license issued to Kenyatta University by National Council for Science, Technology and Innovation (NACOSTI). All machines which produce ionizing radiations for which National registration is required must be registered with EH&S. All projects must comply with pertinent regulations and relevant terms of licenses.

The authority to review and approve uses of radioactive materials and radiation-producing machines is delegated to EH&S, which also recommends radiation policies to the Vice chancellor through the Office of the Registrar, Research, Innovation and Outreach. The EH&S monitors compliance with regulations, license conditions and policies utilizing radiation. All regulated radiation activities will be open to inspection by the EH&S. Detailed policies and procedures governing the acquisition, use and disposal of radiation sources will be described in Radiation Safety Manuals. The EH&S will be designated in all licenses may deny or withdraw approval to use a radiation source where an imminent threat to health and safety, non-compliance or unsafe practice is found.

Some of the responsibilities of EH&S are to serve as consultants to the faculty and staff in radiation safety matters, provide general surveillance of radiation and contamination levels, inspect projects to determine compliance with regulations and standards, distribute personnel dose measurement devices and maintain records of radiation exposures to users, maintain centralized accountability of machines and materials, provide for the inspection of new shipments of radiation sources and safe disposal of materials and devices, provide for the calibration of radiation measurement instruments used in the personnel protection program, and provide radiation safety training to personnel.

EH&S will also provide advice and safety support to Staff utilizing lasers, ultra-violet light, radio wave and microwave sources to assist them in maintaining compliance with regulations and published standards.

6.3.2 Laser Safety

Describes responsibilities and procedures for laser safety at Kenyatta University

Related Research Policy Documents:

- *Administrative Panels for Research Compliance*
- *Health and Safety At Kenyatta University: Principles, Responsibilities and Practices*

The basic accountability for safety and compliance with regulations and safety standards at Kenyatta University rests with the Principal Investigator (PI), Lab Director or class instructor. With regard to the use of lasers, the PI has the following responsibilities:

- *To register with EH&S all Class 3b and 4 lasers, whether procured from vendors or fabricated at Kenyatta University;*
- *To notify the University of intent to acquire or fabricate a Class 3B or 4 laser for externally sponsored projects;*
- *To ensure that users are given both general and job-specific laser safety training*
- *To provide pre-placement eye examinations upon request of persons who may be exposed to Class 3b or 4 laser beams;*
- *To meet requirements for posting, access controls and eye protection.*

Where applicable, proposed budgets submitted with funding requests must include items to fund needed facility modifications, personal protective equipment, and other safety expenses associated with the proposed project.

It is also the responsibility of the persons performing work with lasers to operate the laser in a safe manner, and to observe procedures outlined in the Kenyatta University "Laser Safety Manual" and in the rules promulgated in specific labs. The EH&S, which reports to the Vice Chancellor, has responsibility to oversee the safe use of lasers on campus, including review and recommendation of laser safety practices and auditing compliance with laser safety standards.

The Office of EH&S provides support for the Administrative Panel and inspects for compliance with regulations and standards. The EH&S will be delegated authority to suspend the use of a laser system, pending review by the Administrative Panel, if it is deemed to present a clear and present danger to health and safety.

6.3.3. Emergency and Hazardous Material release Response

Related Research Policy Documents:

- *Health and Safety at Kenyatta University: Principles, Responsibilities and Practices*
- *Chemical Hygiene Plan and Chemical Hazard Communication Policy*
- *Bio hazardous Agents and Recombinant DNA*

6.3.3.1 Summary

National regulations require employers to develop and implement a Policy to provide a consistent and adequate means of handling an emergency involving a hazardous material. As part of Kenyatta University's continuing commitment to develop and implement policies and procedures consistent with these regulations, the policy below has been established. The policy has been designed to assure that Principal Investigators are fully informed of and included in the response strategy.

In the case of an emergency involving a release of hazardous materials release that is "health threatening" or "released to the environment" as defined in Section II (A) of this policy document, the Fire Department (FD) is to be notified immediately by calling and/or pulling a fire alarm if the building needs to be evacuated or if a telephone is not available. Once involved, the FD is in command until the hazard has been fully abated and they relinquish command. In the case of a release that is "non-health threatening" and "contained" as defined, the Centre for Environmental Health and Safety (EH&S)

Emergency Response Team should be contacted immediately and will assume command until relinquishing it to the FD or the hazard has been fully abated. As stated in the following section of this policy, the participation of all members of the Kenyatta University community is required for its successful implementation. Department Chairs, Laboratory Directors, Principal Investigators, and Supervisors have the specific responsibility to see that individuals for whom they are responsible are trained in proper emergency response procedures and that the work areas for which they are responsible are posted conspicuously with emergency response procedures. (Please refer to the Definitions section and Activating Procedures for a summary of required responses in an emergency involving hazardous material.)

EH&S will be working with academic departments and will provide information for a department in establishing emergency response procedures for a specific area. An "IN CASE OF EMERGENCY" poster will be available for posting from EH&S.

Non-compliance with this policy may result in a building's Hazardous Materials Permit being revoked. Civil and criminal penalties may also be sought by the enforcing agency.

6.3.3.2 Policy Statement and Responsibilities

A) Policy Statement

It is the policy of Kenyatta University to establish and maintain emergency response procedures and capabilities to:

- Respond to incidents involving hazardous materials;
- Assist the fire department with hazardous materials expertise;
- Clean up modest hazardous materials releases;
- Maintain records of all hazardous materials releases and accidents;
- Report incidents to outside agencies as required;
- Review causes of incidents to reduce recurrence; and,
- Review responses to incidents in order to improve service.

This policy and associated procedures are intended to provide response to incidents involving hazardous materials appropriate to their magnitude and risk. If the appraisal of magnitude and risk is uncertain, the response strategy will address the worst case scenario. Extreme care should be taken that these procedures are followed explicitly and consistently and that the reporting party provides accurate and complete information to the responding entity.

The purpose of this statement is to set forth procedures to be followed in the event of an emergency involving the accidental release of hazardous materials, in order to:

- Protect research personnel, the general public, and the environment;
- Protect property and research assets;
- Comply with the regulatory response reporting, recording and abatement requirements;
- Encourage safe practices and requests for assistance when personnel are in doubt about hazardous materials; and

- Standardize response procedures throughout the university.

B) Responsibilities

Environmental Health & Safety is responsible for:

1. *Maintaining a trained emergency response team and equipment capable of addressing modest Hazardous Materials Releases;*
2. *Maintaining working knowledge of applicable laws and regulations;*
3. *Maintaining records of Hazardous Materials Releases and incidents;*
4. *Informing the campus community of the Emergency and Hazardous Material Release Response Policy*

Department Chairs, Principal Investigators, and Supervisors are responsible for:

1. *Ensuring the safety of those working under their direction;*
2. *Assisting the health and safety emergency response team or fire department in any hazard evaluation in areas under their direction;*
3. *Training those under their direction in correct emergency response procedures;*
4. *Ensuring that emergency response procedures are posted conspicuously in each work area.*

Faculty, Students, Staff and Visitors are responsible for:

1. *Following sound health and safety practices;*
2. *Reporting any emergency or hazardous situation immediately according to these procedures;*
3. *Cooperating and assisting with any emergency response personnel;*
4. *Complying with all applicable university policies and practices.*

6.3.3.3 Definitions, Procedures and References

A) Definitions

Emergency

An unforeseen event that calls for immediate action to protect individuals, the environment, or property.

Non-emergency release

A spill that is not the result of a container failure and the quantity of which is less than 30 ml and can be cleaned up within 15 minutes. (Non-emergency releases do not require recording or reporting, but must be cleaned up immediately). If assistance is required, EH&S should be contacted.

Health threatening

An emergency in which there is a clear potential for serious injury to a person or release of contaminants to the environment if immediate action is not taken. (If in doubt, consider the emergency health-threatening.)

Non-health threatening

Any emergency in which there is not a clear potential for serious injury to any person. (If unsure whether an emergency is health-threatening or non-health-threatening, assume it is health-threatening.)

Hazardous materials release

A Health Threatening or Non-Health Threatening spill or unauthorized or unexpected release of a hazardous material from primary containment, as defined in any of the referenced laws or regulations. If Health Threatening, the EH&S Emergency Response Team (ERT) will assist the Fire Department or other responding agency in cleanup. If Non-Health Threatening, EH&S will deal with the release as per regulation.

Contained

Indicates a Hazardous Material Release that is within secondary containment, i.e. a floor, tray or engineered containment system. (The EH&S will institute cleanup and record the release.)

Released to the environment

Indicates a Hazardous Material Release that is discharged to the surface, soil, sewer, surface water or air outside of a building, at a hazardous level as defined by applicable regulations. This also refers to a Contained Hazardous Material Release that takes more than eight hours to clean up. The EH&S will proceed to clean up the release obtaining assistance as necessary and reporting to regulatory and other cognizant agencies as required.

B) Procedures

These procedures are intended to provide response to incidents involving hazardous materials appropriate to their magnitude and risk. The evaluation of the hazard, of what to report or record, and of how to respond will be made by the EH&S in consultation with the Principal Investigator (PI) or other knowledgeable or responsible parties, and the Fire Department (FD) when they are involved.

In the event that there is no time for a full hazard evaluation, or there are many chemicals or other complexities involved, or there is insufficient information available about the materials or situation involved, then precautions based on the worst case scenario for the incident will be applied to the response to protect the EH&S, the public and the environment. These precautions will be taken by the EH&S and any other agency responding to a call for assistance.

Extreme care should be taken that these procedures are followed explicitly and consistently and the reporting party should provide accurate and complete information to the responding entity.

ACTIVATING PROCEDURES FOR EMERGENCY RELEASE EXTREMELY IMPORTANT: FOLLOW THESE STEPS EXPLICITLY

In all cases, when any person becomes aware of an emergency, regardless of its location:

- *If Health Threatening, call 9-911 and/or pull the nearest fire alarm if the building needs to be evacuated or if a telephone is not available. - If Non-Health Threatening, call EH&S;*
- *If involving radiation or radioactive materials, call EH&S ;*
- *If the reporting party is unclear of the health threatening nature of the emergency, assume it is health-threatening and proceed accordingly;*
- *If the release is in a laboratory, in addition notify the Principal Investigator responsible for that area as soon as it is practical to do so. If the Principal Investigator is unknown or unavailable then notify the Department or Building Administrator, Safety Committee Chairperson, or Department Chairperson. When possible, leave appropriate messages in each case. (The work and home phone numbers of these people should be posted near every room containing hazardous materials.)*

When Central Communications receives a report of an emergency involving hazardous materials during working hours they will notify EH&S immediately. During non-working hours Central Communications will notify EH&S and at all other times they will contact the ERT directly. Central Communications will notify the EH&S Office in the event of an emergency involving radiation or radioactive materials.

General Responding Procedures will be formulated by the EH&S in consultation with relevant departmental, Deans and PIs.

6.4 Biosafety Policy

6.4.1 Policy

Policies and Procedures Governing the Use of Hazardous Biological Agents in Research or Instruction at Kenyatta University.

6.4.2 Scope

The Biosafety Policy shall apply to teaching programs and research projects, which use:

- *Recombinant DNA which may be hazardous to humans, animals, or other lifeforms;*
- *Potentially oncogenic biological materials;*
- *Infectious biological materials in laboratories including off-campus field sites;*
- *Human and simian cell cultures and bodily fluids (e.g. blood, urine);*
- *Biological toxins and venoms (including off-campus field sites); and*
- *Transgenic material which may be hazardous to humans, animals, and plants.*

The policy shall apply to research involving the use of University facilities conducted by employees of Kenyatta and by other organizations involving the use of University facilities under an agreement with the University.

6.4.3 Definitions

Bio hazardous agents

A. Infectious/pathogenic agents classified in Risk Groups 2, 3, and 4: bacterial, fungal, parasitic, viral, rickettsial, or chlamydial agents as defined by the National Institutes of Health (NIH)

B. Other microorganisms that have the potential for causing disease in healthy individuals, animals, and/or plants, or

C. Biological toxins including metabolites of living organisms and materials rendered toxic by the metabolic activities of microorganisms (living or dead), or

D. Any biological agent or toxin listed on the Select Biological Agent list by The Ministries of Health and Agriculture and Plant Health Inspection Services (KE-PHIS)

Recombinant DNA Molecules

A. Molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or

B. DNA molecules that result from the replication of infectious and/or pathogenic agents.

Gene therapy

Delivery of exogenous genetic material (DNA or RNA) to somatic cells for the purpose of modifying those cells.

Alternate responsible official (aro)

The University official named by the Responsible Official to act on behalf of the University regarding regulations governing the possession, receipt or transfer of regulated biological agents and toxins within the parameters outlined in the following Codes of Federal Regulations: Title 42 CFR, Part 73, Title 9 CFR, Part 121, and Title 7 CFR, Part 331. The Alternate Responsible Official is the Director of University Research Compliance.

Biological safety officer (bso)

The university official charged with providing biosafety oversight in laboratories where biological research, teaching and testing is conducted.

Biologically Derived Toxin

A biological toxin is defined as a proteinaceous poison which is toxic to humans. Examples include endotoxins, staphylococcus enterotoxins, saxitoxin, cholera toxin, botulinum toxin, ricin, abrin, venoms, etc. For an expanded list, consult the IBC protocol form.

Biosafety in microbiological and biomedical laboratories (bmbi)

The Public Health Service (PHS) publication which describes the combinations of standard and special microbiological practices, safety equipment, and facilities constituting Biosafety Levels 1-4, which are recommended for work with a variety of infectious agents in various laboratory settings.

Biosecurity

Protection of high-consequence microbial agents and toxins, or critical relevant information, against theft or diversion by those who intend to pursue intentional misuse.

Infectious agents

Organisms in Risk Group 2 or above that include a broad spectrum of organisms able to cause human, animal, or plant disease.

Institutional biosafety committee (ibc)

The nationally mandated committee required at institutions for research involving recombinant DNA molecules.

Division of research, innovation and Outreach (RIO)

The Division of Research, Innovation and Outreach is the administrative office responsible for ensuring compliance with external and KU regulations and policies governing research and teaching using bio hazardous materials.

Research

Any investigative activity engaged in by KU personnel using University facilities or resources, regardless of funding source.

Research protocol

The application prepared by the principal investigator as the first step to receive approval to conduct research, teaching or testing with bio hazardous materials.

Responsible official

The Vice Chancellor is the signatory authority for the University on funded research and contracts.

Security

Policies, procedures, or devices intended to preventing unauthorized entry to laboratory areas and preventing unauthorized removal of dangerous biologic agents from the laboratory.

Select agent

Specifically regulated pathogens and toxins or agents have the potential to pose harm to human health, animal health, and/or plant health (or to animal or plant products).

Select agent program

The Ministries of Health and Agriculture and Plant Health Inspection Services (KEPHIS) programs for monitoring acquisition, transport, security, safety, inventory, and personnel conducting research or teaching with select agents and their toxins based on the potential of these agents and toxins to harm humans and/or animals, or plants or animal and plant products. The Vice Chancellor will be the Responsible Official for ensuring that the University is in compliance with this program.

Storage

Retention of biological materials by University employees or on University property, including materials kept in open laboratory space, incubators, refrigerators, or freezers.

Teaching

Teaching activities include classroom demonstrations, laboratory exercises and research projects that are required for completion of a course at the undergraduate, graduate, or professional level.

6.4.4. Responsibilities for Research Conduct

A. The Deputy Vice Chancellor, Research, Innovation and Outreach

The Deputy Vice Chancellor, Research, Innovation and Outreach will be responsible for ensuring the responsible conduct of research and compliance with external and university regulations, policies and procedures for bio hazardous research.

B. Dean of School

The Dean shall be responsible for the overall conduct of scientific research carried out in his/her respective school.

C. Department Chair and Administrative Heads

Departmental chairs and administrative heads have primary responsibility for the safety of people, animals, and the environment within their jurisdiction. No activity of a potentially biologically hazardous nature is to be permitted unless there is a commitment of effort and resources to ensure that the activity can be accomplished safely.

D. Faculty (Principal Investigator or PI)

The faculty member (PI) is the individual in charge of the specific research, testing, and/or teaching activity that is, or has the potential to be, of a bio hazardous nature. As such, they are expected to set a proper example by their actions. He or she is expected to ensure that all persons involved with the project comply with all relevant external and University regulations, procedures and policies. In addition to prior approval of the proposed research, the investigator is responsible to seek approval for any changes to the project once it has been approved. The PI is responsible for training, preparing safety and biosecurity documents, and ensuring that internal and external reporting requirements are met. These documents include but are not limited to reports regarding inventory, disposition of biological agents and toxins,

intra- and inter-institutional transport, purchases, and incidents. The investigator has the responsibility to ensure that the facility where the research, testing or teaching is to be conducted is in compliance with all external and University regulations and requirements.

E. Office of University Research Compliance

The Division of Research, Innovation and Outreach is the responsible for the biosafety program. All administrative matters regarding compliance with biosafety regulations, procedures and policies are handled through this central office. The compliance office manages the activities for which the Institutional Biosafety Committee is responsible.

F. Biosafety Officer

The university official engaged to provide biosafety oversight in laboratories or other settings where biological research, testing, and teaching are conducted. The biosafety officer is part of a team responsible for enforcing compliance with national, international and university biosafety and biosecurity regulations. Transfer, the Biosafety Officer reports to the Director of University Research Compliance.

G. Kenyatta University Institutional Biosafety Committee (KUIBC)

KUIBC reviews and grants approval for research, testing, and teaching proposals involving recombinant DNA, artificial gene transfer, microorganisms that are harmful to humans, animals, or plants, and biologically derived toxins. KUIBC ensures that investigators comply with all external and university regulations, procedures, policies, and standards for working with biological agents, to include, but not limited to: handling, storing, securing, and disposing. KUIBC, in concert with the Institutional Biosafety Officer, inspects research facilities and grants approval for these facilities to be used to conduct research, teaching, or testing.

The IBC has the authority to halt research in the event of non-compliance or an unresolved safety hazard. KUIBC works closely with staff of Environmental Health Services, University Medical Services, and members of the Institutional Animal Care and Use Committee, the Radiological Safety Committee, and the Institutional Review Board. KUIBC members are appointed for rotating three-year terms by the Vice Chancellor. KUIBC elects a chair who liaises with the Biosafety Officer and researchers. KUIBC meets no less frequently than quarterly.

H. Environmental Health Services (EHS)

The EHS is responsible for laboratory safety, and coordinates activities involving bio hazardous materials with the Office of University Research Compliance. Much of the laboratory training materials are provided by EHS. The OSHA requirements are monitored by EHS. The EHS provides technical expertise to the individual investigators and to the KUIBC.

6.5 Procedures

All research involving recombinant DNA, infections, microbiological agents and infectious materials should be registered with the KUIBC. Enough experimental procedures detail to explain to the committee the intended investigation must be supplied.

6.5.1 Recombinant DNA Experiments

Kenyatta University Policy requires the registration of ALL recombinant DNA research. Registration is through the Deputy Vice Chancellor, Research, Innovation and Outreach to the National Biosafety Authority. KUIBC facilitates applications prepares them for NBA; advises the University on Biosafety matters; assists the University in establishing monitoring mechanisms for risk assessment & management, ensures compliance with NBA approval conditions, reviews and ascertains suitability of containment (Physical & Biological), advises institution & PI on mitigation measures in case of accident. KUIBC receive and review application documents and advise the PI accordingly.

6.5.2 Infectious Agents Experiments

Kenyatta University Policy requires the registration of any research involving the use of potentially infectious microorganisms and human blood, blood products, clinical materials, primary cell cultures of human origin, and other human tissues or body fluids, through Deputy Vice Chancellor, Research, Innovation and Outreach. The IBC will review registration and accordingly inform the PI of the process that registration will follow. Investigators will be informed of any delays.

6.5.3. Contained use of Genetically Modified Organisms

Activities involving genetically modified organisms (GMOs) that are carried out in a confined area such as a laboratory, plant or animal facility or production plant. Various degrees of containment are recognized, depending on the biosafety level needed for the genetically modified organism concerned. All GMOs are subject to conditions outlined in section 6.4.5.1.

6.5.4 Genetically Modified Organisms

Activities involving GMOs are only allowed with a permit. Permits are issued by the Ministries of Agriculture, Environment and the Ministry of Health. All GMOs are subject to conditions outlined in section 6.5.1.

Organization/persons involved

The recognition and acceptance of responsibilities carried by organizations and individuals is essential for effective management and maintenance of the biological safety of activities involving GMOs within an organization. The following roles are defined:

Legal body

The legal body is the permit holder and may be represented by the board of directors of an institution. The legal body has final responsibility for the execution of the GMO Decree in conformity with the GMO regulations. This part of the responsibility is delegated to the biological safety officer, and the designated researcher.

Duties of the legal body:

- *Execution of policies, regulations and guidelines in full compliance with Dutch legislation in respect of activities involving GMOs in the institution or facility.*
- *Establishment and implementation of these policies, regulations and guidelines for the safe performance of activities involving GMOs. These duties are carried out by the biological safety officer (“BVF”) in cooperation with the responsible researcher (“VM”).*
- *Establishment of a management/administration system for all institutional activities involving GMOs.*
- *Appointment of one or more biological safety officers.*
- *Appointment of designated researchers who are responsible for research projects.*

Biological safety officer

The biological safety officer is appointed by the institution and the legal body as required by the GMO regulations. He or she is an employee of the institution.

The biological safety officer is in charge of day-to-day aspects of institutional biosafety and activities involving GMOs. He or she must monitor and ensure that all activities involving GMOs are executed in full conformity with National legislation and regulations.

The duties of the biological safety officer include:

- *Supervising and inspecting the execution of policies, regulations and guidelines on activities involving GMOs;*
- *Establishing, implementing and executing emergency plans for accidental spills and contamination of personnel;*
- *Investigating and reporting laboratory accidents;*
- *Providing technical advice on research safety procedures to responsible researchers;*
- *Establishing and maintaining records of all institutional activities involving GMOs.*

Designated researcher

The designated researcher is an employee of the institution and is responsible for performing activities involving GMOs and supervising biosafety in the actual working space for contained use. The designated researcher must ensure that activities involving GMOs are carried out in conformity with GMO regulations and the permit that has been issued.

The duties of the designated researcher include:

- *Supervising and inspecting the execution of policies, regulations and guidelines on activities involving GMOs and biosafety in the workplace;*
- *Performing research activities in compliance with the permit and the GMO regulations;*
- *Establishing and implementing protocols to perform activities involving GMOs (together with the biological safety officer);*
- *Providing technical advice on research biosafety procedures;*
- *Instructing laboratory co-workers on technical and biosafety issues.*

In addition to a contained use permit, an environmental permit must be obtained for the facility in which activities involving GMOs will be taking place. This permit should be applied for from the municipality or province where the site, installation or equipment is located or from central government.

Biosafety levels

The biosafety levels are based on combinations of requirements such as laboratory practices and techniques, equipment and laboratory facilities.

To classify the relative hazard of microorganisms, four classes of pathogenicity (1-4) are used. In general this classification parallels the biosafety level that has been assigned to the performance of corresponding activities involving GMOs (Table 1). This helps to determine the biosafety level on which a GMO should be contained. The final assignment of the biosafety level is based on the potential hazard of the GMO in conjunction with the type of activity and laboratory.

The biosafety levels are defined by combinations of requirements such as laboratory practices and techniques, equipment and laboratory facilities. Facility design criteria that must meet the biosafety level requirements are listed in the GMO regulations.

Table 1. The following types of physical containment for contained use in relation to the pathogenicity class can be distinguished:

Pathogenicity class	Laboratory	Animal facility	Greenhouse/ incubation room	Production plant
1	ML-I/PL	D-I/DM-I	PCM-I/ PKM-I	MI-I
2	ML-II	DM-II	PCM-II/PKM-II	MI-II
3	ML-III	DM-III	PCM-III/PKM-III	MI-III
4	ML-IV	DM-IV	PCM-IV/PKM-IV	MI-IV

- The designation ML is used for activities involving genetically modified (gm) microorganisms in the laboratory.
- The designation PL is used for activities involving gm non flowering plants.
- The designation DM is used for activities involving gm microorganisms in association with (gm) animals.
- The designation PKM is used for activities involving GM microorganism in association with (gm) plants in a greenhouse.
- The designation PCM is used for activities involving GM microorganism in association with (gm) plants in an incubation/growth room.
- The designation MI is used for activities involving GM microorganism on a large scale.

For activities involving gm plants, the designation PK (divided into PK-I and PK-II) is used for greenhouses and PC-I is used for incubation/growth rooms.

The designation D-I is used for activities involving GM animals and in some cases for activities involving non-pathogenic microorganisms in association with animals, if the GM microorganism cannot spread outside the animal.

Release of genetically modified organisms into the environment

The deliberate release of GMOs into the environment means any intentional introduction into the environment of a GMO or a combination of GMOs for which no specific containment measures are taken to limit their contact with the environment.

Applicants are obliged to submit a notification to the national competent authority before deliberate release can be undertaken. This applies to field trials (Part B) and to the placing on the market of GMOs as or in products (Part C).

For Part B these areas include:

- Field trials with genetically modified crops;
- Field trials with genetically modified microorganisms;
- Trials with veterinary medicinal products;
- Clinical trials with human medicinal products; and others.

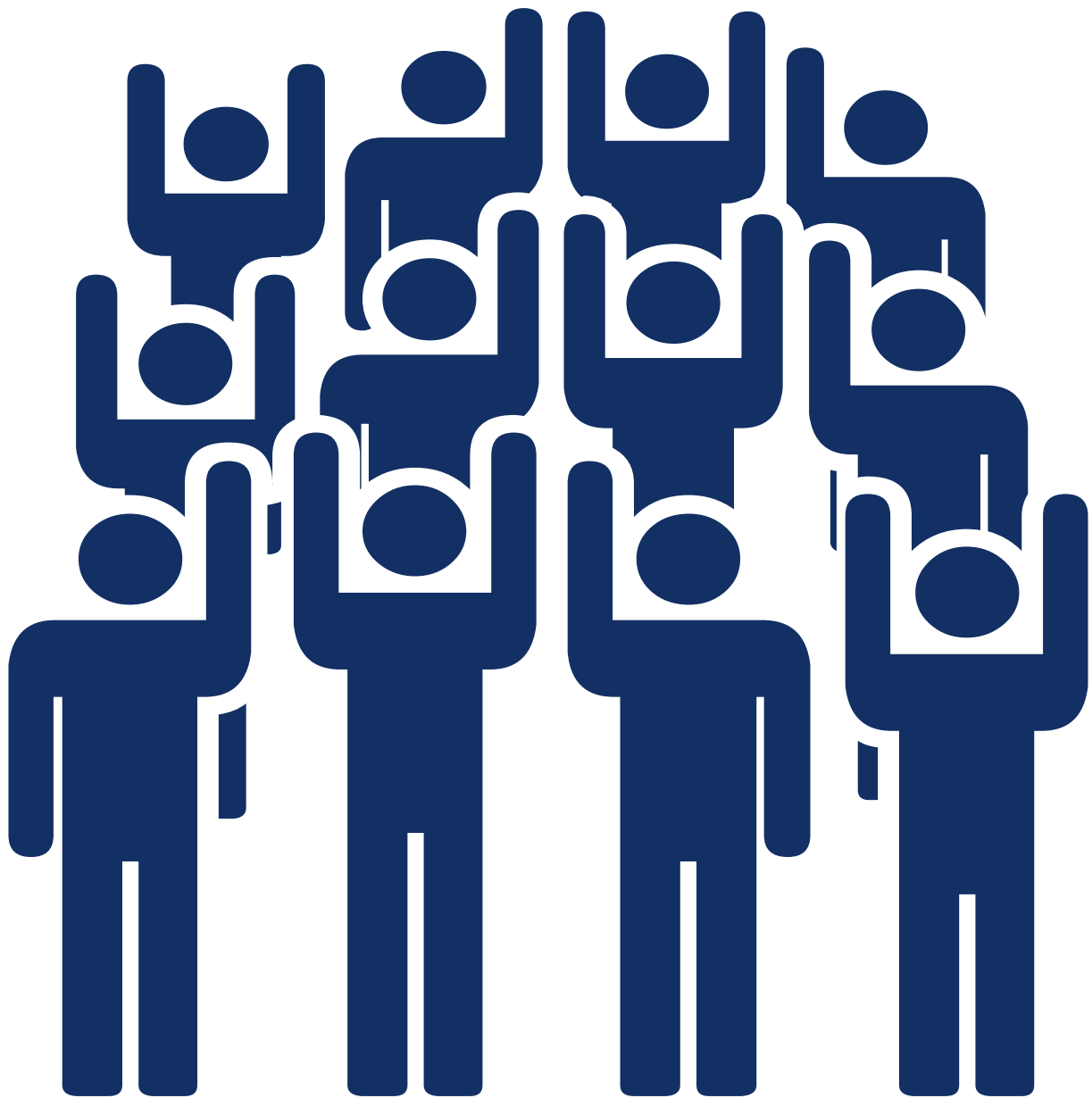
Part C concerns the placing on the market of genetically modified crops and/or microorganisms but not veterinary or human products.

Agricultural applications

This category includes all deliberate releases into the environment of genetically modified plants and/or microorganisms for agricultural purposes.

Field trials with genetically modified crops

This category includes all activities in which genetically modified plants (amongst others agricultural crops, ornamental crops) which are grown in the field. This also includes the growing of GMOs in greenhouses that do not have a GMO qualification.



Chapter Seven

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HUMAN SUBJECTS IN RESEARCH

7.0 Preamble

Research has produced substantial benefits. It has also generated challenging ethical issues. Reported and widespread abuses of human subjects during the Second World War triggered public outcry. As a result of the Nuremberg war crime trials, a Code (the Nuremberg Code 1947) was written as a set of standards for judging physicians and scientists who had conducted covert biomedical experiments on prisoners in concentration camps. This Code became the prototype of many later Codes intended to ensure that research involving human subjects would be carried out in an ethical manner. The World Medical Association developed the Declaration of Helsinki document in 1964. The document has undergone multiple revisions including Tokyo (1975), Venice (1983), Hong Kong (1989), Somerset West (1996), Edinburgh (2000) and Washington (2002). In 1982, the World Health Organization (WHO) and the Council for International Organizations of Medical Sciences (CIOMS) published “Proposed International Guidelines for Biomedical Research Involving Human Subjects”. The purpose of this document was to give guidance on how the Helsinki Declaration ethical principles could effectively be applied in developing countries, taking into consideration the culture, socio-economic conditions, national laws and executive administrative arrangements. In addition, the Belmont Report of 1979 provides basic ethical principles and guidelines to be used in resolving ethical problems that surround the conduct of research with human subjects particularly the vulnerable groups.

In Kenya, the legal framework for science and technology came into existence in 1979 under the Science and Technology Act. The Act established the National Council of Science and Technology (NCST) empowering it to coordinate all research in Kenya and advise the government on all matters related to research. The function of NCST entails the documentation of all research in the country and all the institutions in which biomedical research is being conducted. For research of biomedical nature to be conducted on humans in Kenya, ethical clearance is mandatory and this is done by ERCs in the respective institution.

The Kenyatta University Ethics Review Committee (KU-ERC) is anchored in the Kenyatta University Research Policy and mandated to review ethics of proposals and projects in accordance with standard operating procedures. Research involving human beings shall include but not limited to clinical aspects, pharmaceuticals, medical devices, medical radiation and imaging, surgical procedures, medical records, biological samples, as well as epidemiological, social, psychological and behavioral investigations.

7.1. The role of Kenyatta University Ethics Review Committee (KU-ERC)

The role of KU-ERC is to:

- Review and clear proposed research before its commencement.
- Provide independent, competent, and timely review of the ethics of proposed studies. In its procedures and decision-making, KU-ERC will be independent from political, institutional, professional, and market influences.
- Review prospective and continuing research protocols so as to safeguard the dignity, rights, safety, and well-being of all actual or potential participants in biomedical research. This is in cognizance of the fact that the goals of research, should never be permitted to override the health, well-being, and care of research participants.
- Take into consideration the principle of justice. This requires that the benefits and burdens of research be distributed fairly among all groups and classes in society, taking into account age, gender, economic status, cultural, political, religious, ideological, race and ethnic considerations.
- Review the adequacy of the informed consent document, particularly as to its description of the risks and benefits.
- Ensure that there is regular evaluation of the ethics of ongoing studies that received a positive decision.
- Evaluate reports for unanticipated problems, possible non-compliance, and other information and incidents that might affect approval of protocol or the subjects' willingness to continue to participate.
- Act in the interest of potential research participants and concerned communities, taking into account the interests and needs of the researchers, and having due regard for the requirements of relevant regulatory agencies and applicable laws.

7.2 Membership Requirements

Members of the KU-ERC shall be appointed by the Vice Chancellor of Kenyatta University on the recommendation of the Deputy Vice Chancellor, Research, Innovation and Outreach. The KU-ERC shall constitute of between ten (10) and twenty (20) members of whom at least 40% shall be drawn from the human health professions taking into account the diversity of disciplines. The committee should also include at least 40% of each gender.

Eligibility of membership shall be as follows:

- A social and behavioral scientist, (cultural anthropologist, medical sociologists) physicians, epidemiologists, nurses, basic scientists, applied scientists, a lawyer, a statistician, paramedicals, a lay person, a religious representative, a community representative, a media person.
- A rotation system will be adopted for membership in order to maintain continuity, the development and maintenance of expertise within the KU-ERC, and the regular input of fresh ideas and approaches.

7.3 Independent Consultants

KU-ERC shall call upon, or establish a standing list of independent consultants who may provide special expertise to the KU-ERC on proposed research protocols. These consultants may be specialists in ethical or legal aspects, specific diseases or methodologies, or they may be representatives of communities, patients, or special interest groups. Terms of reference for independent consultants shall be established by the KU-ERC from time to time or on appointment.

7.4 Capacity Building for the KU-ERC

KU-ERC shall undergo initial and continued education regarding the ethics and science of biomedical research. This education may be linked to co-operative arrangements with other ERCs in the country, the region and at international level as well as other opportunities for the initial and continued training of KU-ERC members.

7.5 Submitting an Application

The KU-ERC secretariat shall receive research proposals for ethical review from applicants in the manner and format prescribed in a form available at: www.ku.ac.ke.

7.5.1 Application

An application for review of the ethics of proposed biomedical research should be submitted by a qualified researcher responsible for the ethical and scientific conduct of the research.

7.5.2 Application Requirements

The requirements for the submission of a research project for ethical review will be clearly described in an application procedure as set out in Appendix 2(1). These requirements will include the following:

- a) *The name(s) and address (es) of the ERC secretariat to whom the application material is to be submitted.*
- b) *The language in which documents are to be submitted will be English. [Documents submitted in any other language should be translated into English by a competent and accredited interpreter at the expense of the applicant].*
- c) *The deadline for submission of the application is 2 weeks prior to the next scheduled meeting.*
- d) *Applications will be acknowledged and researchers shall be informed of the review date via shortest mode possible.*
- e) *The acknowledgement of the application shall be communicated to the researchers within a week after receipt of the application.*
- f) *In cases where the ERC requests supplementary information or changes to documents from the applicant, such information should be provided to ERC at least a week before the next meeting.*
- g) *In cases where clarification is sought and researchers fail to respond within 3 months, ERC will send a reminder and allow a further 3 months period for response. Beyond these 6 months, the application file will be closed.*
- h) *Researcher may be asked to present a case in an ERC meeting if required, including follow-up and end-report.*
- i) *There shall be a fee for the review of every proposal which shall be determined from time to time by KU-ERC.*
- j) *The application procedure for amendments to the protocol, the recruitment material, the potential research participant information, or the informed consent form.*

7.6 Review

All properly submitted applications will be reviewed in accordance with the procedure established by KU-ERC.

7.6.1 Elements of the Review

The primary task of the KU-ERC is to review research proposals and their supporting documents, with special attention given to the informed consent process, documentation, and the sustainability and feasibility of the protocol. KU-ERC will take into account prior scientific reviews, if any, and the requirements of applicable laws and regulations.

The following should be considered, as applicable:

- *Scientific design and conduct of the study*
- *Recruitment of research participants*
- *Care and protection of research participants*
- *Protection of research participants' confidentiality*
- *Informed consent process*
- *Community considerations*

7.7 Monitoring and Evaluation

All proposals that receive a positive decision shall be monitored and evaluated periodically throughout the project life cycle. The follow-up procedure should take the following into consideration:

- a. *The M&E reviews will be carried out by a sub-committee constituted by the KU-ERC for the specific project. The quorum requirements, the review procedure, and the communication procedure for follow-up reviews, will be determined by the respective sub-committee*
- b. *The follow-up review intervals will be determined by the nature and the events of research projects but in the following instances or events a follow-up review is mandatory*
 - *Any protocol amendment likely to affect the rights, safety, and/or well-being of the research participants or the conduct of the study*
 - *Serious and unexpected adverse events related to the conduct of the study or study product, and the response taken by investigators, sponsors, and regulatory agencies*
 - *Any event or new information that may affect the benefit/risk ratio of the study*
- c. *A decision of a follow-up review shall be issued and communicated to the applicant, indicating a modification, suspension, or termination of the KU-ERC's original decision or confirmation that the decision is still valid*
- d. *In the case of premature suspension/termination of a study, the applicant should notify the KU-ERC of the reasons for suspension/termination.*
- e. *A summary of results obtained in a study prematurely suspended/terminated should be communicated to the KU-ERC by the researcher.*
- f. *KU-ERC will receive notification from the applicant at the time of the completion of a study*
- g. *KU-ERC shall receive a copy of the final summary or final report of a study.*



Chapter Eight

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LABORATORY ANIMALS
FOR TEACHING AND RESEARCH

Summary

This chapter constitutes Kenyatta University's Assurance of compliance with Public Health Services requirements, and other documents related to the care, use and treatment of animals. It also outlines the responsibilities for the Humane Care and Use of Laboratory Animals in accordance with 3R principle (Reduction, Replacement and Refinement)

8.1 Policy

It is Kenyatta University policy that all faculty, staff, visiting scholars and students comply with the applicable provisions of the International and National regulations on animal care and use, including the Kenya constitution, the University's assurance of Compliance with Public Health Service (PHS) Policy on Humane Care and Use of Laboratory Animals, other local regulations include those laid down by the Institutional Animal Care and Use Committee (IACUC), Kenya veterinary Board, Kenya constitution and all other University policies and procedures relating to laboratory animals (living or dead). Failure to comply may result in a suspension of privileges to use laboratory animals in teaching and research activities.

8.1.1. Authority and Responsibility for ensuring Compliance

1. Institutional official

The Deputy Vice Chancellor Research Innovations and Outreach, Registrar, Research, Innovation and Outreach and Chairman Animal Care and Use committee are the institutional official responsible for ensuring that activities using laboratory animals at Kenyatta University are humane and in compliance with all applicable external regulations. To achieve that end, they are responsible for establishing and enforcing relevant University policies and procedures.

2. Institutional animal care and use committee (IACUC)

There shall be formed an Institutional Animal Care and Use Committee (IACUC) at Kenyatta University. IACUC will report to the Deputy Vice Chancellor Research Science and Technology through the Registrar, Research, Innovation and Outreach. The IACUC is charged with reviewing and approving all teaching and research activities involving laboratory animals. A protocol application form "For Care and Use of Laboratory Animals" must be submitted to the IACUC for its review and approval before a project is initiated. IACUC is also responsible for half yearly inspections of all laboratory animal housing areas at Kenyatta University and a half yearly evaluation of the overall program for the care and use of laboratory animals.

3. Attending veterinarian

The Attending Veterinarian is a member of the Veterinary Service Center (VSC) has oversight authority for all activities involving laboratory animals. That individual, or designee, is a voting member of the IACUC. Investigators are encouraged to call upon the Attending Veterinarian or other VSC staff for guidance in protocol development and consultation on experimental procedures

4. Veterinary service center (VSC)

There shall be formed a Veterinary Service Centre (VSC) at Kenyatta University. The Veterinary Service Center is responsible for the procurement of laboratory animals, providing housing and care of laboratory animals, providing and maintaining certain facilities for animal research such as surgery suites, overseeing transportation of laboratory animals onto or off of the Kenyatta University campus or from site to site on the campus, and providing veterinary services for laboratory animals and veterinary consultation for investigators.

5. CENTRE FOR ENVIRONMENTAL HEALTH & SAFETY (EH&S)

The Centre for Environmental Health & Safety (EH&S) is responsible for implementing an IACUC approved laboratory animal occupational health program (LAOHP) for individuals working in laboratory animal facilities and having substantial animal contact.

8.1.2. Kenyatta University Faculty, Staff, Students and Visiting Scholars

Investigators using laboratory animals must comply with the following:

- *Investigators must file a protocol application form with the IACUC for prospective review and approval of all activities involving the use of laboratory animals. Such uses include pilot projects and preliminary studies, whether or not they are part of a sponsored project. Approval is granted for a maximum of one year, and protocols must be updated at least annually or whenever a significant change occurs.*
- *All laboratory animals purchased from outside sources must be ordered through the VSC. Laboratory animals obtained by other means must be coordinated with the VSC. No animals can be obtained without having an IACUC approved protocol. All transfers of ownership of laboratory animals must be made through the VSC.*
- *No laboratory animal may be brought to or taken from the Kenyatta University campus without the prior review and approval of the IACUC. The IACUC will review such requests in consultation with the Attending Veterinarian and will notify the VSC of approved requests. The VSC must be notified in advance when approved transportation of laboratory animals will occur.*
- *Principal Investigators must take responsibility for the appropriate training of their research staff in the humane care and use of laboratory animals, ensuring that they are qualified to perform their duties, and that they understand their obligations to comply with all relevant regulations and the specifics of the approved protocol. Documentation of this training may be requested by regulatory and accrediting agencies or by IACUC.*
- *Principal Investigators must be aware that PHS has specific requirements when animal use takes place off of the Kenyatta University campus as a consequence of a sub-grant or subcontract (including antibody production). Proof of PHS Assurance of Compliance must be provided to the IACUC whenever are performed by an off-campus entity. In addition, when certain species are utilized at an off-campus site, that entity must provide proof of relevant registration for compliance with PHS, Directorate of Veterinary services and KVB's regulations to the IACUC.*
- *Animals may not be housed for more than 12 hours outside designated housing areas without the prior review and approval of the IACUC. The IACUC will review any new housing requests in consultation with the Attending Veterinarian.*
- *All survival surgical procedures on rabbits, cats, dogs, nonhuman primates, or other large animals must be performed in designated surgical suites approved by the IACUC in consultation with the Attending Veterinarian.*
- *Any person may contact (anonymously, if they wish) the Chairman of IACUC, Director of the Institute for Research Science & Technology or the Attending Veterinarian if there are concerns regarding the humane care and use of laboratory Animals at Kenyatta University.*

8.2. Animal Welfare Assurance of Compliance

Summary

This section provides assurance of Kenyatta University compliance with PHS Policy on Humane Care and Use of Laboratory Animals. It includes description of Kenyatta University policies and procedures for the institutional animal care and use

8.2.1 Applicability

This Assurance is applicable to all research, research training, experimentation, biological testing, and related protocols, hereinafter referred to as "protocols," involving live, vertebrate animals, hereinafter referred to as "animals," conducted at this University, or at another institution as a consequence of the sub-granting or subcontracting.

8.2.2 Institutional Policy

- A. *Kenyatta University will comply with all applicable provisions- International and National guidelines on animal welfare including Kenya constitution and other statutes and regulations relating to animal welfare.*
- B. *Kenyatta University acknowledges and accepts responsibility for the care and use of animals involved in protocols covered by this Assurance. As partial fulfillment of this responsibility, this institution will make a reasonable effort to ensure that all individuals involved in the care and use of laboratory animals understand their individual and collective responsibilities for compliance with this Assurance as well as all other applicable laws and regulations pertaining to animal care and use.*

Kenyatta University will establish and maintain a program for protocols involving animals in accordance with the guidelines for the Care and Use of Laboratory animals. Standard operation procedures (SOPs) for all research using animals, regardless of their species, will be prepared by principle investigators, departments and schools in consultations with VSC and will require approval by the IACUC.

8.2.3. Kenyatta University Program for Animal Care and Use

The qualifications, authority, and percentage of time contributed by veterinarian(s) who participate in this program are summarized below:

The veterinarians carry out their duties as part of the program of the Veterinary Service Center (VSC). Ideally, the VSC should be division of the Department of Zoological Sciences where the laboratory animals are housed. The veterinarians in the VSC also have a reporting relationship with the Chairman of the Department, Registrar, Research, Innovation and Outreach, who reports to Deputy Vice Chancellor Research and Technology. Appended to this policy are: The training and education program for the animal care and use within the University (Appendix 8 (1),

8.3. Transport, Care and Use of Non-Kenyatta University Owned Laboratory Animals on the Kenyatta University Campus

Summary

Outlines procedures for transportation, care, and use on the Kenyatta University campus of laboratory animals which are not owned by Kenyatta University

8.3.1 Background

The care and use of laboratory animals procured by Kenyatta University for teaching, research, and related activities are governed by policies designed to keep the University in compliance with all relevant external regulations for the humane treatment of laboratory animals. Occasionally, Kenyatta University investigators engage in collaborations with or provide services to outside institutions that require the transportation of Non-Kenyatta University owned laboratory animals onto the Kenyatta University campus. This document sets forth procedures that must be followed in these situations so that the animals involved are treated humanely, the appropriate risk management, and the University remains in compliance with relevant external regulations.

The owners of non-Kenyatta University laboratory animals must assume responsibility for the animals' welfare while on the campus and act in a supervisory role in overseeing the animals' welfare. Kenyatta University personnel may serve as assistants.

8.3.2 Procedures

1. *When non-Kenyatta University owned laboratory animals are to be brought to Kenyatta University as a result of a collaboration between Kenyatta University investigators and an outside institution, the Institutional Animal Care and Use Committee (IACUC) requires the following:*
 - An IACUC application form, for review and approval, covering the work to be done at Kenyatta University
 - An abstract of an approved proposal covering the portion of the collaborative effort to take place at the outside institution and the corollary IACUC approval document. (In special circumstances, the full protocol may be required.)
 - The outside institution's certificate of registration for compliance with PHS and Directorate of Veterinary services' regulations

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2. When non-Kenyatta University owned laboratory animals are to be brought to campus as a result of Kenyatta University providing services to an outside entity (e.g., use of special equipment), the IACUC requires the following before approval can be granted:

Proof that a Research Participation Agreement or other contractual arrangement has been approved by the University

- a. Description of the procedures to be performed on the animals at Kenyatta University including: transportation arrangements, anesthesia or other chemical or physical restraint methods, experimental manipulation, euthanasia, or anything else pertinent to the care and use of the laboratory animals while they are on the campus
- b. Documentation showing that all portions of the research activity occurring at the outside entity involving these animals have been approved by that entity's Institutional Animal Care and Use Committee. That document must further display either the outside institution's PHS Assurance Number or their certificate of approval.
3. Animals may not be held on the Kenyatta University campus overnight without a formal transfer of ownership to Kenyatta University. The IACUC and the Attending Veterinarian must approve all such arrangements.
4. Non-Kenyatta University owned laboratory animals may not be brought to or taken from the Kenyatta University campus without the prior review and approval of the IACUC. The IACUC will review such requests in consultation with the Attending Veterinarian who must be notified in advance when approved transportation of laboratory animals will occur.

8.4. Use of Vertebrate Animals in Teaching

Summary

Establishes policy and procedures for the use of live or dead vertebrate animals for instructional purposes

It is the policy of Kenyatta University that the use of either live or dead vertebrate animals for solely instructional purposes is permitted when:

1. the cognizant instructor(s) judges that the educational goals of the program or course will be best achieved by such usage and when;
2. the Institutional Animal Care and Use Committee determines that such usage is humane, proper, and appropriate, consistent with the Kenya constitution and KVB principles and regulations for the utilization and care of vertebrate animals used in teaching and research. Only the minimum number of animals essential to instructional objectives should be used. Instructors should be encouraged to use alternatives to animals whenever possible.

8.4.1 Information to Students

Academic departments and programs should alert prospective students if any courses which are required for a major or degree involve the use of animals or animal tissues. This requirement may be met by a statement to the effect that some required courses for certain degrees may involve use of animals tissue, and that interested students should seek further information about such requirements from the department. Normally this statement should appear in Courses and Degrees.

Instructors must inform their students during the first week of class if animals or animal tissue will or may be used as part of that course. Students who have concerns about the use of animals may then choose whether or not to take the class. Students should feel free to discuss their concerns with the instructor, but should be aware that instructors and departments are not obligated to alter course requirements which are consistent with University policies. The procedures for use of animals are described in appendix 8 (2)

8.5. Laboratory Animal Occupational Health Program (LAOHP)

Summary

Describes the occupational health surveillance program for individuals involved with animal care and use

8.5.1 Background

The University's Laboratory Animal Occupational Health Program (LAOHP) is applicable to all staff, students and visiting scholars who work directly with vertebrate animals, unfixed animal tissues or body fluids, and those who work in animal housing areas. The LAOHP has been designed to:

- i. *Protect individuals from work-related risks associated with exposure to animals through a program of species-specific health information, education and risk-based medical evaluation;*
- ii. *Protect the health of research animals from certain transmissible diseases;*
- iii. *Be pertinent to the species with which individuals are exposed and the work they perform;*
- iv. *Be minimally intrusive; and*
- v. *Be cost-effective.*

The LAOHP also stipulates that:

- I. Participation is risk-based;
- II. Kenyatta University contracts an Occupational Medicine physician to provide occupational medicine services as well as guidance pertaining to LAOHP;
- III. Enhanced in-service training and education be provided.

8.5.2 Risk-based Participation

The requirements for participation in the LAOHP depend upon an individual's level of potential risk. There are two defined categories of risk within the LAOHP: Risk Category 1 (RC1) and Risk Category 2 (RC2). The Institutional Animal Care and Use Committee (IACUC) will determine the

Risk Category 1 (RC1) is considered higher risk and encompasses Veterinary Service Center (VSC) personnel, other dedicated animal care staff, and individuals who work with non-human primates (including unfixed tissue and bodily fluids), hoofed mammals (e.g., swine, goats, sheep, and cows,) wild rodents, and certain field studies. The specific risk factors are variable and dependent upon specific uses and handling identified in the animal care and use protocol application.

RC1 PARTICIPATION REQUIREMENTS

All individuals in RC1 group must complete and submit the LAOHP Health Questionnaire prior to the IACUC approval of an individual to work on a related protocol or assignment. Each questionnaire will be evaluated by the occupational medical provider to determine the level of potential exposure and whether further steps are necessary. Specific medical surveillance can also be requested by Environmental Health & Safety (EH&S) and/or the medical care provider for any individual, based upon identified risk factors.

Risk Category 2 (RC2) is for all individuals involved in animal care and use protocols that do not fall within the RC1 participation group.

RC2 PARTICIPATION REQUIREMENTS

All individuals in RC2 group are provided with information, educational materials and periodic updates on potential health and safety issues associated with the particular animal species or research material with which they work. These individuals are strongly encouraged to complete and submit the LAOHP Health Questionnaire, but this questionnaire is optional for members of RC2 participation group.

8.5.3. Occupational Medicine Physician

The contracted Occupational Medicine Physician will have experience in providing health-care services to individuals involved with laboratory animals. Each Health Questionnaire submitted by individuals from RC1 (mandatory) and RC2 (optional) is evaluated by the occupational medicine provider for potential exposures, individual health risk factors, and a determination as to whether further intervention steps or follow-up interactions are necessary. Contents of the Health Questionnaire and clinically related communications between the medical provider and the individual become part of the individual's Occupational Medical Record; maintenance and confidentiality of the Medical Record are dictated by Occupational Safety & Health Administration regulation.

8.5.4 Enhanced in-service Training and Education

The occupational medicine physician and other specialized personnel also provide periodic in-service training, seminars and education programs. These programs emphasize the specific risks associated with different types of laboratory animals and provide guidance to research and support personnel on appropriate methods of exposure control and protection.

The guidelines for visitors in animal housing and use areas are described in appendix 8 (3)

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Chapter Nine

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CONSULTANCY POLICY

9.1 Introduction

The University recognizes the value of its staff undertaking consultancies for outside bodies. This work is an important channel through which knowledge and expertise can flow to and from business and other external agencies and therefore contributes to the development of growing and productive relations with these bodies. Consultancy activity within the Kenyatta University is often associated with other contractual relations, including research, service contracts and income cases the provision of funds to provide studentship. It is therefore the university's policy to encourage staff to engage in consultancy wherever appropriate and in a manner that is consistent with their contractual responsibilities.

This policy is intended to provide the information required to undertake consultancy work in accordance with the university's approved procedures.

9.2 Definitions and Scope of the Policy

1. Consultancy: The University uses a broad definition of what constitutes consultancy. Its essential feature are:

- i. Consultancy is work of a professional nature, undertaken by University staff in their field of expertise, for clients outside the institution, for which some financial return is provided;
- ii. Unlike research it does not have as a prime purpose the generation of new knowledge;
- iii. Consultancy will produce some form of contracted output which may be partly or wholly owned by the client;
- iv. The University normally does not have freedom of publication over the results of consultancy;
- v. It tends to be governed by short-term contracts, makes minimal use of University resources and involves extra work for existing staff rather than the employment of new staff.

2. Consultancy for Companies owned by the University or in which a member of staff may have an interest are also included within the scope of this document. Staffs are advised to ensure that they comply with the university's conflicts of interests' policy which are stipulated in the Kenyatta University Research Policy when undertaking any work for such companies.

3. Excluded from the above definitions: This policy does not apply to those activities paid or unpaid which are in furtherance of scholarship or general dissemination of knowledge, such as:

- i. Authorship of or royalties from, the publication of books;
- ii. Service on public sector or charitable committees;
- iii. External examiner duties;
- iv. Lecturer tours and conference presentations or attendance;
- v. Editorship of academic journals or the publication of academic articles;
- vi. Professional arts performances.

4. Staff should seek advice from their Dean (or Head of Department according to local arrangements) if they are unclear about whether their proposed work constitutes consultancy. The Division of Research, Innovation and Outreach will provide advice where necessary to Deans (or Head of Department) in reaching a decision about the classification of a particular piece of work, but the final decision should be made locally (appendix 9).

9.3 Permitted Level of Consultancy

- a. University employees are permitted to undertake up to 30 working days consultancy activity per academic year with the approval of their line manager.
- b. In some circumstances Department/School may authorize staff to undertake further consultancy work out with this limit, but this must be discussed and approved by the Head of Department or Dean on a case-by-case basis.

9.4 Approval of Consultancy Activity

- a. The decision process for whether an individual/group/department/School is permitted to undertake a consultancy is handled at Departmental and School level. All consultancy proposals should be passed to the appropriate Dean, for in the first instance. The Dean will make the decision to accept or decline the proposal.
- b. In some Faculties the Dean may devolve this responsibility to the Head of Department; staff must ensure they are aware of local arrangements.

9.5. Costing/Pricing of Consultancy Activity

- a. Normally consultancy activity should be recorded using the Consultancy Project Form (CPF). This form provides a guideline for recommended daily rates. Any variations for consultancy and only in exceptional circumstances (and with the approval of the Head of Department/Dean) should consultancy be undertaken at below this rate.
- b. The form can be used to determine the consultant's net income (following deductions for department/school shares, any direct costs, tax the national insurance). If you have any queries about the form, please contact Finance Officer in charge of grants.
- c. Completed CPFs should be signed by the PI and approved by the Dean and Head of Department, then forwarded to the Division of Research, Innovation and Outreach for processing.
- d. Some consultancy work, especially where University resources are being used (technician time, equipment or IP) may be more appropriately managed under a service contract. This is at the discretion of the Dean or Head of Department (according to local arrangements) and should be discussed with her/him at an early stage in proposal development.

- e. Where the activity is to be managed under a service contract, the activity should be costed, priced and recorded using a standard form.

9.6 Contractual Requirements

- a. The University is liable for the actions of its employees during consultancy except where the actions or activities are not covered by an agreement involving the University.
- b. The University, therefore, strictly prohibits staff from entering into consultancy arrangements involving the University with outside agencies without approval from the University.
- i. Standard Terms and Conditions: The University has adopted the template consultancy agreement is available from the Director, University Consultancy Services on request. The Dean, or Head of Department, can authorize and sign off any work that is undertaken under the University's standard terms. A copy of the finalized contract must be forwarded to the Deputy Vice Chancellor, Research, Innovation and Outreach, together with the signed CPF. Deputy Vice Chancellor, Research, Innovation and Outreach will record the information on the research system and arrange for the appropriate information to be sent to finance office to enable invoice(s) to be raised.
- ii. Non-Standard Terms and Conditions: The Directorate of University Consultancy Services must be involved in the contract negotiations and will consult and agree Dean/Head of Department on key issues arising from the terms of the contract. A fully signed CPF will be a requirement before the commencement of the consultancy.
- c. Staff are recommended to involve Deputy Vice Chancellor, Research, Innovation and Outreach and Director, University Consultancy Services in the processing of consultancy as early as possible so that any issues with the contract can be highlighted and, where possible, either resolved or mitigated.

9.7 Record Activity

- a. All staff are required to record their consultancy activity with Director, University Consultancy Services.
- b. Original copies of the contracts and CPF must be forwarded to Director, University Consultancy Services for the University records and for processing to the Finance office.

- c. All consultancy activities will be posted on the KU website and interlinked with Departments

9.8 Fee Waivers

- a. The Kenya Revenue Authority (KRA) requires that any fee waivers are decided before the proposal has final approval. No fees will be waived without a completed fee waiver form which must be returned to Director, University Consultancy Services with the signed CPF.
- b. Fee waivers are credited to a School reserve account and must be used within one year of receipt. Balances remaining after twelve months in the reserve account will be transferred to School general funds unless there is a specified and agreed reason for rolling them over to the following year.
- c. More details about how fee waiver income can be accessed within the University can be found at: www.ku.ac.ke

9.9 Income Distribution

- a. University costs identified on the CPF will be recovered before the following income distribution model is applied.
- b. The standard income distribution model is based on income per consultancy agreement per financial year.

Income per financial year	Employee	Department
Up to KSh. 1,000,000	100%	0%
Over KSh. 1,000,000	90%	10%
Over KSh. 5,000,000	85%	15%

9.10 Tax and National Insurance

- a. Where applicable, the Organisation funding the consultancy will be responsible to ensure all statutory deductions are done.
- b. The Chief Finance Officer will ensure that all statutory deductions are made.



Chapter Ten

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INNOVATION POLICY

10.1 Preamble

Technological innovation is essential for economic growth and enhancement of local, regional and global competitiveness of goods and services. This holds true both at country regional and global levels as innovation is the driving force in economic growth in today's knowledge based, global economy. Innovation is thus the engine in wealth creation, social welfare facilitation and international competitiveness. Consequently, Kenyatta University's innovation policy is inspired and informed by a number of relevant international, regional and national goals and policies, as well as contemporary development trends which present themselves both as challenges and strengths worth consideration for national social-economic growth. For instance, one of these national trends that has greatly influenced this innovation policy, is Kenya's rapid population growth which is coupled with an unprecedented rise in urbanization as well as unprecedented unemployment especially among the youth. From an innovation perspective, the rapid population growth serves as a precursor for a country's development for it allows a greater interaction of persons and a higher possibility for innovation due to the need for improved production of goods and improved service delivery which if well-coordinated may also lead to jobs and wealth creation. This is the ultimate projection of Kenyatta University's innovation policy in its broad perspective. In other words, this is a situational-based innovation policy which aspires to lead to a significant contribution to the national economy by fostering innovations that are both relevant to the varied Kenyan situations; it is a policy which is appropriate to national needs; informed by national priorities and available resources; and a policy of a global repute.

Additionally, this policy outlines the structures, frameworks and mechanisms required to bring a collaborative engagement of all schools, departments and individuals at Kenyatta University into being active players and dedicated stakeholders in the Kenya National Innovation System for the greater good of the Kenyan economy. Given that ST&I has been identified as one of the foundations for socio-economic transformation in the Kenya Vision 2030, this policy, has therefore been developed to support the Kenya Vision 2030 as reflected on its general and specific objectives. To facilitate the achievement of its objectives, the policy has been anchored on the guiding principles of relevance, realism, cost-effectiveness, multi-disciplinary synergy, partnerships, need for empowerment, participation by all, equity and non-discrimination, ethical leadership and good governance.

10.2. Objectives of KU Innovation Policy

The general objective of this innovation policy is to foster indigenous innovations that are an appropriate response to national needs, priorities and resources as well as creation of an innovation culture whereby solutions to socio-cultural and economic challenges of the individual, the community and the nation are sought in pursuance to Kenya Vision 2030.

The specific objectives are as follows:

1. *To foster a well-coordinated innovation culture among the students, staff and other persons outside Kenyatta University;*
2. *Contribute towards raising the commercialization rate of innovations in Kenya;*
3. *To ensure dynamic interaction among all players in the national innovation system;*
4. *To foster strong links between the government, industry, researchers and innovators;*
5. *To facilitate and promote involvement of women, youth and disadvantaged groups in innovations and in related national governance and public policy making to ensure an all-inclusive participation;*
6. *To provide a guidance on sustainable financing mechanism for Kenyatta University mentored innovations;*
7. *To offer guidance on mentoring of innovations at Kenyatta University and in benchmarking with internationally renowned best practices;*
8. *To guide on the scouting of innovative ideas from individuals, ST&I institutions and private sector;*
9. *To link-up Kenyatta University mentored innovators with the university IPR Directorate;*
10. *To guide on the establishment and regular updating of the database on Kenyatta university incubated innovations;*
11. *Run a university innovation promotion awards for novel innovations to share and drive innovation;*
12. *Promote the formation of new technology-based firms through the establishment of an ST&I Park at Kenyatta University;*

13. *Promote identification, nurturing and commercialization of innovations.*

Innovation is considered successful if it causes a change in the product offered, service, business model or operations which meaningfully improve the life experiences of the stakeholders.

10.3. Admission and Mentoring Exit of Innovations

- i. *Innovations may emanate from any Department/School of Kenyatta University and nurtured to commercialization at the respective School.*
- ii. *Department/School of Kenyatta University which identifies an innovation among the students and staff may assist in referring them to the Chandaria BIIIC for admission guided by the Chandaria BIIIC Policy*
- iii. *Innovations emanating and mentored through Chandaria BIIIC shall be guided by the Chandaria BIIIC Policy in terms of their admission, mentoring and exit.*
- iv. *All innovations must be disclosed in writing to Deputy Vice Chancellor, Research, Innovation and Outreach*

10.4 Institutional Framework

Innovation is the climax of science and technology as well as research and development. In order for an innovation to attain its full growth to commercialization, a number of actors must be involved in a multi-disciplinary undertaking as stipulated here below.

A number of Departments and Schools of Kenyatta University shall be involved in the innovation identification and subsequent mentoring to commercialization in a joint collaboration as follows;

- i. *Under ordinary situations, applications for admission of innovations are sent to Chandaria BIIIC by innovators. Such innovations are nurtured by the mentors at Chandaria BIIIC drawn from relevant Schools.*
- ii. *Any School/Department of Kenyatta University which identifies an innovation among the students/staff may assist in referring the student/staff to the Chandaria Business Innovation and Incubation Centre where application for admission shall be done through the normal procedure as specified in the Chandaria BIIIC Policy. The mentoring of the innovation is then undertaken by Professional Mentors drawn from relevant Department/School under the coordination of Chandaria Business Innovation and Incubation Centre.*

- iii. *In situations where innovators are not Kenyatta University students/staff, the innovation will be admitted at Chandaria Business Innovation and Incubation Centre and will be nurtured by relevant professional mentors appointed from Schools/Departments. 70% of the space at the space at the Chandaria Business Innovation and Incubation Centre shall be dedicated to Kenyatta University students/staff while the remaining 30% shall be for non-Kenyatta University students/staff.*
- iv. *Innovations may however be nurtured at the individual Departmental/School levels without having to be sent to the Chandaria BIIC if the innovators find the necessary support at their Department(s)/School(s).*
- v. *Whenever the situation so demands, external partners (industry) shall be involved in the mentoring and commercialization of innovations at Kenyatta University provided that such partnerships will be guided by specific MOUs/ MOAs/ Letters of Agreement.*

The Directors of Chandaria BIIC shall be answerable to the office of DVC Research and Innovation who will report to the Vice Chancellor for necessary directions.

10.5 Benchmarking

Innovations nurtured at Kenyatta University shall be benchmarked using nationally approved standards as well as other internationally renowned standards. Consequently, the Division of Research, Innovation and Outreach in collaboration with Chandaria BIIC and various Schools/Departments shall work very closely with all the relevant agencies of the Government of Kenya such as the Ministry of Education, Science and Technology, the Kenya National Innovation Agency, National Research Fund and any other bodies that may be deemed relevant to the objectives of this policy.

10.6 Kenyatta University's Position within the National Innovation System

Innovation is considered successful if it causes a change in the product offered, service, business model or operations which meaningfully improve the life experience of stakeholders. In order to achieve this, a number of actors are involved within a dynamic system of interrelated components or actors. The national system of innovation can be thought of as a set of functioning institutions, organizations and policies, which interact constructively in pursuit of a common set of social and economic goals and objectives. More specifically, the Kenya National Innovation System is made up of a number of significant actors within the realm of innovation in the country as shown on Figure 1 (Source, Kenya STI Draft Policy 2012). More specifically, these are elaborated as follows;

- *Education and research system (universities, TVET institutions, sector-based research centres, national research and education network and schools including the Secondary Schools Science Fair)*
- *Business system (from start-up informal businesses to large and multi-national companies)*
- *Intermediate organizations including the laid down ST&I infrastructure (financial, information, IPR regime, regulatory, incubation centres, science and technology parks, special economic zones, etc.)*
- *Any other component of the framework conditions in which the above components interact dynamically and effectively respond to national needs of the stakeholders such as existing government policies, supportive international or/and local NGOs and so on.*

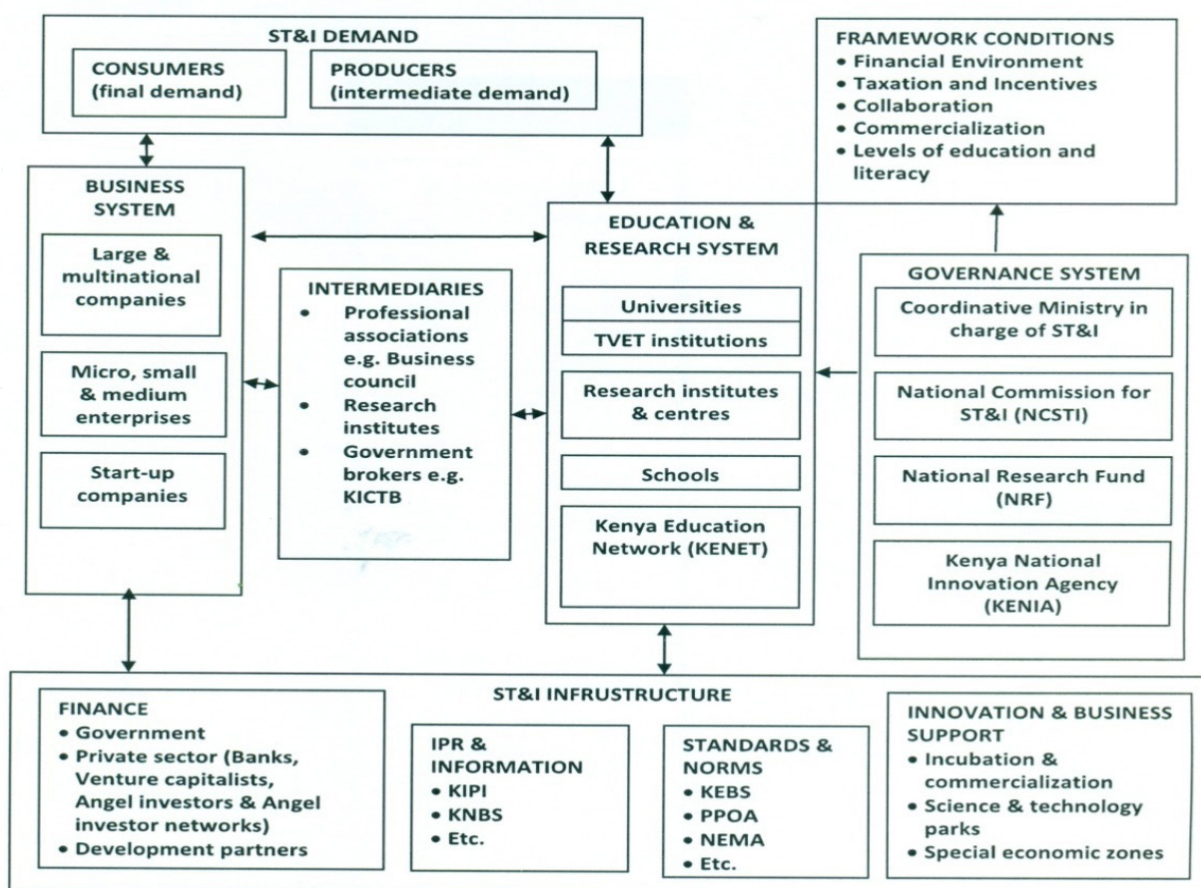


Figure 1: Major Components of the Kenya National Innovation System

Through its innovation policy, Kenyatta University will strive to have her presence felt and her support appropriately acknowledged by each of the above mentioned actors.

10.7. Use of Partners in Identification, Nurturing and Commercialization of Innovations

Kenyatta University shall sign a Memorandum of Understanding (MOU) / Memorandum of Agreement (MOA) / Letters of Contract with individual partnering organizations, whether public or private, which are involved in identification, nurturing and/or commercialization of innovations. This shall hold true for all innovations whether nurtured under Chandaria BIC or separately at the departments/schools. The MOU to be signed must spell out the specific roles of each stakeholder as well as the sharing of patents/copyrights and procedures of their identification. Kenyatta University in collaboration with relevant stakeholders will identify, nurture, recognize and protect intellectual property rights of each innovator whose innovation is nurtured under Kenyatta University.

10.8. Patenting/Copyrights of Innovations

It is advisable for innovators to be aware of patenting and copyrights requirements. Kenyatta University's Intellectual Property Rights Policy by the Office of the Director, IPR, and those found patentable or requiring copyrights shall be guided through the necessary processes by the Intellectual Property Rights (IPR) Directorate.

10.9 Dispute Resolution

Any disputes between Kenyatta University and a partner on the ownership of innovations or on its commercialization shall be resolved or arbitrated as per the provisions on the respective MOU/ MOA.



Chapter Eleven

.....
RESEARCH EQUIPMENT:
PROCUREMENT,
MANAGEMENT AND TRANSFER

11.1 Definition of Research Equipment

Research equipment is apparatus used primarily for research. It may be purchased as a complete unit, donated/loaned by a sponsor/funder or fabricated from component parts at Kenyatta University.

11.2 General Principle

The University will endeavor to ensure that grant funds and equipment are deployed in a manner which best achieves the outcomes expected from the research that has been funded.

11.3 Policy Statement

- a) *An essential component of the administration and management of sponsored research at Kenyatta University is the responsible stewardship of assets used in support of the University's research. The Division of Research, Innovation and Outreach will ensure that schools, departments, centers and principal investigators (PI) work cooperatively to ensure that the University policies on research equipment and requirements of the granting agency/sponsor are adhered to.*
- b) *Equipment purchased through a research grant remains the property of the university unless specified in an agreement at the time of the award.*
- c) *Equipment purchased through external grants or contracts are subject to the conditions set forth by the agency providing the funds. In cases where ownership has not been noted in the conditions, default ownership will be that of Kenyatta University.*
- d) *All equipment must adhere to Kenyatta University's procurement policies.*

11.4 Purchase of Research Equipment

The purchase of research equipment may be initiated only when the equipment is essential to a research project and is not already reasonably available and accessible elsewhere on campus. Kenyatta University policy requires that all special purpose equipment be shared by investigators to the maximum extent possible, although this shared use must not, of course, interfere with regulations of the sponsors, the terms under which the equipment was acquired, or work on a project for which the equipment was acquired. Purchase of research equipment shall be guided by the University policies and procurement procedures.

11.5. Ownership of Research Equipment

Most granting agencies normally require that universities retain ownership of equipment purchased from research grants at the end of the research period. It is a policy at Kenyatta University that all equipment purchased through research funds be owned by the University, as the equipment can be utilized for further research and for teaching purposes.

Researchers are therefore advised encouraged to arrange that ownership of equipment purchased from research grants and contract funds shall be permanently vested in the University. However, when such ownership will involve the University in space or budget requirements after the research is completed, approval shall be obtained from the appropriate administrative authorities before the contract is signed.

Whenever University ownership of research equipment cannot be negotiated, the staff member or the responsible officer concerned shall, before completion of negotiations, send copies of the relevant contract, correspondence to the Vice Chancellor through the Deputy Vice Chancellor (Research, Innovation and Outreach) with a brief explanation of reasons for retention of ownership by the sponsoring agency.

11.6 Departure of Staff

In most cases University research-related equipment, which may have been purchased as part of an externally-funded research grant or contract, will remain with the University and not follow a Principal Investigator who leaves the employment of the University for a new employer. However, in exceptional circumstances such equipment may be transferred to another institution subject to approval by the Vice Chancellor on the recommendation of the Deputy Vice Chancellor (Research, Innovation and Outreach). This applies irrespective of whether a research project is still underway or has been completed. Furthermore, if the equipment was purchased under an external grant or contract any transfer will be subject to the relevant terms of that grant or contract.

11.7. Release/Transfer of Research Equipment

For purposes of transferability to another institution, research equipment may be divided into two classifications: that which may be transferred and that which policy does not allow to be transferred.

11.7.1. Transferable Equipment

The transfer of research equipment to another institution with a transferring faculty member may be effected when:

- a) *The research equipment was brought to the University by the faculty member from a previous institution.*
- b) *The equipment was purchased or built with sponsored research funds or was furnished by the sponsor who requests the transfer.*
- c) *The steps listed below are followed:*
 - i. *The faculty member concerned must initiate the transfer request.*
 - ii. *The request is reviewed by the department/center/dean who may recommend approval or not. Approval would certify that the equipment is not needed in the department/center/school for teaching and/or research.*
 - iii. *The request will be considered by the Deputy Vice Chancellor (Research, Innovation and Outreach) and approved by the Vice Chancellor who may approve or deny it. Approval would certify that the equipment is not needed in any other department in the school concerned.*

11.7.2. Non-Transferable Equipment

It is the policy of Kenyatta University not to approve requests to transfer research equipment to another education institution in the following situations.

- a) *The equipment was procured or built at University expense.*
- b) *The equipment was procured or built using external funds and title/ownership has been vested in Kenyatta University*

11.8 Transfer of Consumable Items

All consumable items remain the property of the University and may not be transferred to another institution unless written approval has been provided by the Vice Chancellor on the recommendation of the Deputy Vice Chancellor (Research, Innovation and Outreach)

11.9 Individual Responsibilities

Several individuals/groups are responsible for the procurement, management, transfer, and disposition of research equipment. These include the following:

- a) *Principal Investigators are responsible for identifying the need for research equipment, determining if such equipment is available on campus, and (if appropriate) initiating purchase of new equipment. They must make sure that equipment under their jurisdiction is properly used and maintained.*
- b) *Deans/Department Chairs/Center Directors (or their designates) are responsible for seeing that research equipment in their Schools/departments/centers is accounted for and optimally utilized.*
- c) *The Division of Research, Innovation and Outreach will maintain an inventory control and assist in shared use of research equipment by identifying available items through inventory records.*

11.9.1. Management of Research Equipment

Principal investigators are responsible for the custody, care, and maintenance of all research equipment acquired through or furnished to their grants, contracts, and other agreements. A current and accurate inventory listing of all research equipment must be maintained with all equipment being physically inventoried at least biannually. The dean, department/center chairs/directors (or their designates) are responsible for reporting significant changes in the location, condition, transfer, and disposition of research equipment.

11.9.2. Shared Maintenance/Operating Costs

Maintenance and operating costs may be shared by investigators in proportion to shared use. These may be handled in any manner agreed to by the parties concerned.



APPENDICES

Appendix 1 (1): Declaration by the Researcher

I.....PF.....

ID. /Passport No. declare that I have read the Kenyatta University Research Policy and understood its content and meaning. I undertake to abide by it.

Signed by Researcher.....Date.....

Head of Department.....

Dean of School-.....Date.....

Registrar (RIO)Date.....

Appendix 5 (1): Invention and Patent Agreement

Name (Last) (First).....

(Middle, Initial).....

PIN NUMBER.....

As a condition of and in consideration of my participation in any extramurally sponsored research or other extramurally supported activity at Kenyatta University, I hereby agree to disclose promptly to the Vice Chancellor (or designee) any invention conceived and/or reduced to practice by me, whether solely or jointly with others, resulting in whole or in part from such extra-murally supported activity. I further agree that I will comply with the provisions of any agreement between the University and any sponsor pertinent to the particular activity supported by that sponsor in which I am involved, and will cooperate in assuring that the sponsor's rights, including rights in inventions and patents, are fully protected.

If I am the Principal Investigator of any extramurally sponsored project, I shall require that each participant in such project sign this Agreement and become familiar with the provisions in the agreement between that extramural sponsor and pertinent to participation in the project, including invention and patent provisions Kenyatta University, and with the Kenyatta University's policies concerning inventions and patents.

.....
Signature

.....
Date

*The Office of Vice Chancellor will assure that this agreement is on file for each Principal Investigator. The Principal Investigator is responsible for filing the agreements of the project staff with the Vice Chancellor.

Appendix 5 (2):Invention Record and Report

(Submit to the Vice Chancellor or Designee)

(Person filing report).....(date).....

1. Brief descriptive title of invention:
2. Full name of inventor(s), home address(es), and appointment title(s):
3. Recommendation of inventor(s) whether patent should be sought:

☐ Yes

☐ No
4. Results to be achieved by the practice of this invention:
5. Outline of means discovered for achieving above results in terms of
 - (a) the steps in a process, or
 - (b) the components in a composition or groups in a chemical compound (include description of process of making) or
 - (c) elements in a machine, article or device. Point out means which are essential, others which are important or useful and any critical limitations on any of these.
6. Chronology of principal events in conception and developments:
 - (a) Earliest conception date (reference to substantiating evidence desirable):
 - (b) Date of disclosure (orally or in writing) to other persons and names of such persons:

.....

 - (c) First written record pertinent to invention:
 - (d) Date and result of first test of the invention. If invention is a process, its first test is the first successful trial; if a composition of matter or a compound or a machine, article or device, its first test is its first creation and evaluation with respect to new or improved properties or behavior.
7. Source(s) and amount(s) of all grant, contract or gift funds used by inventor(s) regardless of purpose or use during the period starting with the date noted in item 6(a) and continuing to the present.
8. Identify those sources indicated in item 7 which contributed to the invention.

CHAPTER TWELVE: APPENDICES

9. Date and place (e.g. particular periodical) or any publication regarding invention (whether publication has occurred or is projected):
-

10. Background of published information and practice in the field of the invention (known practices, periodical citations, patents, etc. Attach documents if pertinent.)

11. Features embodied in this invention which would not have been obvious to or readily foreseeable by the typical skilled worker in the field:
-

Signature of person filing report

Signature of Inventor(s)

Date

Witness to Inventor's Signature

Certification by Inventor's Supervisor

(Dept. Chairman, Program Director or Coordinator)

I have reviewed the information provided above with particular reference to item 8, source of funds contributing to the invention. To the best of my knowledge, I believe the above statements to be accurate.

Signature of Supervisor

Appendix 6 (1): Additional Information

The following information, based on a mnemonic, TRICK, should help supervisors implement their IIPP responsibilities:

TRAIN Employees when first hired or when a new hazard is introduced

REPORT accidents and hazardous conditions - instruct employees to do the same

INSPECT your workplace for hazards

CORRECT Hazards found in the workplace

KEEP Records

Appendix 8 (1): Animal Care and Use Training and Education Program

Describes training sessions provided for those involved in the care or use of laboratory animals, and indicates who should attend

To: Investigators Involved with Animal Research

The privilege of conducting research using animal subjects at Kenyatta University depends on the University's compliance with National regulations governing the humane care and use of laboratory animals. One of those regulations requires assurance that individuals involved in the care and use of animals in research be qualified to perform their duties. To that end, the University must provide appropriate training and instruction to all investigators. The University recognizes that much relevant training occurs within each research unit, and that many individuals have background experience that qualifies them in certain aspects of the care and use of animals. Principal Investigators must keep in mind that it is their responsibility to guarantee the appropriate training of their students, associates, and staff, and to make sure that their research programs are in compliance with all regulations and policies governing the care and use of animals.

Who should attend the Animal Care and Use Training Sessions? It is expected that all researchers, students, and staff who are new to animal research at Kenyatta University will attend. This includes all those who intend to file a protocol for the first time or whose names are being added to existing protocols. In addition to new investigators, we strongly encourage all investigators, graduate students, fellows, and staff engaged in animal research to attend. The information in the course will make it easier to prepare protocols properly and to comply with regulations about housing, care, and euthanasia. At a minimum, we expect at least one experienced individual from each research group to attend a session and disseminate relevant information to other members of the laboratory.

The core training program, reviewed and approved by IACUC, will be offered periodically. You are expected to attend one of these sessions. In the future, there will be additional special lectures targeted for individuals whose use of animals in research and teaching creates special training needs.

We encourage you to bring your associates, students, and staff to one of these sessions. You and they will acquire useful information including an introduction to the animal care and research resources currently available through the Veterinary Service Center of the Department of Comparative Medicine. For questions about the training program, please contact the Department of Comparative Medicine.

Appendix 8 (2): Procedures for Use of Animals

Any faculty member who intends to use vertebrate animals for teaching purposes must submit an Animal Use Protocol signed by the department chairperson to the Institutional Animal Care and Use Committee. Reuse of previously approved preserved material requires no approval. Courses taught each year with no significant changes in animal usage must submit a Renewal Animal Use Protocol each year.

The protocol must include information about the source from which animals are procured. In addition, the protocol must explain why animals are needed to achieve the goals of the course, and justify the species and the number of animals to be used. If the Institutional Animal Care and Use Committee questions the species of animal chosen, the procurement process, the number of animals to be used or other related matters, such questions need to be resolved before the animals may be ordered.

Live vertebrate animals must be cared for according to the Directorate of Veterinary Services' policies and procedures governing the use of laboratory animals. Disposal of animal tissue must be in compliance with relevant health and safety regulations.

Appendix 8 (3): Guidelines for Visitors in Animal Housing and Use Areas

I. Risk Assessment - Visitors

Although a comprehensive training and health monitoring program for animal users is an important part of the Kenyatta University animal research program, the health risks are low for visitors. For purposes of this document, “visitors” may be defined as persons who fall under the following categories:

- Inspectors
- Site review staff
- Tour guests
- Workshop participants
- Contractor service personnel.

Individuals recovering from surgery or otherwise immunosuppressed may want to consider that certain areas pose an increased risk to personal health.

II. Procedures for Visitors

Visitors entering the General Housing areas MUST be chaperoned by Kenyatta University personnel who are participating in the Laboratory Animal Occupational Health Program (LAOHP) and have attended the animal care and use training session. The Kenyatta University personnel should assist the visitors in complying with all procedures and precautions that have been established based on the species and activity that will take place, such as donning masks, gloves, eye protections, etc. Questions regarding the appropriate precautions can be directed to Environmental Health & Safety, and/or the Veterinary Service Center (VSC).

Please Note:

- a. This visitation policy is applicable to exposure to animals from the general housing areas only;
- b. Entry into quarantined areas or those containing known biological, radiological, or chemical hazards should be evaluated on a case-by-case basis by VSC management in consultation with other University entities;
- Visiting researchers planning to work in Nonhuman Primate areas must provide proof of participation in an equivalent occupational health program or must participate in Kenyatta University’s LAOHP. Visitors may also be required to undergo primate-specific safety training provided by the VSC.

Appendix 2(1): Operational Guidelines for Biomedical Research

Application form

Name of Principal Investigator (PI):

Qualification of the principal Investigator:

Institution(s) of affiliation:

Address of the principal investigator:.....

Email address:.....

Fax number:.....

Telephone number (landline and cell):.....

Names of 1st Co-investigator:

Qualifications:

Institution(s) of affiliation:.....

Address:

Email address:.....

Fax number:.....

Telephone number (landline and cell):.....

Names of 2nd Co-investigator:.....

Qualifications:.....

Institution(s) of affiliation:.....

Address:.....

Email address:.....

Fax number:.....

Telephone number (landline and cell):.....

Names of 3rd Co-investigator:.....

Qualifications:.....

Institution(s) of affiliation:.....

Address:.....

Email address:.....

Fax number:.....

Telephone number (landline and cell):.....

Research Topic:.....

.....

Project site:.....

Name and address of sponsor:

Project duration:.....

Name and address of contact person (if not the PI):.....

Address:.....

Email address:.....

Fax number:.....

Telephone number (landline and cell):.....

Date:..... Signature:.....

Notes

Notes



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