



Science for Prosperity

**NATIONAL COMMISSION FOR SCIENCE,
TECHNOLOGY AND INNOVATION**

**GUIDELINES ON RESEARCH LICENSING
AND INSTITUTIONAL AFFILIATION**

DECEMBER 2019

List of Contributors

- 1. Mr. Godfrey P. Kalerwa - Team Leader*
- 2. Ms. Lilian Awala - Member*
- 3. Mr. David Amiani - Member*



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Vision

A knowledge-based economy

Mission

To facilitate quality in the research, science, technology and innovation sector through regulation, promotion and provision of advisory services

Core Values

Customer focus

Professionalism

Teamwork

Integrity

Leadership

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FOREWORD

The National Commission for Science, Technology and Innovation (NACOSTI) is established under the Science Technology and Innovation Act, 2013. The mandate of the Commission is to regulate and assure quality in the science, technology and innovation sector and advise the Government in matters related thereto.

The Science, Technology and Innovation (ST&I), Legal Notice No. 108 (Research Licensing) Regulations, 2014 obligates all persons intending to undertake scientific research in Kenya to obtain a License in accordance to the Act. In this regard, NACOSTI has developed Guidelines for Research Licensing and Institutional Affiliation in Kenya as a reference document for the stakeholders and especially those intending to undertake scientific Research within the Kenyan territory.

I take this opportunity to expressly thank the staff of NACOSTI in consultation with the relevant stakeholders that spearheaded the development of these Guidelines.

DR. MOSES K. RUGUTT, PhD, OGW
DIRECTOR GENERAL

ABBREVIATIONS/ACRONYMS

IERC	-	Institutional Ethics Review Committee
M&E	-	Monitoring and Evaluation
MAT	-	Mutually Agreed Terms
MTA	-	Material Transfer Agreement
NACOSTI	-	National Commission for Science, Technology and Innovation
PIC	-	Prior Informed Consent
ST&I	-	Science, Technology and Innovation

DEFINITION OF TERMS

In these guidelines, the following definition of key terms shall apply:

"Act" means the Science, Technology and Innovation Act, 2013;

"Affiliation" means state of a person being closely associated or officially attached to an organization;

"Affiliating Institution" means an institution which takes responsibility of affiliating researchers;

"Commission" means the National Commission for Science, Technology and Innovation established under section 3 of the Act;

"License" means a License issued under the Act;

"Licensee" means the holder of a license;

"Research" means any systematic investigation or inquiry or interview that aims to collect data or information, academic or non-academic, in areas of humanities or pure sciences or engineering or technology or for purpose of marketing survey or opinion polls or to establish facts and reach new conclusion that will lead to new knowledge or information;

"Researcher" means a person licensed under the Act to conduct research;

"Material Transfer Agreement" is a contract that governs the transfer of tangible research materials between two or more organizations for research purposes;

"Mutually Agreed Terms" is a negotiated agreement for access to genetic resources or traditional knowledge and the sharing of resulting benefits among the parties;

"Prior Informed Consent" means participation and consultation with an Indigenous population prior to the beginning of any research activity within the population's territory;

"Research Institution" means any organization, centre or place whether public or private in which research of any kind is conducted or undertaken by any person, consortium or institute, and which is registered under this Act;

"Scheduled Sciences", means any of the groups of sciences listed in the Second Schedule to the Act;

"Standard" means a reference point against which different aspects of the programme are compared or evaluated for quality.

1. INTRODUCTION

The mandate of the National Commission for Science, Technology and Innovation (NACOSTI) as per ST&I Act is to regulate and assure quality in science, technology and innovation sector and advise Government on matters related thereto. The Act also gives powers and guiding principles to NACOSTI in the discharge of its mandate. Realization of NACOSTI's mandate that aims at upholding the standard of research in the country and secure public confidence in the research ecosystem is guided by the Act; and the Science, Technology and Innovation (ST&I) Regulations 2014, Legal Notice No. 108 (Research Licensing) Regulations, 2014 that obligates all persons intending to undertake scientific research in Kenya to obtain a license in accordance with the Act.

The Act states that any person undertaking or intending to undertake research in the country, or who accesses, handles or transfers any materials or technology or moves it within, from or into the country, shall apply to the Commission for the grant of a License.

The Guidelines on Research Licensing and Institutional Affiliation, hereinafter referred to as Guidelines, provide the standards for application of the License in Republic of Kenya. These standards shall apply to all persons and research institutions undertaking research in the country.

The objectives of the guidelines are to:

- a. Ensure that research in Kenya is conducted according to professional ethics;
- b. Facilitate coordination of research;
- c. Enhance quality research;
- d. Document and monitor all research work going on in the Country;
- e. Ensure maximum benefits, impact and dissemination of knowledge and technologies from research activities to end users; and
- f. Enhance collaborations and partnerships with relevant institutions

2. APPLICATION FOR LICENSE

2.1 Target Group

All persons intending to undertake research in the country

2.2 Requirements for Application

An applicant shall submit an online application to the Commission for a Research License in the prescribed format.

The application shall be accompanied by:

i. Photograph

The size of the passport photo is 2*2 inches (51*51 mm) head must be between 25-35 mm from the bottom of the chin to the top of the head. It should be coloured and in JPEG or PNG format.

ii. Identification Document

This entail national Identification Card (ID) for Kenyans and bio page for passport, alien ID for Non-Citizens. This should be in pdf format.

iii. Introductory Letter

The applicant should submit a letter from relevant institution that is signed by an authorized officer. The letter should include name, title of research, research sites, duration of study and other relevant information.

iv. Affiliation

Non-Kenyans or Kenyans studying abroad who intend to do research in the Country must be affiliated to a local relevant institution. The institution should have the capacity to host, monitor, evaluate and report on the research project. This should be demonstratable through their current human resource, facilities and mandate. The affiliation should be valid for a period of one year.

v. Grant Letter

The applicants are expected to upload a grant letter from the funding agency to support the amount indicated for funding of the project. The letter should include name of recipient, title of the project, amount and other relevant information.

vi. Ethical Approval

Ethical approval is important to research and development in order to ensure no harm occurs to human life, the natural, social and cultural environment. Where the research involves human subjects, the applicant must obtain an approval from a NACOSTI Accredited Institutional Ethics Review Committee prior to making an application for a license to the Commission. The list of accredited Institutional Ethics Review Committees (IERCs) is available at <https://research-portal.nacosti.go.ke/AccreditedInstitutions.html>.

vii. Research Proposal

Applicants are required to submit/upload a detailed research proposal (approved for students) in pdf format. This should include; Title, abstract/summary, literature review, problem statement, objectives, justification, methodology, workplan, budget, expected output and outcomes, mode of dissemination of the findings, references/bibliography research instruments and relevant annexes.

viii. Payment

In order to enhance efficiency of receipt and processing of payments for research licensing, applicants should pay through Mobile money transfer or direct bank deposit. The amount payable should be as per the service charges and is exclusive of transaction charges. All fees paid for this service is non-refundable.

Appendix I provides the payment details and a breakdown of the service charges.

2.3 Duration of License

The validity of the License shall be one (1) year from the date of issuance.

2.4 Renewal of License

In case the research project has not been completed within the stipulated period, the researcher may apply for renewal of the License and pay the requisite fee. Under the circumstances, the researcher is expected to apply for renewal by attaching a progress report instead of a proposal. The progress report must indicate the objectives and activities that have been accomplished while indicating the research work that is yet to be undertaken.

2.5 Conditions of License

According to the Science Technology and Innovation (Research Licensing) Regulation 2014, all persons issued with a license must abide by the following conditions:

1. The License is valid for the proposed research, location and specified period.
2. The License any rights thereunder are non-transferable.

3. The Licensee shall inform the relevant County Director of Education, County Commissioner and County Governor before commencement of the research.
4. Excavation, filming and collection of specimens are subject to further necessary clearance from relevant Government Agencies.
5. The License does not give authority to transfer research materials.
6. NACOSTI may monitor and evaluate the licensed research project.
7. The Licensee shall submit one hard copy and upload a soft copy of their final report (thesis) within one year of completion of the research.
8. NACOSTI reserves the right to modify the conditions of the License including cancellation without prior notice.

2.6 Conduct of Research

All persons granted research licenses must abide by the conditions of the License and all applicable Regulatory and Legislative framework.

2.7 Reports

According to the Act, an applicant who has been Licensed shall deposit a hard and soft copy of the final research report to the Commission within one year of completion.

2.8 Monitoring and Evaluation

The Commission may conduct or cause to be conducted an evaluation of research carried out under the Act for the purpose of assessing and evaluating compliance with the conditions of the license.

2.9 Rejection and Appeal

If the application does not meet the conditions required under the Act, the Commission shall reject the application and communicate the reasons to the applicant. Any person aggrieved by the decision of the Commission under these Regulations, may appeal to the Cabinet Secretary within thirty days of being notified of the decision.

3. REVIEW OF PROPOSALS

3.1 Purpose

To provide reviewers with the minimum standards and requirements that should be considered while undertaking review of technical proposals under the ST&I Act, 2013. For each proposal submitted as part of the application for grant of research License, the following aspects will be considered.

3.2 Requirements

1. **Title** – The research title should be short, clear, concise to the reviewer and should relate to the objectives of the study.
2. **Name and Qualifications of Principal Investigator and the Team (where applicable):**
The Principal Investigator and team should possess relevant academic qualifications for the proposed research.
3. **Host Institution Relevance** – For researchers working under a host institution an introduction letter signed by the designated authority should be attached. The host institution should demonstrate capacity to facilitate the research under consideration.
4. **Institution of Affiliation** (This will be required for foreigners): The researcher should clearly indicate relevant local affiliated institution.
5. **Abstract/Summary** – This should contain the summary of the proposed research project.
6. **Literature Review**– The researcher should be able to relate other conducted studies to their proposed study area. The scholarly articles, and any other sources relevant to the researcher areas of interest, area of research, or theory, and by so doing, provide a description, summary, and critical evaluation of previous works in relation to the research problem being investigated.
7. **Problem Statement** – The problem the researcher intends to solve.
8. **Justification** – The explanation/rationale why there is need to conduct the research.
9. **Aims, Objective or Hypotheses of the Study**– The researcher should articulate the purpose for research. The research objective should be drafted in a SMART approach.
10. **Methodology** – The proposal should include the research design, sampling technique, data collection and analysis to be applied. Research involving Material Transfer should be clearly indicated. Research proposal should have an internal mechanism for monitoring and evaluation.

11. **Workplan, Schedules, and/or Phase** – The proposal should provide a detailed plan of activities. It should contain details of expected start time and completion dates, and activities to be undertaken.
12. **Budget** – The proposal must be practical and feasible with appropriate resources and budget for the activities in the workplan.
13. **Outcomes/ Outputs/ Results, the Users and Uses** – The proposal should articulate the benefits of the output and/or outcomes of the research.
14. **Dissemination of Research Results:** The proposal should state how research findings should be disseminated to the relevant stakeholders.
15. **Bibliography/ References** – The bibliography or references for Books/publications/Journals/ Web links providing basic information should be well cited.
16. **Appendices/Annexes** – This is a supplement or attachment to a research proposal. These will include the budget and research instruments

4. AFFILIATION

4.1 Introduction

Research collaborations and partnerships usually accelerate the knowledge transfer between researchers and enhance translation of research outputs into practical applications, which has important commercial, economic and social benefits. International mobility in human capital is therefore a key component of a competitive research and development agenda.

These include student exchange programmes, teaching faculty and expert missions by eminent researchers to research institutions and universities across the globe. There also exist a large pool of researchers out to undertake research in a home or a third country in order to advance their international experience and contribution to scientific knowledge.

The benefits of such mobility to a developing country such as Kenya include:

- 1) Human capacity development;
- 2) Access to specialized research facilities;
- 3) Access to international funding for local research and development;
- 4) Optimal utilization of resources;
- 5) Leverage on multiple sources of funding;
- 6) Shared risk on long-term projects and
- 7) Contribution to foreign exchange earnings.

However, hosting of students and/or researchers in local universities and research institutions requires a number of considerations including Insurance, intellectual property ownership, Ethical considerations, local legislation and practices. Other aspects that may affect are the research taxation, data ownership and ownership of the equipment. Kenya has an expansive research infrastructure comprising of universities and research institutions. Therefore, facilitating access by foreign researchers is necessary in order to achieve the maximum return on investment.

According to the Science, Technology and Innovation (Research Licensing) Regulations, 2014, a foreign researcher applying for a License shall be affiliated to a local relevant institution. An affiliating institution or an organization must be recognized by the government of Kenya.

4.2 Researchers

Persons applying for Research Licenses to undertake research on a particular subject matter must possess the minimum relevant qualifications. The assessment criteria for non-citizens applying for a Research License in Kenya will include the following:

- i. Approved Research Proposal
- ii. Introductory letter from home institution
- iii. Introductory letter from local relevant institution (Host)

- iv. Immigration requirements
- v. Where a research requires ethical review, the approval must be from a local Accredited Institutional Ethics Review Committee

4.3 Affiliating Institution

The affiliating institution must be a recognized institution in Kenya. Considerations by NACOSTI for the appropriateness of the selected institution will include:

- i. Mission, declared research programmes and research facilities.
- ii. Relevance to applicant's research area
- iii. Capacity for scientific (and ethics) review of the research project
- iv. Capacity for monitoring, evaluation and reporting
 - v. Policies on hosting of visiting researchers/students
 - vi. Institutional intellectual property management policy
- vii. Material transfer agreement (where applicable)
- viii. Code of Conduct for researchers
- ix. Ensure security and confidentiality of research data and primary materials
- x. Evidence of collaborations and partnerships with home institution of the applicant will be an added advantage
- xi. Annual Report to the Commission

4.4 Letter of Affiliation

Non-Kenyans applying for a Research License must obtain a Letter of Affiliation from a local relevant institution. The duration for the affiliation shall be one year. The letter must be signed by an authorized officer. (see Appendix II).

Appendix I: Payment Details and Service Charges

a) East African Citizens

Mobile money: Mpesa Express or Paybill Number 680907

Bank: Kenya Commercial Bank (KCB)

Account Name: National Commission for Science, Technology and Innovation

Branch: Kipande House

Account Number: 1104162547

Swift Code: KCBLKENX

Transaction Description: Research License Fee for

b) Non-Kenyans

Bank: NCBA Bank Branch: City Centre

Account Name: National Commission for Science, Technology and Innovation

Branch: City Centre

Account Number: 1001467375

Swift Code: NINCKENA

Transaction Description: Research License Fee for

Category of Research	Kenyan Citizens	EAC Countries	Rest of Africa	Non-Africa
Student Attachment Undergraduate / Diploma	KES 100	KES 100	KES 200	USD 150
Research (Masters)	KES 1,000	KES 1,000	KES 2,000	USD 350
Research (PhD)	KES 2,000	KES 2,000	KES 4,000	USD 400
Individual/Post-Doctoral	KES 5,000	KES 5,000	KES 10,000	USD 500
Commercial/Market Research	KES 20,000	-	-	-
Public Institutions	KES 10,000	-	-	-
Private Institutions/Companies/NGOs	KES 20,000	-	-	-
The same applies for renewal of Research License				

Appendix II: Letter of Affiliation

[Name and Logo of the Affiliating Institution]

[Phone] [Email] [Website] [Physical and Postal Address]

[Ref No.]

[Date]

[Researcher's Name and Title]

[Researcher's Host Institution]

[Postal and Physical Address]

Dear [Name of Researcher]:

SUBJECT: RESEARCH AFFILIATION

I am pleased to inform you that your application for Research affiliation with [Name of Affiliating Institution] to conduct research on a project titled: [Project Title: Short and Informative] is hereby approved for a period of one (1) year with effect from [Date of Issuance] to [End Date] upon payment of research affiliation fees of [Fee Charged].

During the validity of the affiliation, you will be required to conform to the following conditions:

1. Only reviewed and approved documents (including study instruments, informed consents, material transfer agreements e.t.c) will be used to conduct research. Any changes anticipated while conducting your research must be reported to [Affiliating Institution] within two (2) days;
2. That you will be required to work closely with [Name of Individual/Designation/ Department], whom you will give regular progress reports on the project;
3. Life threatening problems and severe and/or unexpected adverse events whether related or unrelated to the study must be reported to [Affiliating Institution];
4. The publications emanating from your research should duly acknowledge the [Affiliating Institution/Individuals] who facilitated the research;
5. That you will abide by the [Affiliating Institution's] Intellectual Property Policy Acceptance Agreement;
6. That Submission of a request for renewal of approval should be at least thirty (30) days prior to expiry of the approval period;

7. That you undertake to submit a copy of a report detailing work conducted, milestones achieved and planned future activities with [*Affiliating Institution*] upon completion of the study; and
8. Clearance for export of samples and specimen must be obtained from relevant Government Agencies.

Prior to commencing your study, you will be expected to obtain a Research License from the National Commission for Science, Technology and Innovation (NACOSTI) following the link <https://research-portal.nacosti.go.ke/>

Please sign this letter, the Intellectual Property Policy Acceptance Agreement (IPPAA) and return to the undersigned upon acceptance of the affiliation under the given conditions.

[*Name of Signatory*]

[*Title*]

(*Deputy Vice Chancellor in charge of Research or Director/CEO of Affiliating Research Institution*)

I [*Name of Researcher*] accept the affiliation on the terms of this letter

Signature..... **Date**

**National Commission for Science,
Technology and Innovation (NACOSTI),**

Off Waiyaki Way, Upper Kabete,

P.O. Box 30623 00100, Nairobi, Kenya.

Tel: 254 20 224 1349 / 0713 788 787 / 0735 404 245

Email: info@nacosti.go.ke/customercare@nacosti.go.ke



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