

Higher Education Authority**Report of 399th Meeting held on 28th May 2019
at the HEA's Offices, 3 Shelbourne Building**

- Present¹:
- Dr Bahram Bekhradnia (items 1-13)
 - Mr Tony Donohoe (via teleconference) (items 1-13)
 - Dr Judith Eaton (items 1-13)
 - Professor Orla Feely (items 1-13)
 - Dr Sharon Feeney (items 1-13)
 - Mr Michael Horgan, Chairperson (items 1-13)
 - Dr Deirdre Lillis (items 1-13)
 - Dr Ronan Lyons (via teleconference) (items 1-12)
 - Dr Jim Mountjoy (items 1-13)
 - Dr Sinéad O'Flanagan (items 1-13)
 - Mr Pól Ó Móráin (items 1-13)
 - Dr Lynn Ramsey (items 1-13)
 - Dr John Wall (items 1-13)
- Apologies:
- Ms Siona Cahill
 - Ms Darina Kneafsey
- In attendance:
- Mr Paul O'Toole (items 1-13.1)
 - Ms Lorna Fitzpatrick, incoming President USI (items 1-13)
 - Ms Orla Nugent (items 1-12)
 - Mr Padraic Mellett (items 1-12)
 - Dr Gemma Irvine (items 1-2, 4, 7, 9-12)
 - Ms Caitriona Ryan (items 1-12)
 - Dr Vivienne Patterson (items 1-12)
 - Mr Peter Brown (items 4-12)
 - Ms Pearl Cunningham (items 1-12)
 - Mr Ciaran McCaffrey (items 9-10)
 - Mr Jim Miley, IUA (item 4)
 - Mr Michael Casey, IUA (item 4)

Members at the start of the meeting considered any potential conflict of interest.²

¹ The quorum for HEA Board meetings, six members, was met.

² Dr John Wall, an employee of WIT absented himself from the update on the IT Carlow land purchase proposal and Dr Deirdre Lillis, a former employee of IT Tralee absented herself from discussions on the updates on IT Tralee funding and the Munster TU application

The Chair read out an email from Ms Cahill who was unable to attend today's meeting. She indicated she very much enjoyed serving on the Board and wished it every success in its future business. She asked that the interests of the student continue to inform the decisions of the Board. The Chair, on behalf of the Board thanked Ms Cahill for her contribution to the work of the HEA. He also noted this was Dr Irvine's last meeting as a member of the Executive for the time being and wished her every success with her new role in Maynooth University. Professor Feely added her best wishes on behalf of the Research and Graduate Education Committee.

1. Report of 398th Meeting

1.1 The minutes were approved.

2. Matters arising

2.1 Item 11.5 Technological University Research Network

The CEO noted this was raised at the members only session. Before writing to the Department he suggested consideration be given to the capacity of the HEA to take the lead on this and the benefits of the HEA taking such an approach. Members noted that the HEA might be able to bring more cohesion to this exercise. Such initiatives should in general be led by the HEA. A letter will issue to the DES setting out the Board's views.

3. CEO's Report

3.1 Presidents GMIT and IT Tralee

The CEO updated members on the vacancy in GMIT following the resignation of Dr Barry. The Institute has consulted the HEA regarding filling of the vacancy in accordance with the provisions of the 2006 IoT Act. The Executive in turn is currently consulting the DES. Members noted that the Registrar is acting as President of IT Tralee while the President is on sick leave.

Decision: Members noted that GMIT has consulted the HEA and that it was not appropriate for the HEA Board to be involved in the actual recruitment process.

3.2 IT Tralee Funding

The CEO referred to the correspondence received from Deloitte in relation to managing potential conflicts of interest. The Chair requested that in future the HEA executive undertake due diligence into consultancy firms being used for

work by the HEA to avoid potential conflicts of interest. Mr Mellett indicated this has been provided for under the tender for legal services which is currently underway.

The CEO updated the Board on the funding situation in IT Tralee and indicated the HEA now has clarity as to the Institute's funding situation. An urgent decision on the Institute's capital funding situation was now required from the DES and the Department of Transport, Tourism and Sport. It was noted that the Board had previously approved the allocation of an additional €3.25m in emergency funding to May this year. He advised members that the Munster TU Panel has been fully briefed on the Institute's funding situation. The Board agreed that the provision of emergency funding could continue in June within the previously agreed allocation of €3.25m.

3.3 IT Carlow Land Acquisition

Members were advised that additional information has been provided by the Institute, however the Executive is not yet in a position to alter its previous recommendation.

3.4 Munster TU Application

Ms Nugent updated on developments. The Executive met the panel on Wednesday 22nd May in CIT. The panel also met representatives from THEA, QQI and the DES. The panel had a further two days of meetings in CIT with 2 days of meetings in IT Tralee the following week.

3.5 CIT Review

Members were advised the review on the relationship between CIT and certain named companies has been forwarded to the PAC. The HEA has recommended that in future such reports should, in the first instance, be carried out by the Governing Body of the institution concerned unless there are particular reasons why this would not be appropriate.

3.6 National Forum for the Enhancement for Teaching and Learning

Members were advised that there are three vacancies to be filled on the Board. There is a need to engage with the DES on these appointments. It was agreed that proposed appointments will be discussed at the July Board meeting.

3.7 The following other issues were also raised;

- Communications Strategy – It was noted that the Board has not approved a Communications Strategy nor an Implementation Plan. The consultants will be working on both documents and it is hoped to bring these to the Board in July.
- It was noted that there will be a presentation on the HEA administration estimates at the June Finance and Governance Committee.
- The revised format of the CEO's report was welcomed.
- Discussions were ongoing with the DES in relation to the Human Capital Initiative.

4. IUA Presentation on its Impact of Irish Universities report

4.1 The Chair welcomed Mr Miley and Mr Casey from the IUA and commended the Association on its impressive report. Mr Miley in his presentation focused on the following;

- IUA membership and how it operates – there are 127,000 students and 15,700 staff in member institutions.
- Context for the review – IUA's Future Talent Campaign, EUA Investment report which highlights the relative decline in investment in higher education in Ireland.
- Objective of the review – to provide the evidence base detailing the impact investment in higher education has had on the economic and social development of the country. He acknowledged the work of Professor Feely and Mr Donohoe who served on the steering group.
- Report highlights
 - Impact on research, innovation, enterprise and knowledge transfer
 - Impact on earnings – lifetime earnings compared favourably with earnings reported by the Russell Group of Universities
 - Impact on the exchequer and university employment on the wider economy
 - Economic impact of international students
 - Social and cultural contribution of Irish Universities
 - Total contribution to the Irish economy 2018/19 - €8.9bn

4.2 Members raised the following issues;

- What response has there been to the report? Was consideration given to a wider HE sector impact report? Mr Miley indicated that the IUA did consider a wider report and discussed this with a number of parties including the HEA, it was felt such an exercise would take too long to complete. The response to the report has been positive, it understood that the DES has used the report in its discussions with the Departments of Finance and Public Expenditure &

Reform. IUA representatives have also spoken to other Departments and agencies such as IDA.

- Could this exercise be repeated annually? Mr Casey indicated that this was a significant exercise particularly as this was the first of its kind in Ireland, work on future reports might not be as onerous. The Chair suggested consideration be given to a biannual report.
- The report demonstrates a sector that is successful. Is the absence of a 'burning platform' is it difficult to make the case for additional investment having regard to evidential difficulties faced in the housing and the health sectors? Mr. Miley indicated that the intention was to gain traction over time, somewhat like the climate change campaign. The global rankings suggest the decline in investment is having an impact. He also cited the impact of the relative underinvestment in primary research has had on new spin-out enterprises. Ultimately the IUA will need to work with the HEA and THEA to produce more evidence on the impact of underinvestment. The point was made that it is difficult for the HEA to make the case for more investment in the absence of clear evidence. Mr Miley acknowledged this but noted that Universities have had to take alternative measures such as increasing international student numbers and avail of EIB loans for new buildings.
- How can the HEA and IUA work together to influence policy? It was noted for instance that Irish tuition fees were the second highest in the EU. Mr Miley noted the importance of cohesion, firstly with within IUA and also with THEA and other agencies such as the HEA. Mr Casey added that the problem was the lack of policy clarity as to how the growth in student numbers is to be funded. The point was made that the IDA and Enterprise Ireland sell Ireland on the basis of Ireland's educated workforce. The IUA might use this as leverage to input into policy as it is being developed.
- Could Irish universities refuse to increase intake unless further investment is forthcoming? Mr Miley noted there are national participation targets, if the universities opted out, this would just result in a transfer of resources to the IoT sector. He also noted that the marginal cost of increasing student numbers was not necessarily that significant.

4.3 Members considered the report further following the departure of Mr Miley and Mr Casey. It was noted that it was agreed at the previous day's meeting that a risk assessment of the HE sector should be carried out. Highlighting any high level risks which emerge from this exercise might influence thinking in the DES and D/PER. It was also agreed to look at investment in higher education in a number of countries similar to Ireland. The option of funding higher education through higher fees underpinned by a student loan scheme was considered. It was noted however that this was not supported by the main political parties in the current Dáil. Other points noted were;

- The need for different parts of the HE sector to make complementary arguments. The role of QQI in relation to quality was noted in particular.
- The need for the HEIs to have more autonomy over HR matters.
- The need to use the strategic dialogue process to collect evidence that will support the case for more investment.

5. Report of Audit and Risk Committee

Dr Feeney presented the Committee's report.

5.1 Risk Management

The Corporate Risk Register will be presented to the Board in July. The Committee recommended that the Risk Appetite Statement first prepared in 2018 be approved for another year.

Decision: Members approved the Risk Appetite Statement.

5.2 Internal Audit Workplan

Members were advised that there will be three reviews in 2019. The CEO advised that one of the reviews, Third Party Dependencies, will subject to the Committee's agreement, be an advisory report. The terms of reference for this review will be circulated to the Committee for approval.

5.3 C&AG 2018 Audit

Members were updated on the issues raised during the course of the 2018 C&AG audit. This included the timing of travel and subsistence claims being submitted by members and staff.

Decision: Members approved the Committee's report.

6. Report of System Development and Performance Management Committee

Mr Donohue introduced the Committee's report.

6.1 2019 Landscape Call

Members were advised that the DES has clarified the criteria for the call. The Executive was working to have a proposed allocation in time for the Board meeting on 2nd July. A query was raised whether consideration should be given to the outcome of the Munster TU application before allocations are approved? It

was agreed that the Executive will reflect on this, however care will need to be taken not to compromise the call which has now issued.

6.2 System Performance Review – 2019 Strategy and Performance Dialogue Compact Review process

The Committee agreed with the proposal that the Executive meet with the Chairs of Governing Bodies while noting the importance that the process needs to be carefully managed. The purpose of the meetings was more to explain the strategic dialogue process rather than exert undue regulation over HEIs.

6.3 Munster TU Process

The Committee agreed there should be space for those opposed to the TU process. Ms Nugent outlined steps that have been put in place in this regard, this included an email facility.

6.4 System Performance Report

Members were advised that it is the expectation of the DES that the report would be published, the timing to be agreed with the Department.

Decision: Members approved the Committee's report.

7. Report of the Research and Graduate Education Committee

Ms O'Flanagan introduced the Committee's report.

7.1 Innovation 2020 Update

Members were advised that the HE sector is on target to meet the Horizon 2020 targets.

7.2 Update on HERG

The need for greater joined up thinking as regards further investment for research in the TUs was noted as was the need for greater HR flexibility. Professor Feely indicated it may be necessary to convene a meeting of the RGE in the summer to input into stakeholder consultations on HERG and the successor to the Innovation 2020 strategy.

7.3 National Open Research framework

Dr Irvine reported that the DES and Department of Business, Enterprise and Innovation (DBEI) will jointly fund a person to drive the agenda for the next 18 months. The person will be based in the Digital Repository of Ireland offices but will report to the HEA, DES and DBEI.

7.4 Strategic Review of IReL

The briefing session for stakeholders will take place on 13th June. A key challenge will be to enable more researchers access this facility. The former DIT was able to join using own resources matched by the DES, this facility will now apply to all of the TU Dublin campuses. Further work will be required on the IReL governance arrangements.

7.5 Senior Academic Leader Initiative (SALI)

Dr Irvine updated members on SALI which will be launched in June. The call is open to both women and men (in exceptional circumstances where they are protected by social legislation). Concern was expressed that some institutions might seek to use the funding for activities which should ordinarily be funded by the applicant HEI. The CEO advised that the HEA will be carefully reviewing the business case for all applications.

Decision: Members approved the Committee's report.

8. Programme for Access to Higher Education – Strand 2 1916 Bursaries

Decision: Members approved the draft assessment and agreed the report should be forwarded to the DES.

9. Delegation of authority to approve certain land acquisitions by IoTs

Decision: Members approved the protocol prepared by the Executive subject to a review after three years.

10. Proposed property acquisition by GMIT

10.1 Mr McCaffrey made a presentation outlining the background to this proposal. A previous offer, approved by the HEA, was unsuccessful. However, the sale to the higher bidder did not proceed. As a result, the Institute now has the opportunity of acquiring the property. The following points were made;

- Previously a business case for this acquisition was agreed by the HEA in January 2018.
- The site has been subject to an independent valuation, a second valuation from the State Valuation Office is pending. The former valued the property close to the higher price sought.
- The DES has indicated it is prepared to fund the additional cost, with GMIT committing €2.5m from own resources.
- Failure to proceed with this purchase would add to the costs associated with another PPP building as car parking facilities may need to be provided

Decision: Members approved the purchase as recommended by the Executive.

11. Board of CAO

Decision: Members approved the appointment of Professor Niamh Hourigan and Mr Billy Bennett to the Board of the CAO. It was noted that the Board of the CAO will consider at its next meeting a policy to achieve gender equality on its Board.

12. Irish Research Council Strategy 2020-25

12.1 Mr Brown made a presentation which focused on the following;

- Five pillars
 - I. Research excellence across all disciplines
 - II. Building partnerships
 - III. Impact and knowledge exchange
 - IV. Innovation and reform
 - V. Building organisational capacity
- Critical enablers – funding and staff resources, statutory basis, new national research strategy
- Leveraging excellence on a challenged service
- Organisational structure
- Key programmes – number of applications, individual expert reviews and awards
- Council's ideal journey
- Next steps – it is hoped to finalise the Strategy by the end of June

12.2 Members raised the following issues;

- The role of the HEA Board in approving the strategy? Members were advised that the IRC has its own Council, final approval for the strategy will come from the DES. It was noted that the HEA and IRC work together on the Research

and Graduate Education Committee. The relationship between the Council and the HEA may be further clarified under new HEA legislation.

- It was noted that the scale of the Council activities is quite considerable. Is there a case to consolidate all research funding activities? The particular role of the IRC in supporting basic research was noted having regard to the earlier comments by the IUA. It was important that the DES maintained close involvement in the development of national research strategy given the need for a clear link between research and teaching and learning.
- Are there opportunities/threats arising from the current work of the HERG? Mr Brown noted there is an opportunity for the HERG to push to have more sustainable resources for research funders. Having more sustainable resources for the various funders will enhance co-operation between the bodies.
- The future role of the IRC in developing evidenced based policy. Mr Brown referred to Council funded projects which have helped inform policy for both the HEA and other Departments and agencies.
- The HEA should consider the research capacity of the IRC in developing its workforce plan. Members were advised that there is currently an IRC postdoc intern assisting with research on internationalisation.
- Value of peer reviewers' network. Mr Brown noted the importance of feedback to unsuccessful applicants. The Council is considering establishing a College of Reviewers who will be paid an annual member's fee rather than be paid for individual reviews.
- Use of technology by the Council. Members were advised that the Council use an on-line application system, Smart Simple, it is currently being reviewed by Mazars.

13. Members only session

13.1 Appointment of new CEO

The CEO informed the Board that the post has been advertised at an enhanced level of salary to the previous post holder. The salary is now a fixed point figure of €165,000 from September 1 2019. He indicated that the make-up of the selection panel was likely to include an independent chair; an education expert (probably international); a person with experience of senior public service management; a nominee of the HEA (the Chairman was nominated) and possibly one other member.

The meeting discussed the role of the Board in making the appointment. It was agreed that a special Board meeting would be convened to make the appointment once the nomination of the interview panel is known. It was agreed that only one name should be brought to the Board for appointment.

13.2 Legislative requirement for 'consultation' with HEA

It was agreed to request the Executive to prepare a list of all instances where 'consultation with the HEA' was a legislative requirement. It was felt that the most likely sources were the University Act, IOT act and TU legislation. Following completion and review of this list, the Board would recommend removal of all unnecessary requirements to the DES (which could be affected through the new HEA legislation).

Next Meeting

2nd July 2019

Chairperson

Date