

## Higher Education Authority

### Report of 419<sup>th</sup> Meeting held on 14<sup>th</sup> December via teleconference

- Present:
- Ms Clare Austick (agenda items 1-10)
  - Dr Bahram Bekhradnia (agenda items 1-10)
  - Mr Tony Donohoe (agenda items 1-10)
  - Dr Judith Eaton (agenda items 1-10)
  - Professor Orla Feely, Deputy Chair (agenda items 1-10)
  - Dr Sharon Feeney (agenda items 1-10)
  - Mr Michael Horgan, Chairperson (agenda items 1-3, 8-10)
  - Ms Darina Kneafsey (agenda items 1-10)
  - Dr Deirdre Lillis (agenda items 1-10)
  - Dr Ronan Lyons (agenda items 1-8)
  - Dr Jim Mountjoy (agenda items 1-10)
  - Dr Sinéad O’Flanagan (agenda items 1-10)
  - Mr Pól Ó Móráin (agenda items 1-10)
  - Dr Lynn Ramsey (agenda items 1-10)
  - Dr John Wall (agenda items 3-9)
- In attendance:
- Dr Alan Wall (agenda items 1-10.1)
  - Ms Orla Nugent (items 1-9)
  - Mr Padraic Mellett (agenda items 1-9)
  - Mr Tim Conlon (agenda items 1-9)
  - Ms Pearl Cunningham (agenda items 1-9)
  - Mr Peter Brown (agenda items 1-9)
  - Dr Vivienne Patterson (agenda items 1-9)
  - Ms Caitríona Ryan (agenda items 1-6)
  - Dr Louise Callinan (agenda items 6-8)

### Conflicts of Interest

The Chair reminded all Board members of potential conflicts of interest and asked members to highlight any items that may require attention. Dr Feeney and Dr Lillis indicated they may have a conflict of interest in relation to item 8, Review of Landscape Funded Projects. Dr Lyons raised his involvement in a North-South Project. It was agreed that these members did not need to recuse themselves for these items as the matters before the Board were not concerned with specific projects.

### Quorum

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

## 1. Report of 418<sup>th</sup> Board meeting

1.1 The minutes were approved subject to a number of minor typing amendments.

## 2. Matters arising

### 2.1 TUSE Application for TU Status

The Board was updated on developments relating to the TUSE application. The Minister wrote to the Chairs of the two institutes and the Chair of the HEA advising them of his decision to postpone designation until the HEA report to him on an assessment undertaken by the HEA that shows the Institutes jointly have provided sufficient convincing evidence of demonstrably meeting a number of specific requirements outlined in an appendix to his letter. He also advised that he would proceed to seek expressions of interest for the roles of Chairperson and two external members of a Governing Body for a new technological university for the southeast. He anticipated these persons joining the existing TUSEI joint governing body would assist with work leading to designation.

Members were advised that the two institutes had decided not to submit an appeal to the Minister. The HEA in turn has written to the two institutes seeking a formal TUSEI submission to the HEA demonstrating compliance with the conditions set by the Minister by 10<sup>th</sup> of January 2022. A meeting would then be arranged for the Institutes with a special Board committee, comprising the Board Chair, members of the SDPM who did not have a conflict of interest and supported by the executive. It was agreed that all correspondence will be made available to the Board.

2.2 The following issues were raised;

- Has an indicative date for designation being set? The CEO advised that the Minister had suggested 1<sup>st</sup> May 2022. It is hoped that a proposal may be brought to the Board in January by the two institutes.
- The Chair advised that the Board cannot change the advisory panel's report nor the conditions set out by the Minister.
- Some concern was expressed over whether compliance can be met by 1<sup>st</sup> May 2022, Board members were advised that it will have been 10 months since the advisory panel considered the consortium's original submission.
- Are there lessons in general the HEA should consider arising from designation processes that have taken place to date? The CEO advised the TURN process can be used to assist and monitor progress being made by TUs already designated.

- The importance of the institutes providing clear evidence that the conditions have been met. The Chair advised that the Board and Executive will focus on the requirements in respect of functional TU as outlined in the Minister's letter.
- The use of the term 'university' by an institution operating within the jurisdiction was raised. Members were advised that this was a matter for the Minister. Mr. Conlon advised that this matter was previously raised with the Department. He agreed to do so again.

### 3. Committee Reports

#### 3.1 *Audit and Risk Committee*

3.1.1 Dr Lillis introduced the Committee's report. The main item for consideration by the Committee was the C&AG's report on the 2020 audit. The overall report was very good, just two low level findings. The Committee also received a report from the internal auditors on a review of the use of spreadsheets which had 4 medium level findings which the executive will address by Q1 2022. The Committee will consider its 2022 internal audit workplan after it has reviewed the Corporate risk register at its next meeting. The Committee also received an advisory report from HEAnet who undertook a penetration test on the IRC's Smart Simple scheme. The Committee considered its own training needs and suggested the Board should be provided with training on cyber security.

Arising from the discussion, the Chair suggested a more pro-active approach to Board training be undertaken in 2022. He will discuss this with Mr. Mellett.

**Decision:** The Board noted the Committee's report. The Board also agreed to consider the Corporate Risk Register following its consideration by the Audit and Risk Committee at its next meeting.

#### 3.2 *Finance and Governance Committee*

3.2.1 Dr O'Flanagan introduced the Committee's two reports of meetings held 9<sup>th</sup> November and 7<sup>th</sup> December. Concern was expressed over the delay in securing additional resources for the HEA from the Department. Mr Mellett advised that sanction for the additional posts funded by top-slices was expected shortly. The CEO indicated that posts funded through top slices was not the optimal solution. It was his intention to have a review of staffing needs in January. The point was made that the significant number of programmes being managed by the Executive suggested the need for a grant management system. Members were advised that the executive has plans to enhance its digital capacity starting with the financial management

system which is currently underway. This will be followed by a CRM system and a grants management system.

### *3.2.2 DkIT Deficit*

At its meeting on 7<sup>th</sup> December the Committee considered DkIT's financial position. The Institute is projecting a €2.6m deficit for 2021/22 increased from €0.8m. The Institute has been requested to prepare a plan outlining how it will improve their financial position and ensure sustainability. The HEA is anxious to avoid a repeat of the situation where IT Tralee accumulated a large deficit. It was confirmed that the emergency funding provided to that institute remains outstanding. The CEO said he was proposing external assistance be provided to the Institute to assist in identifying a plan to return to a sustainable position.

### *3.2.3 Proposed approach to the finalisation of the 2021 recurrent grant*

Dr O'Flanagan advised that a HEA underspend of €17m will be allocated to institutions as a first instalment fees grant for 2021/22. This is in line with the practice of past years. The underspend included €1.8m provided for vulnerable institutions, €7.5m re 2020/21 additional places and €5m provided for the National Forum for the Enhancement of Teaching Learning which was not used in 2021. The Forum will operate under the aegis of the HEA in 2022.

**Decision:** The Board approved the approach to the finalisation of the 2021 recurrent grant.

### *3.2.4 Proposed approach to the allocation of the 2022 recurrent grant*

Dr O'Flanagan advised that the HEA has not formally been notified of its 2022 grant but the approach to allocation is in line with previous years with the aim of giving the HEIs early notification of their grant. It is understood the allocation will include additional funding for a number of areas including;

- Demographic increases - €18m
- Additional 2021/22 places - €22m, which is in addition to €20m provided in 2021 for additional 2020/21 places
- National Recovery Resilience Plan for TU transformation - €19m
- Gender Initiatives - €2.3m

While the above funding was welcomed by the Committee it was noted that an additional €276m recurrent funding was sought in the 2022 estimates.

Additional funding of €147m is being provided before year end towards university pension shortfalls with a further €20m being added to the 2022 base for pensions.

### *3.2.5 COVID Support Funding*

**Decision:** The Board approved the methodology for allocating COVID-19 Support funding to higher education institutions for 2020/21.

### *3.2.6 North South Research Funding Allocation*

**Decision:** The Board approved the allocation of €40m to the Call with 5% of the funding being set aside for review, monitoring and support. The Board also approved the allocation of €800,000 of North South seed funding to the larger North-South Research Funding Programme

### *3.2.7 Gender Equality Enhancement Funding*

**Decision:** The Board approved the allocation of €250,000 as follows;

UCD - €31,808  
UL - €50,000  
MIC - €19,000  
TU Dublin - €49,537  
DLIADT - €29,609  
IT Carlow - €32,120  
WIT – €37,926

### *3.2.8 Student Wellbeing and Mental Health*

**Decision:** The Board approved the update on funding allocation to national projects for student wellbeing and mental health of €250,000 from the remainder of the €3m additional funding provided in 2021 to mitigate against Covid 19 and facilitate the return to campus in 2021.

### *3.2.9 TU Projects*

**Decision:** The Board approved the reallocation of the unspent HEA Monitoring & Oversight budget amounting to €280,000 to TU Projects.

### *3.2.10 Research Quality Allocations*

**Decision:** The Board approved the allocation of €4.819m as follows;

- Research Excellence to the European Universities Programme in Ireland - €3.094m
- National Open Research Forum (NORF) - €1.725m

The Department provided an additional €1.519m in respect of the former allocation. Some concern was expressed whether this additional funding was being used optimally. The CEO acknowledged this but said this was the most effective way of using the additional funding provided by the Department. It was agreed that the RGE Committee would be consulted in future in relation to additional research funding that becomes available. It was also suggested the RGE prepare a list of areas additional research funding could be used for.

#### *3.2.11 Finance & Governance External Sub Committee Membership Criteria*

**Decision:** The Board approved the criteria for external members of the Committee.

#### *3.2.12 THEA Capability Building Programme/ IUA Building Capacity for Growth & Change*

Members were advised that the executive met with THEA and the Department to consider their future having regard to the establishment of new TUs.

**Decision:** The Board agreed that the Finance and Governance Committee should meet THEA to discuss how unused funding could be used to enhance organisation and leadership capacity in the technological sector. The Board also approved payment of the next instalment of funding, €206,767 to IUA in respect of the Building Capacity for Growth and Change programme.

#### *3.2.13 Financial Trend Analysis Reports*

Members were advised that each HEI has been provided with its own data and a number of universities expressed dissatisfaction with the HEA's methodology. Their primary concern relates to the inclusion of deferred pensions funding. Historically, this was excluded in these reports resulting in non-State sourced income presented as being in excess of 50%. The State is underwriting the pension liabilities in universities which is a significant cost that they would otherwise have to fund themselves. The Committee agreed with the approach of the Executive. Members were advised that the IUA has indicated that they intend formally writing to the HEA to outline their concerns. The following queries on the reports were raised by members;

- Could fees be broken down by international and Irish/EU fees?
- Is philanthropic revenue available?

Ms Cunningham advised that income analysis was based on the information available in the statutory accounts. Philanthropic income is included under other income, but the specific amounts are not available. New HEA Budget templates request an analysis of fee income between Irish/EU and International students, but this analysis is not available for the historical periods covered by the reports.

**Decision:** Members approved the publication of the Financial Trends Analysis report. It was noted that the reports will be circulated to the HEIs and the Department.

#### *3.2.14 Supplementary Commitment of Funding Under the IRC-SFI Pathways Programme*

**Decision:** The Board approved 17 awards amounting to €9,004,126 under the IRC-SFI Pathway Programme.

**Decision:** The Board noted the Committee's two reports.

### ***3.3 Report of the Policy and Strategic Planning Committee***

Ms Kneafsey introduced the Committee's report. She noted that the potential decision by the Department to allocate funding under the Fund for Students with Disabilities to private institutions may have wider implications for the sector. A policy paper on this matter was forwarded to the Department following the Committee's meeting. The Committee received a presentation on U-Multirank. The Committee received a presentation on the new non-progression report in HEIs. The Committee agreed the report should be published subject to a communications plan being put in place.

### ***3.4 Research and Graduate Education Committee***

3.4.1 Professor Feely introduced the Committee's report. The Committee received a presentation on National Open Research Forum (NORF) and the national agenda for Open Research. The Committee received a report on the COVID-19-Related Research Costed Extensions and agreed the closeout of the scheme. The Committee received an update on the North-South research scheme and noted in particular the large number of applications received under strand 2 meaning a success rate of just 3% was anticipated. The high level of applications will assist with the case for additional funding in future rounds. The limited resource available to manage this and other additional workload was noted by the Committee.

3.4.2 The Committee considered its terms of reference and noted the need to make provision for the fact that the Committee was originally was set up as a joint HEA-IRC

Committee and the terms of reference should reflect this as regards issues such as quorum. The Committee also noted that Professor Jane Ohlmeyer's term as Chair of the IRC would shortly be coming to an end and thanked her for her contribution to the work of the RGE and Irish Research Council. Professor Feely advised when her term as Chair of the Council ended it took 6 months to appoint a replacement. Mr Brown reported that the Department had been in touch, and it was his understanding the Department plans to commence the process for filling Council member vacancies shortly. The Chair noted that the legislative basis for the filling of IRC Council members has been raised with the Department. The CEO advised he anticipated the existing administrative arrangements remaining in place until new research legislation has been enacted.

**Decision:** The Board agreed the provisions in the terms of reference relating to the IRC shall be maintained pending new legislation. The Board thanked Professor Ohlmeyer for her contribution to the work of the Irish Research Council and the RGE. Members noted the Committee's report.

### ***3.5 System Development and Performance Management Committee***

3.5.1 Mr Donohue introduced the Committee's report. The Committee considered the 2022 Strategy and Performance Dialogue Process including a process for the allocation of €5 million in performance funding in 2022. Templates and guidelines will be issued to the HEIs early in the new year with returns due in March. These will be analysed during April/May with meetings with the HEIs to take place in September/October. The process will conclude in December with the allocation of the €5m performance funding.

3.5.2 The Committee recommended the reallocation of the unspent HEA Monitoring and Oversight budget amounting to €280,000 to the Atlantic Technological University (CUA).

**Decision:** The Board noted the Committee's report, approved the 2022 strategic dialogue process and the reallocation of €280,000 to Atlantic Technological University (CUA).

## **4. HEA Nomination Committee**

4.1 Dr O'Flanagan noted this proposal came from the Finance and Governance Committee but the intention was that it would apply to all external committee members. Ms Nugent advised that the proposed process was in line with nomination committees in other organisations. It was clarified that the Committee will recommend individuals against the criteria set down. A number of issues were raised:



- It was confirmed that the Deputy Chair would chair the Committee and also represent any other Committee they chaired at that time.
- Holding four meetings per annum should not be necessary once external places on the committees have been filled. This provision should be replaced with two meetings per annum or as and when a meeting is deemed necessary.
- The duration of appointments and the terms and conditions. It was agreed that ideally external members should coincide with the term of Board members. Terms and conditions will be set out in a letter of appointment.

**Decision:** Members approved the establishment of a Nomination Committee and its terms of reference subject to the provisions relating to frequency of meetings being amended.

## **5. Board self-evaluation survey**

**Decision:** The Board approved the survey subject the addition of one additional question on Board training.

## **6. Appointment of external members to Technological University of the Shannon: Midlands Midwest governing body**

**Decision:** The Board approved the criteria submitted by the TUS subject to addition of two additional competencies – risk management and mergers and acquisitions experience.

## **7. National Forum for the Enhancement of Teaching and Learning Governance arrangements**

7.1 Mr Conlon advised members that it was proposed to establish the forum as a standing committee of the HEA. Dr Ramsey advised that the Board of the Forum welcomed these arrangements. The forum looks forward to collaborating with the HEA to ensure the appropriate strategies and processes are put in place. Following a consultative process undertaken by the Forum in Q1 2020 a number of issues were raised including;

- The need for a sustainable funding stream
- Parity of esteem between teaching and learning and research
- Need for an academic led Board
- Work of the forum continues to be evidence based

7.2 Members queried the interim staffing arrangements and noted the need for the Forum to be able to continue to second expertise from the HE sector. The Department has sanctioned a number of posts and interviews have been arranged to fill in the first instance two of these posts. The existing contracts with UL are due to end on 31st December and any new HEA contracts will be effective from January 2022. He indicated it should be possible to accommodate secondments as required. Dr Ramsey advised that the current Director, Dr Terry Maguire, is retiring at the end of the year and she thanked her for her contribution to the work of the Forum. The Board of the Forum is considering the role of the future Director. Mr Conlon assured members that arrangements have been put in place to ensure the necessary decisions can continue to be made following Dr Maguire's retirement.

7.3 Members queried how the Forum will be aligned under HEA arrangements. Dr Ramsey advised that the Forum's Audit and Finance Committee has endeavoured to align with HEA systems. It was agreed that the Audit and Risk Committee would discuss the matter at its next meeting.

**Decision:** The Board approved the proposal to align National Forum governance arrangements with those of the HEA, from January 2022 through the establishment of an advisory committee operating under the aegis of the HEA.

## **8. Review of Landscape Funded Projects 2017-2019**

8.1 Mr Donohue introduced this item noting that the review was conducted in two lots. Mazars undertook a review of projects including incorporation in initial teacher education provision, and a review of projects toward technological university status was carried out by BDO. He outlined the key lessons which emerged from both reports including;

- There was evidence of good practice in terms of project management at HEI level that could be shared more broadly across the system.
- There was evidence of weaknesses in HEI practices in relation to risk management, the tracking of expenditure, and maintenance of records, particularly in respect of co-funding.
- There was no evidence of non-compliance with procurement rules.

8.2 Some concern was expressed over the absence of confirmation from HEIs on the agreed project objectives and deliverables following the completion of the HEA assessment and the award of funding which was less than that sought by the consortia. Mr Donohue advised members that the Executive have received assurances from the various HEIs. He was satisfied that the Executive now has processes in place to track progress on the various projects. The Chair suggested this matter be revisited at a future meeting.

**Decision:** The Board approved the publication of the Lessons Learned' reports on the HEA website. The Board also agreed to the reports being shared with the Department. The individual institutional reports will be shared with the relevant individual institutions to enhance learning and accountability across the system. The TU Dublin report will, subject to its agreement, be shared with all TU consortia to disseminate good practice.

## 9. Executive Report

9.1 The following issues were raised;

- North-South Research Programme
- It was agreed to extend the invitation the OECD Thematic Policy Brief - Higher Education Resources to all members
- Funding provided for the incorporation of St Angela's College into NUIG. Members were advised that the funding had been beneficial to SAC in reaching its decision to merge with IT Sligo and become part of the TU Atlantic.
- OECD Review on TU contracts. Members were advised that the report is nearly ready for consideration by TURN. It will be published and shared with Board members.
- DkIT TU status – Members were advised that the Executive met the Teachers Union of Ireland (TUI) in relation to the institute's TU aspirations. The union was advised that the HEA was endeavouring to assist the institute meet the TU criteria. Members were advised that its cross-border links were with a further higher education college.
- Education for Sustainable Development – Members were advised there was no response to the HEA's submission.
- Response to the HEA's report on race equality in higher education – Members were advised this is feeding into an inter-departmental working group. It is hoped to provide the Board with an update at the next meeting.
- Higher Education PPP Programme – given the delay in getting building underway might costs increase? The CEO advised that this process is being managed by the NTMA, the HEA's role is limited.

9.2 Ms Nugent advised members that WIT consulted with the HEA regarding the Institutions intention to reappoint Professor Donnelly as President pending a decision on TUSE.

## 10. Members Only

10.1 Board member's training

Members agreed that continuous training should be scheduled on a pro-active basis for all Board members on corporate/institutional governance and best practice.

**Next Meeting**

25<sup>th</sup> January 2022

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date