

Higher Education Authority**Report of 426th Meeting held on Tuesday 25th October 2022 in the HEA, 3 Shelbourne Buildings, Dublin 4.**

Present: Mr Tony Donohoe via MS Teams (agenda items 1-10)
Dr Sharon Feeney via MS Teams (agenda items 1-10)
Professor Orla Feely, Deputy Chair (agenda items 1-10)
Mr Michael Horgan, Chairperson, via MS Teams (agenda items 1-10)
Ms Darina Kneafsey (agenda items 1-10)
Dr Sinéad O’Flanagan via MS Teams (agenda items 1-10)
Mr Pól Ó Móráin via MS Teams (agenda items 1-10)
Dr Lynn Ramsey (agenda items 1-10)
Dr John Wall via MS Teams (agenda items 1-10)

Apologies: Dr Judith Eaton
Mr Ronan Lyons
Ms Beth O Reilly

In attendance: Dr Alan Wall (agenda items 1-10)
Mr Padraic Mellett (agenda items 1-9)
Mr Tim Conlon (agenda items 1-9)
Ms Pearl Cunningham (agenda items 1-9)
Ms Caitriona Ryan via MS Teams (agenda items 1-9)
Dr Vivienne Patterson (agenda items 1-9)
Dr Louise Callinan via MS Teams (agenda items 1-9)
Mr Colin Cooper via MS Teams (agenda items 1-9)
Ms Eilis Noonan (agenda items 1-9)
Dr Victoria Brownlee via MS Teams (agenda items 3,4)
Ms Teresa Gallagher via MS Teams (agenda items 3,4)
Dr Ross Woods (agenda items 1-9)

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. It was noted that the Chair and Deputy Chair had conflicts under agenda item 3.6, so they did not participate in this item.

Quorum

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

1. Report of 425th Board meeting

The minutes of the last meeting were agreed subject to a minor correction in relation to the record of attendance.

2. Matters arising

No items raised.

3. Committee Reports

3.0 Report of the Audit and Risk Committee

3.0.1. Dr Feeney presented this report. The Committee agreed that an external member with expertise in security, data and IT should be sought. The Committee will also be preparing an annual report for the Board in accordance with the guidelines for ARC which form part of the Code of Practice for State Bodies.

3.0.2 Internal Audit Work Programme

It was agreed Deloitte would present an internal audit 2023 work programme at the Committee's next meeting. The Committee are also awaiting a decision from the EU Commission on whether an annual Erasmus + internal audit review is still required. If not, there may be an additional audit focus next year, the Committee will consider proposals for the 2023 programme at its next meeting.

3.0.3. Report from Data Protection Officer

DPO reported to the Committee on recent activity in response to data incidents, and the Committee were satisfied with actions identified. The Head of IT also reported to the Committee on recent security updates, work is continuing at a fast pace in relation to IT security projects.

3.0.4 The following issues were raised;

- C&AG management letter raised two items:
 - (1) No repayment terms have been put in place in respect of €5m emergency funding provided to IT Tralee (now MTU). – members were advised that the Executive are liaising with the Department on concerns raised and following these consultations will respond to the C&AG;
 - (2) A number of HEIs have significant cash balances and this would appear to represent overfunding for recurrent purposes. The CEO anticipated the Department would agree a recoupment schedule for advance to MTU. In relation to cash balances, he noted that institutions were required to generate reserves, as matched

funding was required in many cases for capital projects. He anticipated a protocol being put in place outlining how transfers to capital development reserves should be managed. The Executive agreed to review an OECD recommendation in relation to retained revenue reserves.

Decision- The Board agreed the proposal that the Committee appoint a member with expertise in digital security. This will be actioned in line with the previous decision in relation to the appointment of non-board members to the standing committees.

The requirement for digital security expertise should also be included in the skills requirements for the forthcoming PAS process for the appointment of new members. The Executive will add the Code of Practice for Audit and Risk Committees to the Board Manual.

Members noted the Committee's report.

3.1 Report of Finance & Governance Committee held 27th September 2022

3.1.1 Dr O'Flanagan presented this report.

3.1.2 IRC Funding Commitments

The Committee recommended approval of the IRC's funding commitment under the 2022 call for the New Foundations Programme. The Executive outlined that the New Foundations Scheme supports up to 88 researchers across different strands, with a maximum funding total of €1,260,000. The IRC funds 'Strand 1A' Engaging Civic Society. The IRC will support up to 44 awards with a maximum allocation per awardee of €12,000, subject to a maximum total funding commitment of €500,000.

The Committee recommended approval of the funding commitment under the first call of the DOROTHY COFUND scheme. The programme will provide a maximum amount of funding of €234,720 per awardee. The IRC will fund 21.1% or €49,752 for each award over its lifetime. It is anticipated that 12 awards will be made under the first call with a maximum funding contribution of €597,024 to be provided by the IRC. The Committee advised that the IRC should seek HEA Board approval in advance of funding commitments under funding calls.

Decision: The Board approved these funding commitments.

3.1.3. Research and Innovation Allocation in the Technological Sector

The Committee recommended approval of the proposed approach to the Research and Innovation Allocation for the Technological sector for 2023.

Decision: The Board approved the proposed approach to the Research and Innovation Allocation for the Technological sector 2023.

3.1.4. Multicampus Allocation

In 2022, the amount set aside and agreed with the Department for the Multi Campus allocation was €900k. It is proposed that the 2022 allocations will be based on awards made in 2021 and subject to HEIs' satisfactory reporting on the use of funding made available to date. The Committee recommended approval of the proposed approach to funding in respect of the Multi Campus allocation. It was noted additional funding for regional campuses was sought under the 2023 estimates process.

Decision: The Board approved the proposed approach to funding the Multicampus allocation.

3.1.5. Innovation and Transformation Fund

The Committee noted the progress made on projects supported by the Innovation and Transformation Fund and recommended approval of the final balancing payments in respect of the seven identified projects.

Decision: The Board approved the final balancing payments in respect of the Innovation and Transformation Fund.

The Committee also reported the following:

- The Committee received a presentation from Mazars on Annual Governance Statements. HEIs are showing progress, however, the main area of noncompliance remains procurement.
- The Committee suggested that the open recommendations from the Review of the Funding Allocation Model (RFAM) are considered as part of the review of the funding distribution under the "Funding the Future" initiative.

The following issues were raised;

- What happens when an unsatisfactory Annual Governance Statement is submitted? These are analysed and returned to the HEI with queries for follow up.
- Ukrainian students- it was recommended that this scheme be expanded to include eligible part-time students.

Arising from the report of the F&G Committee, the Board noted their disappointment and dissatisfaction with Trinity College Dublin in relation to the quality of their responses on the AGS.

The Executive also noted that TCD had advised the HEA of an alleged fraud in Nov 2021 and that it was proving difficult to get appropriate responses on queries raised.

Members noted the Committee's report.

3.2 Report of Policy & Strategic Planning Committee held 10th October 2022.

3.2.1. Ms. Kneafsey presented this report.

3.2.2 Ending Sexual Violence & Harassment in HEIs Implementation Plan

The Committee approved the ESVH Plan, as delegated by the Board and which the Minister launched on 13th October.

3.2.3 Student Survey Trends Report

This report looked at student surveys over time and examined both domiciled and international students.

The Executive envisages the Statistics section will develop a new Student Database that will make data capture from the HEIs easier to operate.

3.2.4 Key Facts & Figures

This report showed significant increase in first class honours awards, although it was noted that the increase is over number of years. QQI and HEA work closely together in relation to this data.

3.2.5 Mental Health & Wellbeing Report

The Committee recommended approval of the Mental Health & Wellbeing Report on the use of funds and progression of Framework implementation by HEIs.

Decision: Members approved the Mental Health & Wellbeing Report on the use of funds and progression of Framework implementation by HEIs and noted the Committee's report.

3.3 Report of Research & Graduate Education Committee held 3rd October 2022

3.3.1 Dr Feely presented the report.

3.3.2 Revised Principles of Good Research Practice

The committee discussed proposed updates to 'HEA Principles of Good Practice in Research in Irish Higher Education Institutions' and recommended approval of the amended document for publication subject to minor revisions. The Committee suggested two new sections on gender equality and added sustainability principles. The document is now ready for publication.

3.3.3 Formation of a new research agency

HEA and IRC executives provided an update on the formation of the new research funding agency. The Committee emphasised that HEA and IRC should engage in a clear and frequent manner on this significant development. With the new HEA legislation, it was noted that the

HEA's role in research will be expanded. The Committee are willing to help and advise in any way possible. The CEO reported on engagement with the Department. The importance of consultation with stakeholders was noted.

3.3.4 Support for Ukrainian researchers

The Committee discussed the possibility of re-directing unused funds from the Covid-19 Costed Extensions scheme to help fund Ukrainian researchers relocated to Ireland to carry on their research. The HEA Executive agreed to discuss this possibility further with colleagues in the IRC and DFHERIS.

3.3.5 PhD Stipends

PhD stipends remain an area of extreme concern to the Board and it was noted that DFHERIS has initiated a review with a deadline of early next year.

Decision: Board to highlight the opportunity for excess Covid Emergency Funding to potentially be redirected to support Ukrainian researchers. The HEA Revised Principles of Good Research Practice were also approved for publication.

Members noted the Committee's report.

3.4 Report of Committee on System Development & Performance Management held 11th October 2022.

3.4.1 Mr O Donoghue presented the report.

3.4.2 TU Transformation Fund year 3 allocations

The Committee recommended Board approval for proposed Year 3 TUTF allocations. The TU Transformation Fund is a €90 million fund (over 3 years), announced by government in Budget 2020, to assist the development and progression of TUs. The TUTF operates as a managed rather than a competitive fund in order to serve the Fund's underlying objective to support institutions that are at various stages of the TU trajectory. The HEA Executive engaged continuously with HEIs over the summer seeking more detail from institutions in relation to the proposals. This allocation includes funding for 5 Technological Universities: TUS, ATU, MTU, TU Dublin, and SETU in addition to funding for DkIT, IADT to support their TU trajectory and StAC in relation to its incorporation into ATU.

3.4.3 System Performance Framework

The Executive updated the Committee on the development of the framework for 2023-2027 in response to previous feedback from the Board and outlined the approach to consultation with HEIs. The Committee gave feedback on the draft matrix of key themes for the framework. They noted the importance of governance to institutional performance and that it should be a "non-negotiable" aspect. The Committee recommended that the Board approve the draft framework for consultation with HEIs.

Decision- Board approved the Year 3 TUTF allocations and the draft System Performance Framework.

Members noted the Committee's report.

3.5 Report of the Teaching and Learning Committee held 14th September 2022

3.5.1 Dr Ramsey presented the report. An update was provided regarding the recruitment of a Senior Manager for the National Forum, this competition will close in the coming days.

3.5.2 Open Courses

A report was delivered on Open Courses, noting the continuation of support outside of institutions.

3.5.3 T&L Committee Composition

The membership of the committee was discussed, with members noting that the current diversity of the network should be maintained, and the next subcommittee membership should be inclusive of the entire sector, including private and public HEIs, representatives from business and other sectoral bodies.

Decision: Members noted the Committee's report.

3.6 Report of Pensions Appeals Committee held 30th September

3.6.1. Dr John Wall presented the report of the meeting, which considered three pension appeals. Two conflicts of interest were declared by the Chair and Deputy Chair, who did not participate in this item. Mr. Mellett reported that progress is being made on securing a consultant to assist the Committee, who will be available to attend the Committee's next meeting. The Executive are engaging with the DoE, DFHERIS and the Department of Public Expenditure and Reform in relation to outstanding appeals.

The following issues were raised;

- Members noted that an in-house legal unit and a Pensions Unit within HEA would be helpful to assist the Committee with these complex issues.
- The need for professional advice and expertise for individual appellants was clear as decisions taken can have very significant impacts.
- The importance of HEIs ensuring they meet their obligations to staff including the provision of timely and accurate Pension Benefit Statements.

Decision: The Board approved the 3 determinations (numbers 55, 56 and 57) made by the Committee.

Members noted the Committee's report.

4. 2nd National Review of Gender Equality – Memorandum A 43/22 attached

4.1 Members noted a presentation by Dr Ross Woods, on the forthcoming report from the Expert Group on the *Second Gender Equality Review of Irish Higher Education Institutions*. It is anticipated that the report will be launched by the Minister at the HEA's 50th Anniversary Conference.

4.2 The presentation focused on the following points:

- The review was undertaken in consultation with key stakeholders from the higher education sector and relevant civil society organisations, as outlined in the report. The recommendations of the expert Group have been informed by this extensive consultation process. This included an online consultation, written stakeholder submissions, and meetings with key stakeholders, along with 2,500 survey responses from the sector.
- The two issues that have emerged since the 2016 report were intersectionality and the impact employment precarity. The Expert Group made recommendations across a number of thematic areas to the HEA, to HEIs and to other stakeholders mentioned in the report. These covered;
 - Leadership
 - Organisational Culture
 - Teaching & Learning
 - Research & Quality Assurance
 - Intersectionality, Career Development
 - Precarity
 - Data Capture, Analysis & Reporting

4.3 The following issues were raised:

- Collection of data on sex/gender disaggregated data- the collection of both are recommended in the Report in line with current HEA practice.
- In relation to the Gender Action Plan- are student and staff profiles linked? The Review is specifically focused on staff data, however Statistical Units may have input on student data.
- Issue of precarity of employment is an international issue. The current Employment Control Framework also limits the ability of HEIs to respond in a structured way. It was noted the group made recommendations in relation to the ECF. Researcher career precarity has wide reaching impacts from a gender equality perspective. It was noted that the researcher career issue is coming up in other areas such as Doctoral Advisory Forum.
- Collection of data remains an issue: the Expert Group is recommending a more intersectional focus. A systematic approach to capture and analysis of data is welcome.

- The recommendation of a Code of Practice, there are already COPs for the sector, can this new proposed one sit within existing frameworks rather than have a standalone one?

Dr Woods confirmed he would report the Board's feedback to the Expert Group. A final version of the report is imminent and is expected to be circulated electronically for final approval by the Board and subsequent publication by the Minister. It is intended to launch the Report at the HEA50 Conference. The Board is requested to approve this approach to finalisation and publication of the Report.

Decision: The Board approved this approach to the publication of the Report.

5. National Action Plan for Open Research – Memorandum A 44/22 attached

5.1 Members are requested to confirm that they support the HEA endorsement of the NORF National Action Plan for Open Research.

5.2 The following issues were raised;

- Is this National Plan part of a wider EU effort? It was confirmed the national work outlined in the Plan aligns closely with European work on the issue.
- This issue requires global attention, as most high impact journals are published by major US academic publishers. It was noted that US President Biden made a statement some weeks ago about open access, so it is receiving attention.

Decision: The Board approved the HEA's endorsement of the NORF report.

6. HEA Membership of the CAO and HEAnet CLG – Memorandum A 45/22 attached

6.1 Members were requested to approve that the HEA explore the process of removing itself as a director/member of the CAO and HEAnet CLG.

6.2 The following issues were raised;

- Having regard to the HEA's move into a more regulatory space, members were requested to consider whether it would be more appropriate to remove the HEA as director of the CAO. Members agreed that the executive could further explore the process for removal.
- Members noted that the remit of HEAnet has extended beyond Higher Education, and that the HEA can continue to avail itself of the services of HEAnet, while terminating the HEA's membership of the CLG.
- Members also requested the HEA ask HEAnet to consider renaming itself to avoid confusion.

Decision: The Board approved the HEA should cease nominating a director/member to the Board of HEANet, and agreed that the Executive explore the mechanism for removing itself from the Board of CAO and provide an update at the next meeting.

7. External Board Evaluation Exercise – Memorandum A 46/22 attached

7.1 Members were asked to approve the approach to the undertaking of an external Board Evaluation Exercise.

Decision The Board approved this approach.

8. Tender for the design and HEA and IRC Publications – Memorandum A 47/22 attached

8.1 Members were asked to approve the appointment of Mitchell Kane as the framework provider for the provision of services for the Design of Publications for the HEA, the IRC and the National Forum.

Decision The Board approved this appointment.

9. Executive Report – Memorandum A 48/22 attached

9.1 The following issues were raised;

- Following consultation with DFHERIS, the HEA will be liaising with HEIs in relation to expressions of interest for additional places across areas such as medicine, pharmacy, veterinary, nursing and dentistry.
- There has been a request from the Minister for the HEA Chairman and CEO to meet the chairs of the Technological Universities.
- Update on tertiary education- HEA and Solas recently met CEOs of ETBs. The Executive will provide a further update on this positive engagement at the next board meeting.
- Update on Graduate Outcomes- 2022 report is ready to be finalised and the intention is to launch this at the HEA50 Conference, it was agreed this could be circulated to the board between meetings via email for their feedback.
- Update on recruitment- New AP and SEOs starting in Capital Programmes Unit shortly. It was noted that Higher Education PPP Programme and Decarbonisation will be an area of increasing concern and it is important this is well resourced.
- Support for displaced Ukrainian students- How many applications considered under this scheme? Members were advised there were c. 350 applications.
- How will be new legislation be managed with relation to the Board? This has been raised with DFHERIS.
- Progress on the HEA50 conference- It was requested that the Communications section brief the board on the continuing preparations: the date for the conference is 23rd November 2022.
- TU Dublin post establishment review- when will this be completed? Members were advised it was hoped to complete this by Q4 2023.

10. Members Only

No matters were raised at the Members only session.

Next Meeting

Tuesday 13th December 2022

Chairperson

Date