

Higher Education Authority

**Report of Special Meeting on reform of HEA legislation held on 6th October 2020 via
teleconference**

Present: Mr Tony Donohoe
Dr Bahram Bekhradnia
Dr Judith Eaton
Professor Orla Feely, Deputy Chair
Dr Sharon Feeney
Ms Lorna Fitzpatrick
Mr Michael Horgan, Chairperson
Ms Darina Kneafsey
Dr Deirdre Lillis
Dr Jim Mountjoy
Dr Sinéad O’Flanagan
Mr Pól Ó Móráin
Dr Lynn Ramsey
Dr John Wall

Apology: Dr Ronan Lyons

In attendance: Dr Alan Wall
Ms Orla Nugent
Mr Padraic Mellett
Mr Tim Conlon
Ms Caitriona Ryan
Mr Peter Brown
Dr Vivienne Patterson
Ms Pearl Cunningham

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.

Quorum

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

Disclosures

No disclosures were raised

Introduction

1.1 The Chair opened the meeting by outlining the process to date. He referred to the HEA's submission and noted that much of what the HEA had proposed in its submission has been included in the draft heads of bill. He noted a number of areas not addressed including;

- Reform of HEI governing bodies – in particular the recommendations on the size/numbers on the GBs and that HEI GBs meet at least twice per annum without the President/Provost being present. It was noted that a number of HEI GBs were opposed to this in principle.
- Role for HEA in assisting HEIs manage HR including capacity to offer voluntary redundancy schemes.
- Registration of HEIs
- Collection of data from private colleges – this may be addressed if private HEIs are required to register under HEC legislation. Dr Patterson advised that the draft Heads of Bill gave the HEA much stronger rights to collect staff and student data from the HEIs.
- Role for HEA in overseeing employer NTF contributions – he suggested this could be addressed in the context of a financial oversight agreement

1.2 The Chair queried whether the new HEC would be able to commission research? Mr Conlon advised that the capacity of the HEA to commission research was included in the latest draft.

2. Issues raised by Members

- There should be some role for the HEA in overseeing HEI environmental sustainability plans. There needs to be a clear distinction in the legislation between financial sustainability and environmental sustainability. It was suggested that a requirement around environmental sustainability could have implications for HEIs capital infrastructure.
- The need for smaller HEI governing bodies and a more open selection process.
- The contradiction between HEI autonomy and the need to comply with directives on pay and staffing.
- The need for parity as regards HEC oversight of the university vs TU/IoT sectors. It was suggested that the Heads of Bill reflect existing legislation. Ideally there should be a single HE sector.
- The need for more clarity as regards the HEC's role in relation to research. The Irish Research Council was not referenced in the draft Heads of Bill. It was noted that the new Department is still being set up and accordingly structures around research remain work in progress. It was important that support for a

broad base of research was maintained and the new HEC has a strong voice on research policy. It was agreed that the Research and Graduate Education Committee should meet the Department staff drafting the legislation.

- More clarity will be required as regards the circumstances which will trigger an investigation into a HEI or the appointment of an observer. The Chair noted the need for greater clarity, this will no doubt emerge as drafting of the legislation progresses. It was suggested that HEIs should be responsible for the costs of any investigations the HEC determines need to be carried out.
- Will the new body have a role in reviewing the demand for higher education? Will the new body continue to have a role in promoting an appreciation of the value of higher education? The most recent draft provides for this.
- Distinction between academic freedom of an institution and an individual's academic freedom.
- What role will the new body have in overseeing private providers? It was noted that the QQI will also have a role in overseeing quality in the private institutions. The HEC may have a perspective having regard to its collection of data. Mr Conlon noted that the issues of registration of private providers remains under consideration, in particular whether this would be for the purposes of quality oversight, to enable funding to be provided or both. It was noted that the HEA Act provides for designation of institutions under that Act but no designations have been made in recent years.
- Regulation of blended learning which will continue to grow in importance.

3. Current status of the legislation

3.1 The CEO and Mr Conlon outlined their perspectives on the current status of the legislation. The following points were made;

- There will need to be more prescription as regards the powers of the HEC and the role of the Commission as distinct from the Executive.
- The new body will need to be adequately resourced if it is to discharge its new remit.
- Changes to existing legislation, particularly the Universities Act will face opposition.

4. Next steps

4.1 It was agreed that the Executive would write to the Department, on behalf of the Board, recommending the following ;

1. The need for the legislation to require the HEIs to development climate action plans to be overseen by the HEC.

2. The need for smaller HEI governing bodies with appointment through an open process.
3. There should be a single HE sector
4. Need for greater clarity around the process underpinning investigations undertaken by the HEC and an appeals process. The costs of such investigations should be undertaken by the HEI concerned.
5. More clarity was required around the role of the new body in relation to research. It was agreed the Research and Graduate Education Committee should meet officials from the new Department.
6. The legislation should include a provision that the HEC will promote an appreciation of higher education.
7. Clarity as to how an employment controlled framework will be applied under the new legislation.
8. Need for clarity on the role of the HEC with provide third level providers in Ireland.

Next Meeting

20th October 2020

Chairperson

Date