

Higher Education Authority**Report of 417th Meeting held on 6th and 7th September via teleconference**

Present: Ms Clare Austick (agenda items 1-12)
Dr Bahram Bekhradnia (agenda items 9-12)
Mr Tony Donohoe (agenda items 1-12)
Dr Judith Eaton (agenda items 1-12)
Professor Orla Feely, Deputy Chair (agenda items 1-7, 9-12)
Dr Sharon Feeney (agenda items 1-12)
Mr Michael Horgan, Chairperson (agenda items 1-12)
Ms Darina Kneafsey (agenda items 1-12)
Dr Deirdre Lillis (agenda items 1-12)
Dr Jim Mountjoy (agenda items 1-12)
Dr Sinéad O'Flanagan (agenda items 1-12)
Mr Pól Ó Móráin (agenda items 1-12)
Dr Lynn Ramsey (agenda items 1-9, 11)
Dr John Wall (agenda items 1-10)

Apologies: Dr Ronan Lyons

In attendance: Dr Alan Wall (agenda items 1-8.1, 9-12)
Mr Padraic Mellett (agenda items 1-7, 9-12)
Mr Tim Conlon (agenda items 1-7, 9-12)
Ms Caitriona Ryan (agenda items 1-7)
Ms Pearl Cunningham (agenda items 1-7)
Mr Peter Brown (agenda items 1-7)
Ms Éilis Noonan (agenda items 1-7, 9-12)
Dr Ross Woods (agenda item 5)
Dr Lucy Michael (agenda item 5)
Dr Marta Kempny (agenda item 5)
Dr Louise Callinan (agenda items 6, 9-12)
Dr Andrée Sursock (agenda item 10)
Dr Mary Ellen Petrisko (agenda item 11)

Items 1-8 considered on 6th September. Items 9-12 considered on 7th September.

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 Lynn Ramsey recused herself from the presentation on the CUA TU application and subsequent

discussion. Dr John Wall recused himself from the on the TUSEI TU application and subsequent discussion.

Quorum

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

The Chair welcomed the members following their reappointment for a new term.

1. Report of 416th Board meeting

1.1 The minutes were approved.

2. Matters arising

2.1 No issues raised.

3. Committee Reports

Pension Appeals Committee

3.1 The Chair introduced the Committee's report. He noted that hitherto it has not been the practice to present reports of the Pensions Appeals Committee to the Board. The appeal concerned the non-award of professional added years. The Committee approved the draft determination having regard to the rules of the scheme. However, having regard to commitments given to the appellant when she first joined NUIG, the University was asked to reflect on this. Mr Mellett assured members that the University now fully understood the rules underpinning the award of professional added years.

3.2 The following issues were raised;

- The process for drafting determinations. Members were advised that these are prepared by the HEA working in consultation with officials from the Departments of Education (who are currently responsible for pension matters in HEIs) and Public Expenditure and Reform. In addition, there is a requirement that determinations approved by the HEA receive the consent of the Minister for Further and Higher Education, Research, Innovation and Science and Minister for Public Expenditure and Reform.
- Clarification was sought as to whether administrative staff have an entitlement to added years. Mr Mellett advised that rules vary from university to university but administrative staff in some universities are eligible for professional added years.

- Does each university have just one superannuation scheme? Mr Mellett advised that some universities have a number of superannuation schemes. However with effect from January 2013 all new entrants to the public service are members of the Single Public Service Pension Scheme.

Decision: Members approved the Committee's report.

4. HEA Governance - Terms and Reference and Membership of HEA Standing Committees

4.1 The Chair introduced this item advising that the terms of reference for each committee had not followed a standard template as recommended in the Governance Ireland report. Headings 4-13 were now standard, each Committee may review, from time to time, headings 1-3, Introduction and Type of Committee, Role and Purpose of the Committee and specific Terms of Reference. He advised that the number of Board members would be reduced to a maximum of five. Each Committee could appoint up to four non-board members. This process is to be overseen by the Committee Chair. It was suggested these members be called external, independent members.

4.2 The Chair outlined the process for his recommendations in relation to Board member appointments to the standing committee. He gave consideration to the preferences conveyed by members having regard to the following constraints;

1. A maximum of five Board members per committee
2. No member to serve on more than two committees.

Having regard to the above the proposed membership of the standing committees was as follows;

Audit and Risk Committee	Finance and Governance Committee	Pension Appeals Committee
Dr Deirdre Lillis (Chair)	Dr Sinéad O'Flanagan (Chair)	Dr Jim Mountjoy (Chair)
Ms Darina Kneafsey	Dr Bahram Bekhradnia	Professor Orla Feely
Dr Lynn Ramsey	Ms Clare Austick	Mr Michael Horgan
Mr Pól Ó Móráin	Dr Judith Eaton	Dr John Wall
	Mr Michael Horgan	

Policy and Strategic Planning Committee	Research and Graduate Education Committee	System Development and Performance Management Committee
Ms Darina Kneafsey (Chair)	Professor Orla Feely (Chair)	Mr Tony Donohoe (Chair)
Dr Bahram Bekhradnia	Dr Deirdre Lillis	Ms Clare Austick
Dr John Wall	Dr Jim Mountjoy	Dr Judith Eaton
Dr Sharon Feeney	Mr Pól Ó Móráin	Dr Lynn Ramsey
Mr Tony Donohoe	Dr Sinéad O'Flanagan	Dr Sharon Feeney

Dr Lynn Ramsey will continue as Chair of the National Forum for the Enhancement of Teaching and Learning. The Irish Research Council will continue to nominate three members to the Research and Graduate Education Committee.

Decision: Members approved the terms of reference for the standing committees as presented. Each Committee may undertake a review of the first part of the Governance document at a time to be decided by the committee. It was agreed that Committee Chairs would agree dates for meetings to July 2022 and notify the Board Secretary. The membership of the standing committees as outlined above was approved.

5. Race Equality Survey of Staff in the HEIs

5.1 The Chair welcomed Dr Lucy Michael and Dr Marta Kempny and thanked them for their report. Dr Michael and Dr Kempny made a short presentation which focused on the following;

- Demographics of survey by institution and area of work/academic discipline
- Experience of minority ethnic group
- The role of leadership
- Ethnic diversity and a sense of belonging
- Discrimination on-campus or on-line
- Racial harassment or abuse – the extent to which it is witnessed
- Racial microaggressions
- Workload and recommendations
- Recommendations under the following headings
 - Leadership
 - Recruitment
 - Policies and reporting
 - Awareness, training and data collection

5.2 Members welcomed the report and raised the following;

- The extent to which institutions had anti racist policies and clauses in staff handbooks. Dr Michael advised that there was a lot of evidence of generic policies, many not particularly accessible to staff.
- The extent to which work carried out by HEIs to achieve Athena Swan accreditation has impacted on race equality. Members were advised that respondents to the survey were looking for something specific directed towards race equality. Dr Michael advised that this survey did not seek to measure the effectiveness of the Athena Swan recommendations. Given the difference in numbers between females and ethnic minority groups there may not be the same pressure on leaders to address race inequality.
- Any specific recommendations as regards career progression for minority ethnic groups? Might there be an ethnic group pay gap which will take time to close? To what extent did the application of short term contracts feature across different ethnic groups? Dr Michael noted that members of minority ethnic groups experienced the same lack of structure as other staff. Career progression often depended on informal networks which placed some minority ethnic staff at a disadvantage. Informal networks have a tendency to reinforce bias. In relation to the question of a pay gap Dr Michael noted the message was mixed. Some staff from ethnic minority groups were recruited directly into senior roles. They do not appear to have experienced the same level of discrimination. However for those in more junior roles there was a genuine concern that they would not progress. Experience from the UK was that many staff from ethnic minority groups drop out of higher education. The question of contract type was not addressed in the survey.
- To what extent did the experiences of staff and students from minority ethnic groups coincide? Dr Michael noted that given the small sizes of ethnic minority groups there was a greater commonality in experiences between staff and students.
- Importance of intersectionality. This has worked for LGBTBI staff in some institutions.
- The extent to which a multi-cultural staff and student body can have a positive impact on global rankings. Dr Michael noted this was not addressed in this survey. However, HEIs were at risk of losing out on a broad range of expertise.
- Was there anything specific as regards race equality in the HE sector? Dr Michael noted that higher education was somewhat unique in so far as staff interact to greater extent with the 'clients' (students) than is the case in other sectors.
- Was there any evidence that some HEIs were more progressive in the area of race equality? Members were advised that the survey deliberately did not make any institution specific findings or recommendations. The intention was to provide HEIs with the material to undertake their own self-evaluation. Examples of good practice were provided in the quotes outlined in the report.

- Role of leadership and overcoming inherent bias in interviews. Dr Michael noted that there was a perception that race equality was not a priority for many leaders, that it would emerge over time. The difficulty with making interview boards more diverse was that it was not seen as something advantageous to those serving on such boards.
- Impact of initiatives such as the University of Sanctuary? Dr Michael noted that this was a positive initiative which facilitates dialogue. The survey highlighted the importance for ethnic minority groups and other white groups of feeling safe in their environment.
- It was noted that HEIs can be highly politicised and there is a risk of unchecked bullying. Dr Michael stated that the survey noted that white Irish were less likely to notice incidents of racism or harassment. Some respondents from the non-Irish and ethnic minority groups who did make complaints were often accused of making mountains out of molehills.

5.3 Members discussed the next steps noting the report will be published. Dr Woods confirmed race equality was included in the Athena Swan criteria for gold and silver certification. A number of members noted that limited data was collected at institutional level but the survey now will enable them to benchmark.

The status of the Analysis of Graduate Earnings Report approved at the June meeting was raised. Dr Patterson advised that this report will be published on 24th September.

Decision: Members approved the publication of the report. It was agreed the executive would arrange a briefing for the media. The Board will consider at a future meeting how issues around race equality might be addressed in institutional leadership masterclasses which the HEA is funding through the IUA.

6. Report on 2021 Strategic Dialogue Meetings

Decision: It was agreed that this report will now be considered by the System Development and Performance Management Committee. The executive was requested to consolidate the recommendations in a single page.

7. COVID-19 Support Grant - Safe Return Allocations

7.1 The Chair introduced this item noting the Board was being asked to approve allocations of €57m to fund the safe return to campuses and meet additional costs incurred in dealing with challenges presented by the pandemic. He noted that safeguards have been built in to ensure the funding is spent appropriately. Ms Cunningham confirmed that these allocations were based on 2021 Core Grant allocations. The CEO updated members on the audits of the previous Covid funding

support. He hopes to bring this report to the October Board meeting, through the Finance & Governance committee.

Decision: Members approved the allocation of the €57m as set out in memorandum A 39/21.

8. Members only

8.1 The following issues were discussed, in the presence of the CEO Dr Alan Wall:

- Progress of the new HEA Legislation
- Accountability of Leadership within HEIs and their oversight
- Plans for return to workplace and board/committee meetings in person
- Meetings with Chairs of Governing Bodies attended by the HEA Chair and CEO

In the absence of the CEO, the following matters were raised:

- PhD equivalency in TU applications and possible implications for future staffing
- The role the HEA will be obliged to take in both supporting the TU sector in the future, while also holding it to account in reaching milestones and targets as set out in legislation
- Lack of progress in integrating the National Forum for the Enhancement of Teaching and Learning into the HEA

9. Pre-Briefing Technological University Process

9.1 Members considered the issue of PhD equivalences, previously raised at members only. The CEO noted that the TU Act allows consortia to propose PhD equivalences that may be assessed by the advisory panel as equivalent to a doctoral degree. Mr Conlon noted that the percentage of staff holding doctoral equivalences was no higher than 10% for any consortia. TUSEI did not rely on equivalences. The intention was that the HEA would work with the successful designated TUs and THEA so as to ensure they met the 65% target for full-time academic staff with PhDs within 10 years of designation. It was noted the age profile of staff in the IoT/TU sector meant there would many staff reaching retirement age in the forthcoming years and this together with continued targeted funding should help this target be met.

9.2 Issues raised by members;

- Risk that different panels may take a different interpretation when it comes to assessing equivalences. Members were advised that the executive provides as much guidance as possible and there has been some overlap in the membership of advisory panels. Dr Callinan advised that the CUA and TUSEI

advisory panels had the opportunity to meet to ensure there was consistency in approach.

- Role of the BH report. Members were advised that this report was commissioned by the CUA to assist the panel in its consideration of the CUA's proposal around equivalences. Members were advised that the HEA had no role in the procurement of BH by the CUA nor the appointment of Mr Boland to assist the TUSEI progress its application. Members were advised that the involvement of BH in the work of other consortia did not come up in deliberations with the CUA advisory panel. It was agreed that the HEA should refer in its letter to the Minister the reliance by the advisory panel on this report.
- Role of QQI. Members were advised that the panel met QQI, it provided the same perspective as the HEA executive on this matter.

9.3 Other issues raised included;

- Some members felt it will be a challenge for the Irish HE system as it seeks to operate at least two types of universities, especially as our values are grounded in the traditional understanding of a university.
- There is a need for a wide ranging discussion on research metrics. The point was made that some consortia had ten years to prepare their applications. It may be a challenge for the new TUs to grow their research capacity over the next ten years. The need for dedicated adequate research funding to enable the TUs build capacity and the need for reform of academic contracts was noted. Mr Conlon referenced the work of the OECD currently underway.
- Membership of the two advisory panels.

CUA Advisory Panel	TUSEI Advisory Panel
Dr Andrée Sursock (Chair)	Dr Mary Ellen Petrisko (Chair)
Professor Lorraine Farrelly	Professor Bert van der Zwaan
Professor Jean-Pierre Finance	Professor Lesley Yellowlees
Professor Philip Gummett	Professor Tim McTiernan

- It was confirmed that the executive received statements from the panel members confirming they had no conflicts of interest.

10. Report of CUA Advisory Panel

10.1 The Chair welcomed Dr Andrée Sursock and thanked her and fellow panel members for their report. He invited her to address the Board.

10.2 Dr Sursock noted the review was undertaken on-line and worked very well. She found the CUA team to be very engaged throughout the process. Likewise, the HEA executive was very supportive. The advisory panel arrived at a consensus pretty quickly without any major problem. The panel considered the current

requirements and the potential to achieve the future requirements. In relation to the former the panel was satisfied these were met. In relation to the latter the panel was satisfied in relation to the following:

- Commitment to regional links
- Commitment to teaching and learning
- Commitment to access

There was strong evidence of support from the academic community and student body.

The panel's concerns related to the following;

- Research – While the panel did note some strengths in research, they were fragile. It is imperative that CUA continues to have access to research funding to enable it build up its capacity. In addition, reform of the academic contract is necessary. The panel recognised these were outside the control of the CUA.
- Institutional design – The panel was struck by the proposal that the three institutes would remain in place within a new TU. The panel anticipated however that this position may change following the appointment of a new President. The panel was confident that there was a great deal of trust across the three institutes. The panel recommended that the institution design be reviewed.

10.3 Members raised the following issues;

- Had the panel any specific observations as regards the stretch targets? Dr Sursock noted how difficult it can be to carry out successful mergers. The HEA and QQI will need to allow the new institution space for it to manage necessary changes.
- Did the panel have any concerns with the issue of PhD equivalences. Dr Sursock acknowledged this was a challenge for the French members of the panel who are not familiar with this concept. The UK members of the panel were familiar with the concept and considered the application together with the BH report. The panel also discussed the matter with the HEA and QQI and concluded that the PhD equivalences were sufficient for the purposes of the TU legislation. The panel assumed that these are transitional arrangements and that future academic appointees will hold a PhD.
- How big a barrier will contractual constraints be? Dr Sursock noted that the trade unions were fully supportive of the application. Key to this was early and ongoing consultations.
- How critical are the questions of funding and contract reform which it was noted need to be addressed at national level? Dr Sursock noted these are

critical. Ireland needs to allow time to the TUs to develop. They will need funding to enable them develop their research capacity.

- Did collaboration with NUIG come up in discussion with CUA? It was noted that there is a limit to the capacity of businesses to engage with HE. Dr Sursock noted that CUA confirmed that they were willing to establish partnerships with NUIG over time.
- The need to manage regional expectations. Dr Sursock noted that there is a danger that communities in the region have an unrealistic expectation that the establishment of a new technological university will solve the region's economic difficulties.

10.4 Following Dr Sursock's departure members considered the next steps. The following points were raised;

- Members noted the strong recommendation in relation to ongoing funding.
- The size of the region was also noted, this would not have been apparent to the panel as they carried out their evaluation on-line. Furthermore, the region was not particularly homogenous. The new TU will need to be cognizant of regional economic divergences. This will be a challenge for the new entity and should be referenced in the HEA's letter.
- The point was made that the concept of PhD equivalences was no longer so common in the UK, the exception being business faculty. It was noted that legislation only sets a target of 65% of academics holding a PhD within ten years of designation.
- The need to challenge the culture and how success is measured within the TUs. Many current academics continue to be reluctant to carry out research. The importance of adequate student services across the different campus post designation and that they are easily accessible. Student accommodation will also need to be addressed.

11. Report of the TUSEI Advisory Panel

11.1 The Chair welcomed Dr Mary Ellen Petrisko and thanked her and fellow panel members for their report. He noted that the assessment was challenging for the panel. He invited her to address the Board and advise on any specific remarks the HEA may wish to make to the Minister.

11.2 Dr Petrisko noted from its assessment of the application and throughout its engagement with TUSEI it was clear that a high level of strategic planning had been carried out but there was an absence of detailed operational planning. The consortia was planning to carry out the majority of detailed operational planning post designation.

11.3 Members raised the following issues;

- The extent to which the announcement of a possible designation date may have impacted on the consortia's preparations. Dr Petrisko said she was not able to comment but noted the announcement appeared to have been well publicised. It was also noted that this region does not have a university so there may have been an expectation that approval would be forthcoming, as a matter of course.
- How confident was the panel that the criteria would have been met had more operational planning been evident? Dr Petrisko noted the panel was reasonably confident that the research criteria would be met. Individually each institute was quite strong, the difficulty for the panel was how they could come together to become a strong single institution. The consortia itself seemed quite confident what could be achieved in terms of unified HR, Finance and IT systems although they noted existing staff numbers were inadequate and TUSEI did not address how this would be overcome.
- To what extent was this application different from others reviewed by panel members? Dr Petrisko noted she had been involved in four of the TU applications, chairing three of the panels. She noted in particular the level of progress the AIT/LIT consortia was able to demonstrate over a relatively short period of time. In all three other cases the documentation provided and the responses to questions raised was much more concrete than the TUSEI application.
- What is needed to get this application over the line and how long would this take? Dr Petrisko noted the importance of time and effort. Both institutes need to ensure that the problems of the past remain in the past. The appointment of a new President and Governing body for the TU once designated would be important. It appeared as if this application was premature. Had the application been received in 6-8 months' time perhaps there would have been a different outcome. The panel however did not discuss a specific timeframe in this case.
- Should the HEA oversee the consortia's work on addressing the recommendations? How can we ensure momentum is maintained? Dr Petrisko advised it would be helpful if the HEA guided the two institutes, giving them a timeline should help ensure momentum is maintained.
- To what extent did culture impact on the lack of progress? Dr Petrisko indicated this was difficult to assess given the fact that the assessment was undertaken online. WIT clearly demonstrated a strong research culture, Carlow IT demonstrated other strengths such as discipline mix. The panel looked for evidence of cross institutional collaboration and found some evidence of this beginning to emerge.

12. Technological University Process – Next steps

12.1 The Chair indicated that he was satisfied there has been consistency in the approach taken by the five panels. He noted the key role leadership plays. Members discussed the next steps and letters to be issued to the Minister. Issues raised included;

- The impact, if any, a possible designation date may have had on the TUSEI preparations.
- A suggested timeframe for TUSEI to address the recommendations. Clear metrics need to be set so that there is no possibility of the consortia seeking to limp over the line. The CEO suggested a one year timeframe. Both institutes will need to establish an oversight body that can monitor progress on implementation of the recommendations.
- Is there a need to set up a new advisory panel? Members were advised that the MTU precedent should be followed. The role of the HEA would be to ensure that the recommendations of the existing panel have been met within a timeframe to be set by the Minister.
- What powers has the HEA to oversee post designation targets? The CEO advised the HEA did not have any at present but, the new legislation may address this.

Decision: Members agreed the executive would draft two letters to issue to the Minister with the two advisory reports. The letters will be circulated to members for approval electronically.

Next Meeting

19th October 2021

Chairperson

Date