

Higher Education Authority**Report of 418th Meeting held on 19th October via teleconference**

Present: Ms Clare Austick (agenda items 1-14)
Dr Bahram Bekhradnia (agenda items 3-14)
Mr Tony Donohoe (agenda items 1-14)
Dr Judith Eaton (agenda items 1-14)
Professor Orla Feely, Deputy Chair (agenda items 1-14)
Dr Sharon Feeney (agenda items 1-14)
Mr Michael Horgan, Chairperson (agenda items 1-14)
Ms Darina Kneafsey (agenda items 1-14)
Dr Deirdre Lillis (agenda items 1-14)
Dr Jim Mountjoy (agenda items 1-6, 9-12)
Dr Sinéad O'Flanagan (agenda items 1-14)
Mr Pól Ó Móráin (agenda items 1-14)
Dr Lynn Ramsey (agenda items 1-13)
Dr John Wall (agenda items 1-13)

Apologies: Dr Ronan Lyons

In attendance: Ms Orla Nugent (items 1-13)
Mr Padraic Mellett (agenda items 1-13)
Mr Tim Conlon (agenda items 1-13)
Ms Pearl Cunningham (agenda items 1-13)
Mr Peter Brown (agenda items 1-6, 9-12)
Dr Vivienne Patterson (agenda items 1-13)
Ms Éilis Noonan (agenda items 1-3)
Dr Louise Callinan (agenda items 3-6, 9-12)
Ms Íde Mulcahy (item 4)
Ms Noreen Bevans (item 4)
Mr Stuart Morris (item 4)
Dr Ross Woods (agenda item 7)
Dr Pádraig McNeela (item 7)
Ms Sorcha Carthy (item 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 recused themselves from item 5. Ms Austick indicated she was consulted in relation to the student survey results under item 7. It was agreed that HEI Board

members, including those working on HCI projects did not need to recuse themselves for item 8 as it was for information only.

Quorum

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

The Chair congratulated Professor Orla Feely on her Presidential address to the Institute of Engineers. He congratulated Dr Deirdre Lillis following the launch of the HCI funded Convene Project at TU Dublin.

The Chair advised the Board that the CEO, Dr Wall was unable to attend the meeting today.

1. Report of 417th Board meeting

1.1 The minutes were approved.

2. Matters arising

2.1 The Board were advised that the Minister has not yet made a decision on the TU application from IT Carlow/WIT.

2.2 Arising from a query raised by a Board member concerning press coverage of the IRC error, which was discussed by the Board in July, Mr Mellett advised that the HEA received a request under Freedom of Information legislation for the HEA Board minutes. This request was dealt outside FoI through the publication of the minutes on the HEA website in accordance with standard practice. Mr. Brown advised that the HEA was subsequently contacted by the Irish Times in relation to the discussion at the July Board meeting and a briefing note outlining the background to the case was prepared.

3. Committee Reports

Audit and Risk Committee

3.1 Dr Lillis introduced the Committee's report. She thanked Dr Feeney, Ms Cunningham and Mr Mellett for assistance with the arrangements following her appointment as Chair.

3.2 Audit and Risk Committee Governance

The Committee recommended approval of the revised terms of reference for the Committee, dates for meetings to July 2022 and recommended the reappointment of Ms Anne Brady as an external member of the Committee to run concurrently with the current Board's term.

Decision: The Board approved the revised terms of reference for the Committee and the appointment of Ms Brady to the ARC

3.3 Internal Audit Workplan

The Committee approved an internal audit workplan for 2021. The Committee received the 1st internal audit report from Deloitte on the Erasmus Programme, no material issues were reported.

3.4 Banking arrangements, updates on IT Security

The Committee recommended the closure of two bank accounts and the renaming of five further bank accounts. The Committee received reports from the IT Unit outlining very satisfactory progress being made on implementation of the various HEAnet advisory reports.

Decision: The Board approved the closure of two bank accounts and the renaming of five further bank accounts.

3.5 Data Breach – IRC Smart Simple System

Dr Lillis advised members that the HEA's data protection procedures apply to the Irish Research Council. Mr Brown updated members on developments since the breach. The Data Protection Commissioner was notified within the required 72 hour timeframes, the IRC reviewed its data protection notice and has reviewed its record retention arrangements. Arising from this review a tranche of inactive records have been deleted. The IRC met Smart Simple shortly after the breach and have requested a full security review. Finally, as part of the HEA's security services agreement with HEAnet a penetration exercise was undertaken. The initial report has not found any significant issues, the full report and management responses will be presented to the ARC later this year. Ms Noonan advised members that there has been no response from the DPC since the original notification. Smart simple has offered the affected data subjects (63) a free one year data protection subscription. Four out of the 63 data subjects have so far accepted. She confirmed the IRC data protection procedures, including arrangements when there are breaches, are now fully aligned with those of the HEA. Referring to the recent review of record retention on the

smart simple system, she confirmed she is currently undertaking a review of record retention across the HEA and IRC.

Decision: The Board approved the Committee's report.

Finance and Governance Committee

3.6 Dr O'Flanagan introduced the Committee's report. The Committee deferred consideration of its terms of reference and the appointment of external members to the November meeting.

3.7 Mental Health and Well Being funding and Health Campus Initiative funding

Decision: On the recommendation of the Finance & Governance Committee, the Board approved the allocation of €5m Mental Health and Well Being funding and €350k in respect of the Health Campus initiative as set out in the revised memorandum F 44/21. It was noted that this includes provision for a National Co-ordinator based in the HEA who will assist HEIs on implementation of the Healthy Campus framework.

3.8 IRC programme commitments: Funding commitment for CHIST-ERA; Funding commitment for SFI-IRC Pathways programme; Funding commitment for 2021 New Foundations programme

Decision: Members approved the IRC funding commitments for CHIST-ERA; SFI-IRC Pathways and 2021 New Foundations programme as follows:

CHIST-ERA	€299,982
SFI-IRC Pathways	€8,800,800
2021 New Foundations	€640,883

3.9 Mazar's audit of HEIs 2020 COVID-19 Claims

Mazars draft report was noted by the Committee and members were advised that the final report is included in the documentation for today's meeting.

Decision: The Board approved publication of this report.

Decision: The report of the Finance & Governance Committee was noted by the Board.

Research and Graduate Education Committee

3.10 Professor Feely introduced the Committee's report. The Committee received a very informative presentation from the USI Vice President for Postgraduate Affairs. The Committee received a report on the COVID-19-Related Research Costed Extensions, while this programme is now closed, the Committee recommended that any unallocated amounts be reallocated to the HEIs on the same basis as the original allocation.

3.11 Other issues considered by the Committee

- North-South Research Programme – the number of expressions of interest at 484 was higher than anticipated.
- DE TE presentation on Export Controls, the HEA plans to issue a letter to the Chair of each HEI ARC. The HEA's ARC will also be briefed.

Decision: The Board approved the report and the Committee's recommendation of the allocation of any unused COVID-19-Related Research Costed Extension funding.

System Development and Performance Management Committee

3.12 Mr Donohoe introduced the Committee's report. The Board was informed that it remains to be seen how system performance will be addressed in the HEA legislation although Mr Conlon noted the Department now appears to be more open to the HEA taking the lead in preparing the system performance framework, following consultation with the Minister. The HEIs will then prepare their own performance plans by reference to this framework.

3.13 Other issues considered by the Committee

- Executive review of the Strategic Dialogue and Performance Meetings – it was suggested members attend future dialogue meetings.
- Executive review of the Strategic Dialogue process – the Committee noted the resources needed to manage this process while concurrently having to manage TU applications.

The Committee agreed to the Executive's recommendation that the HEIs be requested to submit a composite three year (2018-2021) report on their performance compacts rather than being asked to submit one for 2020/21. The Committee also agreed on the need to incentivise HEIs to collaborate on the Impact Assessment Case Studies.

Decision: The Board noted the Committee's report.

4. HEA Legislation

4.1 The Chair welcomed Ms Mulcahy, Ms Bevens and Mr Morris to the meeting. Ms Mulcahy in her presentation to the Board focused on the following;

- Wider policy context underpinning the reform of the HEA Act.
- Update on the HEA Bill 2021 – the Department has been engaging with the Office of the Attorney General and is currently considering the pre legislative scrutiny report of the Joint Oireachtas Committee.
- An outline of the roles and responsibilities set out in the legislation in respect of the Minister and his Department, the HEA and the HEIs.
- The Bill reflects a broader set of purposes including an emphasis on performance in the sector, planning for the sector, the need for autonomous and agile HEIs with strong governing bodies.
- Research – a central role of the HEA in relation to teaching and learning and research will be set out in the legislation. A new Research Bill is planned, and it will be informed by the new strategy on research and innovation currently being developed.
- Composition of the HEA Board – Chair and 11 ordinary members. Staggered appointments to allow for continuity in membership.
- HEI Governing Bodies – 17 members, of which 8 will be external. There will be two student representatives. The Governing Body shall appoint the Chair.
- HEA oversight powers – these will be graduated with the expectation in the first instance that the HEI will take the lead in addressing any alleged shortcomings.
- Provision for the HEA to prepare Codes of Practice in consultation with the HEIs. These will not be mandatory.
- Mechanisms for student engagement including the need for consultation on strategic and equality plans and an annual survey.
- Other provisions including provisions for data collection and sharing and the designation of private institutions.
- Changes made since the publication of the Heads of Bill – the power to remove or suspend governing bodies has been removed. The cap on Academic Council size has been removed.

4.2 The following issues were raised;

- Timeline for enactment of legislation? Ms Mulcahy advised that the Department is still working with the AG's office on the draft legislation. The legislation will then be submitted to the cabinet before being introduced to

the Houses of the Oireachtas. She anticipated this happening before Christmas.

- Absence of reference to the need for HEIs to produce a climate action plan. This represented a missed opportunity for DFHERIS/HEA to play a leadership role. Ms Mulcahy indicated climate action is referenced in the overall objectives of the legislation. The HEA can issue policy directives to the HEIs including on the need for HEIs to submit a climate action plan, she indicated she will raise the matter with colleagues in the Department. The Chair noted that the need for climate action plans could also be addressed under the system performance framework.
- Role of the HEA in developing the system performance framework. Ms Mulcahy indicated that the Department is considering changing this to the framework being developed by the HEA following consultation with the Minister and his Department.
- Research – while the plans for research were welcome, gaps remain. The RGE Committee continue to be available to assist the Department on this aspect of the legislation. Likewise, the National Teaching and Learning Forum is happy to advise in relation to the provisions underpinning lifelong learning.
- Does the legislation adequately protect academic freedom? Ms Mulcahy agreed to discuss this further with colleagues in the Department.
- It was noted that the legislation provides for two student representatives – presumably an undergraduate and a postgraduate. Could this be increased to 3 to allow for a student union representative? The importance of meaningful HEI-student engagement processes was noted. Ms Mulcahy agreed to take this back to the Department.
- It was noted that there appeared to be some inconsistencies in the Heads of Bill. Ms Mulcahy confirmed these will be addressed in discussions with the AG's office.
- Proposal for Governing Bodies to appoint their own Chairs. Should such appointments be made by the Minister following a stateboards.ie campaign? Ms Mulcahy advised that both IUA and THEA strongly pushed for Governing Bodies to appoint their own Chairs. Ms Bevans noted the current practice in the TUs is that the Minister appoints just the first chair and then future Chair appointments are made by the GBs themselves. In relation to engagement with stateboards.ie she noted that they have been unable to assist with recent campaigns for the filling of IoT chairs. It was suggested that the resources of that body should be enhanced to enable them assist with such appointments. Ms Mulcahy noted that other legislation does not specifically reference PAS or stateboards.ie having a role in assisting with Chair appointments.
- Does the legislation prevent Presidents chairing Governing Bodies? Ms Mulcahy confirmed this is the case, the TCD Charters are being looked at separately.

The Chair thanked the Department officials for their presentation and noted there will be continued engagement between the Department and the Executive on the legislation.

5. TU Dublin Review Terms of Reference¹

5.1 Dr Callinan introduced this item noting the objective of the review is to evaluate the performance of TU Dublin against the strategy outlined in its application for TU designation and explore how the newly established institution is fulfilling and delivering its ambitions as a TU. It was intended that lessons learned from this exercise could be shared with other consortia. The exercise may also advise or highlight any issues relating to the attainment of some of the medium term targets set out in the TU legislation. She concluded her remarks with an outline of the approach and timeline for the review.

5.2 Members raised the following issues;

- Is there a legal requirement to undertake such a review? Dr Callinan advised there was not, the review was a recommendation of the HEA Board in the letter to the Minister regarding the TU Dublin TU application. Mr Conlon also noted the importance of the HEA being able to demonstrate that state investment has been effective.
- A number of members welcomed this proposal having regard to the TURN recommendation that each consortia should learn from each other.
- How independent will those who were already involved on the advisory panel be?
- How are post designation issues being addressed? Mr. Conlon noted some issues such as restructuring and staff profiles would be addressed in the OECD review. This particular exercise would address how TU Dublin has deployed its existing resources.
- Concern was expressed over the tight timeframe for the exercise, both from a HEA and a TU Dublin perspective, having regard to the fact that the challenges of Covid remain. Perhaps a limited exercise focusing on the metrics now compared with designation date could be considered. The Executive confirmed that TU Dublin have not been consulted in relation to the review.
- The review might fit within a national conversation around the new landscape of higher education and ensuring a hierarchy of institutions is not created.

Decision: The Board approved the terms of reference of the review, but suggested its timing be considered by the Executive in consultation with TU Dublin.

¹ Dr Feeney and Dr Lillis recused themselves from this item

6. HEI Governing Body Masterclass Series

6.1 The following issues were raised by members;

- Should the executive be considering the same people who had advised on the strategic dialogue process to now be providing coaching?
- Consideration should be given to including people outside the HE system particularly those with experience in the development and implementation of strategy.
- There is a perception of reliance on the same names to act as advisers or serve on panels and there is an associated risk of lack of fresh ideas. Mr Conlon advised that the executive was satisfied that the proposed names had the necessary expertise having regard to their input into the strategic dialogue process. He acknowledged the need for the HEA to ensure it did not become unduly reliant on a small number of advisers and the need for fresh ideas.
- Who is the training pitched at? Mr Conlon advised it was focused at Presidents and Chairs of Governing Bodies. It was proposed that these events be hosted by HEIs themselves. He accepted the need to present these classes as compelling events in order to ensure they were well attended.
- The Chair advised that he and the CEO have commenced a series of meetings with Governing Authority and ARC chairs. Three such meetings have taken place so far, more are planned.

Decision: It was agreed that this matter should be further considered by the SDPM Committee.

7. Consent Report

7.1 Dr Woods introduced this item noting that the work had been undertaken at the request of the Minister. Members were being asked to approve publication of the two reports following consideration by the Minister. He introduced Dr Pdraig Mac Neela, Head of School of Psychology, NUI Galway who was one of the authors of the two reports.

7.2 Dr MacNeela focused on the following in his presentation to the Board;

- Methodology – the two reports were undertaken following an assessment of the results from two on-line surveys completed by 7901 students and 3516 staff in April 2020. This was the first time staff were surveyed.
- Key findings - students – it was noted the majority of students agreed that their HEI would maintain the privacy of the person making a report. There were higher positive responses from male and heterosexual students. Only

25% of respondents knew where to go, suggesting more work needs to be done on communications.

- Key findings – staff - Approximately one third of staff members agreed that their HEI is proactive in addressing issues of sexual violence and harassment. Around 40% of respondents said they knew how to report sexual violence or harassment personally. While most staff felt safe on campus, a minority felt uncomfortable speaking up.
- Exposure to preventive programmes – while the numbers have grown, there is need to ensure greater participation. There was clear evidence that participation in such programmes ensured a greater awareness of SVH.
- Over half of the participants said they had experienced examples of sexual harassment. A high number of students reported some degree of sexual violence reported (an increase in last year's survey).
- Report recommendations – this included the need for more integrated and systems-wide programme of development and the provision and promotion by HEIs of a systematic development programme of awareness raising, education, and training.
- Dr MacNeela acknowledged the contribution of the USI, DFHERIS and the HEA executive in supporting this research.

7.3 The Chair, on behalf of the Board, thanked Dr MacNeela and his colleagues for their reports.

The following issues were raised;

- Should there be a recommendation that awareness programmes are mainstreamed and form part of year 1 undergraduate induction. Should students be required to sign a declaration that they are aware of the need to secure consent? Dr MacNeela noted that there was a growth in numbers attending awareness programmes as part of induction – up 40% on last year. This may have been due to the training being provided on-line. It may be a struggle to maintain momentum with a return to campus.
- The recommendation that there be a standardised approach to training was welcomed. How will this be monitored? Dr MacNeela noted that we are still at the beginning of a process notwithstanding the fact that many in the UK and US are envious over the level of support the consent framework has been given by central government.
- Some concern was expressed over the explicit language in the reports and whether such private information, even if provided on a voluntary basis, needed to be published.
- Is the data at institutional level available to HEIs? It was confirmed that this was. Dr Woods advised that such data was being provided to the HEIs to help inform them, it was not intended that this data be published.

Decision: Members approved the publication of the two reports following consultation with the Minister and his Department.

8. Human Capital Initiative

8.1 Ms Carthy outlined the background to the three pillars of the Human Capital Initiative. The initiative is in place over a year and the HEA is now in the process of receiving reports twice per annum. In addition there will be site visits. She presented an 11 minute video on 5 of the 22 projects funded under pillar 3 of HCI (€196.4m).

Decision: Item noted

9. Schedule of Board and Committee Meetings

Decision: Item noted

10. IUA Report - Results of the Student Campaign run by the Enhancing Digital Teaching and Learning

10.1 Members were advised that this report was now published. The findings will feed into the work of NStEP.

Decision: Item noted

11. The peak of higher education — a new world for the university of the future

Decision: Item noted

12. National Forum Board sectoral partnership project 'Next Steps for Teaching and Learning: Moving Forward Together'

12.1 Dr Ramsey advised that the findings of this project will be launched on 10th November, there will be both an on-site and on-line attendance at this event. She outlined the key players involved the project, the key findings and anticipated next steps. The interviews which formed part of the project were undertaken by Dr Annie Doona, former President of IADT. Amongst the draft recommendations are;

- The need for a universal approach to design for learning. Collaborative efforts with AHEAD have been very positive to date.
- Need to prioritise staff and student well-being.
- Need for evidence based research to underpin the learnings from teaching and learning.

- Future of assessment – how do we assess and what do we assess?
- Need to enhance the digital capacity of both staff and students.
- Empowering lifelong learners including the need for accreditation of micro-credentials.

12.2 Members raised a number of queries in relation to the project;

- The extent to which different learning styles arose? Dr Ramsey advised this did not come up but there was a recognition that the study styles of the student body in higher education is very diverse.
- The extent to which staff are ready to deliver on-line teaching, to some extent Covid may have forced staff to embrace it as a temporary measure? Dr Ramsey advised that this did not come up directly. A number of ancillary issues arose such as IP of on-line learning. The issue of staff burnout emerged. Who is responsible for digital skills?
- Timeframe for implantation of the project's recommendations? Dr Ramsey envisaged the work being implemented over a 3-5 year timeframe but noted some issues around definitions will need to be addressed more urgently.
- The extent to which HEI leadership has embraced this? It was suggested that this be considered further after the launch on 10th November.
- The ability to deliver and participate in on-line learning in an open plan environment poses a challenge for many. Regional hubs have the potential for many to avail of higher education without the need to attend campus.

Decision: Item noted.

13. Executive Report

13.1 Members noted Mr Pigott will shortly be leaving and thanked him for his significant contribution to the HEA's statistical output. Other issues raised;

- Staff turnover and feedback from exit interviews. Is there anything that can be done to reduce staff turnover in the HEA. Mr Mellett advised this will be provided in the next HR metrics report. Experience to date suggests staff leave for better paid jobs, a small number in the past left due to time needed to commute. It is hoped that the new hybrid working arrangements in the HEA will lessen this risk. He advised that a new HR strategy will be developed in 2022 and this will include initiatives to boost retention.
- Were the outcomes of the Senior Academic Leadership Initiative expected in the near term as institutions had applied in early 2021? Mr Conlon advised that no formal approval had been received since the panel outcomes were forwarded to the Department in May.
- Award of funding to support a student with a disability studying in DBS. The Chair noted that the new legislation may address this moving forward.

- The alignment of HEA and IRC systems. It was agreed to request EY to undertake a mapping exercise.
- Teaching and learning forum – Members were advised that talks were undergoing with the DFHERIS.

14. Members Only

14.1 Security on Board documents

The issue of password protection on Board documents was raised. Some members felt it was unnecessary and caused some difficulty in reviewing documents.

14.2 Volume of documentation

It was noted that the Board documentation ran to 563 pages for this meeting and that total did not include the supporting items. It was suggested that a smarter approach to documentation should be developed, perhaps by producing shorter introductory papers containing hyperlinks to the larger reports and including page numbers of the composite Board papers on the agenda.

Next Meeting

14th December 2021

Chairperson

Date