

**Higher Education Authority****Report of 413<sup>th</sup> Meeting held on 9<sup>th</sup> March 2021 via teleconference**

Present: Mr Tony Donohoe (agenda items 1-16)  
Dr Judith Eaton (agenda items 1-16)  
Professor Orla Feely, Deputy Chair (agenda items 1-16)  
Dr Sharon Feeney (agenda items 1-16)  
Ms Lorna Fitzpatrick (agenda items 1-16)  
Mr Michael Horgan, Chairperson (agenda items 1-16)  
Ms Darina Kneafsey (agenda items 1-16)  
Dr Deirdre Lillis (agenda items 5-16)  
Dr Ronan Lyons (agenda items 1-11)  
Dr Jim Mountjoy (agenda items 1-16)  
Dr Sinéad O’Flanagan (agenda items 1-16)  
Mr Pól Ó Móráin (agenda items 1-16)  
Dr Lynn Ramsey (agenda items 1-16)  
Dr John Wall (agenda items 1-15)

Apology: Dr Bahram Bekhradnia

In attendance: Dr Alan Wall (agenda items 1-16.1)  
Ms Orla Nugent (agenda items 1-15)  
Mr Padraic Mellett (agenda items 1-15)  
Mr Tim Conlon (agenda items 1-15)  
Ms Caitriona Ryan (agenda items 1-15)  
Ms Pearl Cunningham (agenda items 1-15)  
Dr Vivienne Patterson (agenda items 1-15)  
Mr Peter Brown (agenda items 1-15)  
Dr Mary Ellen Petrisko (agenda item 8)  
Dr Louise Callinan (agenda items 8-9)  
Ms Suzanne Walker (agenda items 8-9)  
Mr Ciaran McCaffrey (agenda items 12-13)

**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 John Wall indicated he would recuse himself from item 13 in light of WIT-IT Carlow plans for a TU.

**Quorum**

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

## Disclosures

No disclosures were raised

## Condolences

On behalf of the Board and staff, the Chair offered his condolences to Professor Orla Feely on the recent death of her sister, Emer.

### 1. Report of Special Meeting on Strategy and 412<sup>th</sup> Board meeting

1.1 The minutes were approved.

### 2. Matters arising

2.1 No items were raised.

### 3. Report of Audit and Risk Committee

3.1 Dr Feeney introduced the Committee's report. The Committee was updated on correspondence with the DPC in relation to the data breach. Mr Mellett advised that the Committee will be provided with the DPC's final response when it issues.

#### *3.2 HEAnet Advisory Reports - Security & Risk Assessment and Network Perimeter & Vulnerability Assessment*

Dr Feeney advised that both reports contained a high number of findings which the Executive has started to address. Some of the findings can be attributed to insufficient staff resources in the IT unit and staff turnover. The Board strongly supported the Committee's endorsement of the executive's request for additional staff in the IT unit.

#### *3.3 Tender for Internal Audit Services*

Dr Feeney indicated the Committee considered this matter at its members only session. The Committee was not aware that there were difficulties with the service provided by the internal auditors. The Chair indicated his surprise that no member of the Committee was involved in the selection process and recommended that a member of the ARC sit on the selection panel for the provision of internal audit services in future. The CEO referenced one difficulty he had with one of the most recent IA reports in which he felt one of the internal auditor's findings warranted a higher rating. Mr Mellett advised that other than this recent concern the Executive's

key concern related to the late arrival of some reports, this problem was experienced with other internal auditor providers.

**Decision:** Members approved the appointment of Deloitte for the provision of internal audit services and agreed that a member of the Audit and Risk Committee sit on the next selection panel when the tender for the provision of internal audit services is up for renewal.

#### *3.4 Erasmus + Audit Action Plan*

Dr Feeney advised that a number of minor issues arose following consideration by the EU Commission of the HEA's report on Erasmus +. A number of process issues were not addressed as required by the Commission. The CEO advised that he and Mr Conlon became aware of the EU Commission's findings in February and requested that the matter be referred to the ARC. The Committee is to receive a further update from the executive.

**Decision:** Members approved the Committee's report.

### **4. Report of Finance and Governance Committee**

4.1 The Chair introduced the Committee's report.

#### *4.2 2020 Recurrent Grant Outturn*

**Decision:** Members approved the 2020 grant allocation outturn.

#### *4.3 2021 Recurrent Grant allocation*

**Decision:** Members approved the 2021 grant allocation as set out in memorandum A 19/21.

#### *4.4 Access Funds Allocation 2021*

**Decision:** Members approved the 2021 allocation for the Fund for Students with Disabilities and Student Assistance Fund.

#### *4.5 THEA/ IUA Leadership Governance and Data Capacity*

**Decision:** Members approved the work programmes for 2021 submitted by the IUA and THEA to support the development of capacity in data analysis and reporting across the sector. It was noted that the Committee will give further consideration to a leadership programme for newly appointed presidents.

#### *4.6 IRC Programmes outcome (New Foundations 2020; European Southern Observatory (ESO) Studentship Programme)*

**Decision:** The Board approved the funding commitment under the 2020 New Foundations call and the commitment of funding for 2021 in respect of the IRC's partnership for PhD training with the European Southern Observatory.

#### *4.7 Review of implementation of IP Policies within HEIs*

The Chair reported that the Committee considered a presentation from KTI & IPP Pragmatics on their Report of the Review of Implementation of Intellectual Property Policies in Higher Education Institutions. The Committee agreed one matter relating to the establishment and sale of spin out companies should be considered by the Board. The report had suggested that such decisions should be approved by an appropriate person. The Board was requested to consider whether these decisions should be approved by the Governing Body (GB) of the HEI concerned.

The Board agreed that the approval of the Governing Body of a HEI should be a prerequisite to the establishment or sale of a campus company or spin-out.

**Decision:** Members approved the publication of the report subject to the above recommendation.

#### *4.8 Report HEI Financial Projections*

Members were advised that the Chair had established a Task Force comprising the Chair, Deputy Chair, Dr Mountjoy and Dr Ramsey, to review the continuing impact of Covid-19 on HEIs. The Task Force together with the CEO, Deputy CEO and Ms Cunningham will engage with the DFHERIS and the HEIs on the financial position of the HEIs. The impact of increased intake on HEI finances having regard to the 8% increase in CAO applications was raised. The CEO advised that he is in discussions with DFHERIS on this.

**Decision:** Members approved the Committee's report

### **5. Report of the Policy and Strategic Planning Committee**

5.1 Ms Kneafsey introduced the Committee's report. It was agreed that the Board would consider the participation of mature students at a future meeting.

**Decision:** Members approved the Committee's report and the publication of the Indecon report on Mature Student participation noting that it will be circulated to the Board before it is published.

## **6. Report of the Research and Graduate Education Committee**

6.1 Dr O'Flanagan presented the Committee's report. The Committee welcomed the positive engagement between the Executive and DFHERIS officials on the development of a new research and innovation strategy. Concern was expressed however, over the definition of research and the capacity of the Technological Universities to build their research capacity to the levels required under the Technological Universities Act 2018. The Committee also welcomed the HERD Survey 2018-2019 noting it clearly demonstrated the importance of the HEA block grant to higher education research. Dr O'Flanagan advised that Ms Nicki O'Connor will shortly be seconded to DFHERIS and wished her well in her new role.

**Decision:** Members approved the Committee's report.

## **7. Report of the System Development and Performance Management Committee**

7.1 The Chair introduced the Committee's report. He advised members that the Committee did not have sight of the AIT-LIT TU Advisory Panel's report when it was considering a report from the Executive on its learnings and recommendations of the latest TU process.

Mr Conlon updated members on engagement with DFHERIS on the development of a new System Performance Framework: the executive will provide the Department with a justification for the metrics proposed. Members agreed on the need for the executive to stick with metrics which can be measured.

**Decision:** Members approved the Committee's report.

## **8. Report of Expert Panel on AIT-LIT consortium TU Application**

8.1 The Chair welcomed Dr Mary Ellen Petrisko, Chair of the Expert Panel on the AIT-LIT consortium application to the meeting and thanked her and the other panel members for their report.

8.2 Dr Petrisko made the following points;

- The panel noted evidence of a significant level of collaboration on the part of the two institutes and accordingly, this is reflected in their findings and overall recommendation.

- The panel found that 11 of the performance metrics were met, 4 were partially met and in the case of one criteria the panel withheld judgement. The Chair noted the difficulty the panel might have forecasting future activity or performance of a newly designated Technological University. Dr Petrisko agreed, noting that the panel could only go on track record and recent performance.
- The impact of the academic contract which requires 16-18 hours teaching each week on TUs seeking to increase research output.
- The capacity of the consortia to meet its regional needs.
- The panel appreciated the assistance of the executive in facilitating its work.

### 8.3 The following issues were raised;

- Is there ambition on the part of the consortium to increase its research capacity? The HEA is providing additional funding which should enable institutions build capacity. Dr Petrisko noted there was certainly enthusiasm on the part of the two institutes. There was clearly an understanding on what needs to be done. Work carried out to date suggest they can meet the targets.
- Confirmation that the research was applied in nature. Dr Petrisko confirmed this was the case, the research will be focused on meeting the region's needs.
- Governance structures – Dr Petrisko noted the difficulty facing the consortia given the fact they have not received approval to merge and be designated as a TU. The panel was satisfied that there was a genuine partnership in place.
- Having regard to applications received to date what advise might the HEA offer future consortia? Dr Petrisko noted the importance of there being alignment in the culture and mission of the institutes within the consortia.
- Capacity of consortia to meet the target for teaching staff with a PhD qualification: members were informed that the consortia referenced the number of scheduled retirements and the numbers graduating with PhDs each year.
- Capacity of the consortia to meet its region's needs. Dr Petrisko noted that while the consortia had spoken of their future plans, the panel had due regard to what local industry said in relation to how their needs are currently being met.
- Did the panel consider the consortia was at a disadvantage in not belonging to a single distinctive region? Dr Petrisko noted that counties in a recognised region such as Cork and Kerry can have different needs.
- Difficulties with remote assessment. Dr Petrisko noted the benefits of being able to meet the applicants in person including the possibility of following up with individuals on specific aspects of their presentation. The HEA and Department will need to balance the desirability of an earlier decision on the next application against the merits of delaying consideration of the application until on site meetings can be held.

The Chair thanked Dr Petrisko and she left the meeting.

8.4 The Chair outlined the next steps which were to forward to the Minister the panel's report together with any observations and recommendations the HEA may wish to make. The following points were made;

- The Board should acknowledge that this was a strong TU application and this should be highlighted in the note to the Minister.
- The HEA needs to be explicit as regards the additional funding the TUs will require to develop their capacity. The Technological Universities may, in particular, need expert advice in developing their research and innovation strategy.
- There will be competition between existing universities and the current and potential new TUs for limited research funding notwithstanding the dedicated funding being made available for the latter under TURN.
- The need for an urgent review of the academic contracts to reflect the reality of TU status
- The difficulties in making decisions on targets to be met over a medium time frame.
- Seeking the Minister's approval to advise consortia who have application in progress, that they may put administrative arrangements in place as part of their planning, to reflect the Governance situation post designation

**Decision:** Members agreed to forward the panel's report together with the Board's recommendations. This will be prepared by the Executive and circulated to members for electronic approval.

## **9. Munster Technological University – Criteria for appointment to the Governing Body**

9.1 Members were advised that the appointment process was set out in the TU Act, this explained why the process is not currently managed by PAS. The extent to which this will change and membership appointed under the current process will continue following the enactment of new HEA legislation will depend on that legislation.

**Decision:** Members approved the proposed appointment criteria subject to the following;

1. Risk management should be a stand alone requirement rather than a sub-component under finance

2. Consideration be given to including a requirement that at least one of the appointees should be an alumni of Munster Technological University, this could be referenced in the booklet or listed as an additional criteria.

## **10. HEA Legislation**

10.1 The Chair noted that the key changes to the earlier draft prepared by the Department. These were welcomed by members who also noted a number of areas remain to be addressed including capacity of HEIs to manage HR and the role of the HEA relating to research in HEIs. The CEO noted that there are a number of areas in the proposed legislation that will require clarification such as the meaning of An tÚdarás and the HEA's promotion of student engagement. Other points raised included;

- The need to ensure that the centrality teaching and learning is recognized in the legislation
- How to ensure the HEA's involvement in student engagement is meaningful. The CEO noted the HEA cannot be both a regulator and an ombudsman for individual students.
- Implications of HEA funding private HEIs. It was suggested private HEIs may have a role in providing additional places if the publicly funded HEIs cannot.
- Clarification of what is meant by 'consultation with the HEA' in a number of Statutes

**Decision:** Item noted.

## **11. HEA Governance – Committee Terms of Reference**

11.1 Discussion on this item deferred until the next meeting.

## **12. Presentation from Capital Programmes**

12.1 Mr McCaffrey's presentation focused on the following;

- Overview of 2020 activities - €86.5m allocated
- Capital Investment Programme – status of the 26 approved projects
- Property transactions – 3 acquisitions and 2 lease in charges
- Capital work programme plan for 2021
- Indicative capital funding 2021-24
- Programme of audits over 2020 and 2021
- Devolved grant programme 2019/20 and 2020/21
- Space survey and HEA cost database
- PPP Programme – Bundles 1 and 2



12.2 The following issues were raised;

- Has any consideration been given to seeking to have the restrictions on third level building activities lifted? Mr McCaffrey advised that the CPU is currently gathering information on the impact further delays will have for the sector.
- It was noted that HEIs were now looking at increasing their provision of on-line learning, is this being reflected in CPU building programme? Mr McCaffrey indicated that the HEA is seeking to incorporate flexible approaches, where possible, into future submissions.

**Decision:** Item noted.

### 13. Carlow IT Land Purchase

13.1 Mr McCaffrey introduced this item noting that Carlow IT has been endeavouring to secure property for a Wexford campus since 2015. In his presentation he focused on the following;

- Justification for a land purchase and legislative provisions
- Review of IT Carlow's efforts to secure land for a Wexford campus – site options considered
- Details of site proposed. He noted that that the proposal had the full support of Wexford County Council
- Executive assessment and recommendation

13.2 The following issues were raised;

- Why was exchequer funding being provided having regard to ITC's significant reserves? Members were advised that IT Carlow received a commitment to exchequer funding in 2015 / 2016 when a previous site was approved for acquisition, however the transaction was not completed due to the Vendor withdrawing. IT Carlow will require funding to develop and fit-out the campus.
- What local transport links are in place? Mr McCaffrey advised that they were not currently adequate, the local authority has committed to working with IT Carlow to put in place enabling infrastructure.
- Is this proposal in line with proposals to establish a Technological University in the South East? It was agreed that the CEO and Mr Conlon would raise this with the TUSE Consortium. It is understood that WIT is aware of IT Carlow's plans for a Wexford campus.

**Decision:** Members approved the proposal that IT Carlow make a bid for the Wexford property in accordance with the terms set out in A 16/21.

## 14. Unreasonable Conduct Policy

14.1 It was agreed to refer this matter to the Finance and Governance Committee.

## 15. Executive Report

15.1 The following issues were raised;

- New Action Plan for Apprenticeship – the CEO updated members on developments noting that DFHERIS had submitted a proposal to the HEA and SOLAS on 8<sup>th</sup> March. It was hoped to bring this matter to the April Board meeting.
- Erasmus + Programme – The CEO advised he was reviewing the oversight of the programme having regard to the HEA's responsibilities as National Agency.
- HEA attendance at the Public Accounts Committee – Members were advised that the proposed meeting was deferred until April. It is understood the Committee will be reviewing the HEIs' 2018/19 accounts and Covid funding.
- Impact of Covid on graduate employment: Dr Patterson advised that the HEA did not run a survey of the 2019 graduates in 2020 due to data protection and technical issues. It was a bit early to comment on the position of 2020 graduates, anecdotal evidence is that the pharmaceutical sector is recruiting actively, as are parts of the public sector, including health and the HEA itself. The point was made that the pharmaceutical sector is moving to leaner manufacturing, Ireland now needs to focus on high value jobs.
- Impact of Covid on HEA working arrangements. The CEO advised that staff continue to work from home, staff will be given one month's notice before there will be a return to office work. Moving forward, it is planned to facilitate staff who wish to work part of the week working from home.
- National Forum for the Enhancement of Teaching and Learning on-line courses. Dr Ramsey advised these are aligned to its professional development framework and are available to all HEI staff.

## 16. Members only session

16.1 An Education Summit

The members suggested that the CEO should consider the staging of an Education Summit for later in the year. Topics might include: Teaching and Research post-covid, Experiences and learnings during pandemic, Leadership lessons and International demand post-Covid.

**Next Meeting**

27<sup>th</sup> April 2021

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Chairperson

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Date