

Comment on consultation document: *“Update on the Reform of the HEA Act 1971 – A Shared Approach”* (2021, p. 4)

Submission by [REDACTED]

Introduction

I wish to submit the following points as [REDACTED]
[REDACTED] In this document, I wish to focus on the *fifth stated objective* of the consultation document in relation to the legislative reform proposal of the HEA 1971 Act. This 5th stated objective is to ‘promote and support HEIs in achieving excellence in teaching, learning and research in higher education’.

Background Context

I’d like to make the following comments and observations in relation to the ‘research’ aspect of this consultation process, and also, the role of researchers within the HEI sector. The OECD defines researchers as *‘professionals engaged in the conception or creation of new knowledge, products, processes, methods and systems and also in the management of the projects concerned’* (The Frascati Manual, OECD, Paris, 2002, p. 93).

A few years ago, the stated aim of the Government of Ireland’s Strategy for Science, Technology and Innovation (SSTI) 2006 - 2013 was that *“Ireland by 2013 will be internationally renowned for the excellence of its research and will be at the forefront in generating and using new knowledge for economic and social progress, within an innovation driven culture”* (HERG, 2008, p.1). However, the SSTI identified the lack of an attractive career structure for researchers as a major barrier to enticing people into research. The Report stated *‘the development of more visible career paths will make science more attractive and has the potential to give Ireland a competitive advantage in the international market for top researchers.’* (HERG, 2008, p.1). Similarly, the proceedings of a CHIU Conference (2005) stated, *‘there is no doubt that the current [sic. research] situation is unsustainable and does not benefit researchers as it does not provide a mechanism for career progression. It is also damaging to the universities as it makes them less attractive to researchers....It is imperative that we develop sustainable and attractive research careers for the future of the country’* (Prof. Ferdinand von Prondzynski. President of DCU & President of IUA, 2005). Finally, in the conclusion of this IUA report, it stated that *‘there is a need to seek to professionalise the research career – as distinct from, but closely allied to, the well-established academic career - at all levels. And in the case of the postdocs to establish and financially support a National Postdoctoral Association which can organise and give voice to their needs and priorities’.*

In short, this submission is about the inclusion of researchers as a critical cohort in the deliberation of any HEA policy matters, including this consultation on the 1971 legislation. HEA legislation must ultimately serve to protect all HEI staff (especially researchers),

mitigating against the worst form of neo-liberal precarious work practices which serve only to erode the core values of the University sector, which should be protected and honoured.

Comment on the Consultation Document in the context of Research and Researchers

In the below section, I want to highlight a lacunae in not acknowledging researchers as an integral part of the University sector. The recognition of researchers may be assumed implicitly in the term ‘academic and non-academic staff’, however, as researchers are currently not necessarily party to the same tasks, career progression or entitlements as their academic counterparts, it is essential that they are recognized that the HEA will engage with through ‘meaningful participation’ as a stakeholder group in and of their own right.

5.1.4 STAKEHOLDER INVOLVEMENT IN HIGER EDUCATION INSTITUTIONS

*The governing authorities are the top level of institutional governance and accountability in a HEI and should not be regarded as internal representational structures. As outlined in section 5.1 – Reform of governing authorities of HEIs, it is proposed that the reform of the governing authorities will emphasise competency over representation in the membership of these bodies. However it is important to note that other participatory mechanisms can be provided to capture representational views **which are compatible with good governance and accountability and will provide a meaningful participation by all stakeholders in the HEI, including students, academic and non-academic staff, representative bodies, community and business representatives.** These include the Academic Council, strategy development and student engagement provisions. (emphasis my own, p. 15/16).*

The Research(er) cohort of any University are arguably the largest cohort of professionals within the HEI sector, and certainly, are the most critical cohort via-a-vis research and innovation in relation to ‘future proofing’ the university sector. This is particularly evident during 2020/2021 with the race to find an effective vaccine that would mitigate against the deadly Covid-19 Pandemic disease which threatened all our lives and livelihoods. Surely, this Covid-19 year, if anything, serves to illustrate how dependent we are upon our researchers in laboratories, and on social scientist researchers in helping us understanding the social and economic impact of the Covid-19 pandemic on our lives, as well as on global development. We see that the successful collaboration between Oxford University and AstraZeneca partnership championed one of the first successful vaccination trials. This was a huge coup for Oxford University, supported by many Irish researchers in the field of virology.

Indeed, the next generation of research-led innovations and the co-creation of knowledge will largely rest upon researchers’ shoulders. In fact, the work of researchers arguably underpins the very foundation upon which the University sector stands. Researchers have a critical and unique role to play in safeguarding University values, reputation and enhance its international status, researching to produce a shared vision of a mutually beneficial globalized future – economically, socially and culturally. Hence, it is critical to highlight the importance of researchers within a complex University landscape. Naming researchers as a separate academic but integral cohort is essential to this recognition process. It is also important that Government and related HEI institutions view researchers and their associated representative bodies (Research Staff Associations, Unions, etc.), as key stakeholders part of any consultation process. Researchers’ as key stakeholders within a

globalized HEI landscape ought to be consulted with regarding any policy-making, legislative changes, or indeed, strategic planning vis-à-vis the future of the Higher Education sector, including the restructuring of the HEA sector and its related constituencies.

Researcher Representation

Researchers must be represented at every level of the HEI sector, and indeed, on the proposed HEA board.

6.3 BOARD OF THE HEA

'The legislation will provide for a Board of no more than 12 members, including 1 student nomination. The membership will be competency based - including experience and expertise in relation to matters connected with the functions of the HEA, organisational governance and management' (p. 19)

In relation to the following section 6.5 Research of the Consultation document, it is important, as argued, that researchers and their representative bodies and associations are part of the consultation process as conceived by in the below excerpt taken from the consultation document (pages 19/20).

6.5 RESEARCH

*It is proposed that the functions of the HEA will include the following function in relation to research - to promote, support and evaluate excellent research in the higher education sector across all disciplines in accordance with national research policy and in partnership as appropriate with Departments of State, relevant Government agencies and **any other body the HEA considers appropriate. [my emphasis]***

The HEA and the HEIs have a key function in relation to both basic and applied research. It is proposed that this key function will continue. Given the integration of research policy into the new Department of Further and Higher Education, Research, Innovation and Science further analysis is needed on how this development influences the ongoing policy and operational role of the HEA in research funding. (p.19)

The Consultation paper published in 2019 reflected the request by the Irish Research Council to be placed on a statutory basis under the aegis of the HEA. Further work and consultation will take place with regard to the statutory basis of the Irish Research Council in the context of the totality of the research responsibilities of the new Department. Such consideration and consultation will inform the final legislative proposals in this area. (p.20)

Data Collection and Sharing

In relation to Data Collection and Sharing 6.6 section (p.20), it is hoped that the IUA and its representative HEI-HR Departments will provide the HEA with a complete databank of up-to-date facts, figures and EDI related statistics in relation to their respective academic and researcher cohort, as core employees. This is to ensure that within HEIs, best practice is followed, and that the facts can ascertain, based on evidence, that the Irish HEI landscape remains inclusive. Having such a databank of current factual figures is essential if HEA

related policies are to be formulated on the basis of real-time data and information, and that decision making is accurate and reflects either change or proposed essential reforms. This must be reflected in the section cited below: 6.6 Data Collection and Sharing.

6.6 DATA COLLECTION AND SHARING

The HEA reform legislation will include provisions in relation to data collection and sharing of personal and non-personal data which is in compliance with GDPR regulations. The key objective of these provisions will be to ensure that the HEA has the capacity to collect the data necessary to carry out its functions and to share this data as appropriate with relevant bodies. This includes obtaining access to the data it requires to monitor compliance and performance in the HE system and to develop an evidence base to plan and co-ordinate the higher education system and provide policy advice to the Minister for Further and Higher Education, Research, Innovation and Science.

The reformed HEA legislation will include data collection and sharing provisions for personal and non-personal data and will provide that the collection and sharing of personal data shall be necessary and proportionate and shall be for the purpose of fulfilling specific functions of the HEA.

It should be noted that the reformed legislation will provide for an amendment to Section 266 (b) of the Social Welfare Consolidation Act 2005 to change the reference from the 1971 Act to the reformed HEA legislation.

The Department has undertaken a consultation with the Data Protection Commissioner in accordance with Article 36 (4) GDPR. A further consultation on the proposed data collection and sharing provisions of this legislation will be undertaken with the Data Protection Officers of the HEIs.

Equity of Participation

Needless to say, researchers need to be considered in relation to ‘equity of participation’. This includes inclusion of researchers again in relation to any policy decisions pertaining to research or related areas. Naturally, all EDI matters need to be included, and especially, gender considerations. Action in favour of inclusion, particularly gender parity, and the banning of precarious practices within the University sector must be guaranteed as a stated aim and objective. Rewards and incentives should be also built-in for targets and goals met, or indeed, exceeded. Likewise, economic sanctions must ensue for not meeting realistic EDI goals and targets. Either way, action – positive or otherwise - must follow the publishing of HEI-KPI results. This pertains to section 6.7

6.7 EQUITY OF PARTICIPATION

This provision has been amended from an Equity of Access provision to an Equity of Participation provision. It will provide for the HEA to prepare and submit to the Minister an equity of participation plan which is in accordance with any government policies on equality and shall be for a period of not less than five years and not more than seven years.

The HEA shall for the purpose of an equity of participation plan under this section, consult with the Minister for Education, Minister for Children, Equality, Disability, Integration and

Youth, the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, the Minister for Social Protection, the Minister for Rural and Community Development, such other Ministers as it considers appropriate, representatives of disadvantaged persons or groups, an tSeirbhís Oideachais Leanúnaigh agus Scileanna, the Qualifications and Quality Assurance Authority of Ireland, higher education providers or their representative bodies, student unions, and any other bodies or persons it considers appropriate.

The equity of participation plan shall specify -

- the policy and plan for enabling participation and success in the higher education system by disadvantaged persons or groups,*
- the goals and targets for improving participation and success in the higher education system by disadvantaged persons or groups,*
- the goals and targets for access, transfer and progression between further education and training and higher education by disadvantaged persons or groups,*
- the goals and targets to enable flexible modes of learning, and*
- the requirements of designated institutions of higher education with regard to the implementation of the equity of participation plan.*

A designated institution of higher education shall report annually to the HEA on the implementation of the equity of participation plan in their institution providing details of the goals and targets met in the implementation of the equity of participation plan. The HEA shall compile an annual report on the equity of participation plan and this shall be published after approval by the Minister.

Provisions are included for a review of the equity of participation plan at least every three years or on the written direction of the Minister by the HEA and the review may include recommendations for amendments to the equity of participation plan.

To conclude and as aforementioned, this submission is related to the inclusion of researchers as a critical cohort in the deliberation of any HEA policy matters, including this consultation on the 1971 legislation. HEA legislation must ultimately serve to protect all HEI staff (especially researchers), mitigating against the worst form of neo-liberal precarious work practices which serve only to erode the core values of the University sector, which should be protected and honoured.

Finally, it is critical that any consultation, especially that involved the Irish HEI-HEA sector, is firmly rooted in the values underpinning a liberal education, and that ethical considerations along with global sustainable development concerns are core to what we hope to achieve as a third level sector. This must be the driving force for any HEA adjustments or reforms.

