

Minister Simon Harris T.D.,
Minister for Further & Higher Education,
Research Innovation and Science

2 Leeson Lane,
Dublin 2
D02 TR60



Ref: Submission on behalf of IADT on the reform of the Higher Education Authority legislation

To: heconsultation@dfheris.gov.ie

5th March 2021

[by email only]

Dear Minister Harris,

Further to your request to respond to the consultation on the reform of the Higher Education Authority legislation, I am pleased to include here an Executive response from IADT.

In general terms, we very much welcome the review of the legislation and the proposed reform of the *Higher Education Authority Act, 1971*. It is clear that the Act no longer meets the needs of a rapidly evolving and dynamic Higher Education sector. We support your commitment to “implement refreshed and robust legislation for the Sector”.

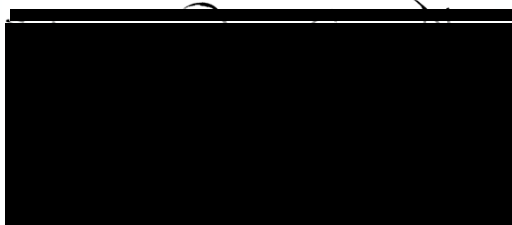
The Institute notes and fully supports the, submitted on the our Sector’s behalf by our colleagues in THEA. It is a thorough and considered response that reflects the wider priorities across the changing landscape of the Technological Sector.

However, as a “small” specialist Institution, we felt it was incumbent on us to assess and review the proposed legislation through our particular lens and experience.

IADT has an impeccable record of compliance, governance and financial prudence. Our consistent and positive engagement with the HEA and QQI on such matters of performance, accountability, governance and quality indicates that models of best practice already exist. Yet continue to do so without the appropriate recognition, increased autonomy or financial resources to achieve our strategic ambitions.

We are hopeful that this refreshed legislation will ensure that accountability and autonomy will be managed and assessed on an Institutional basis. Allowing “best in class” performers to evolve and achieve their strategic priorities unencumbered by sectoral-wide constraints imposed under any legislation.

Yours Sincerely



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Introduction and Section 2 Vision for a Higher Education System

According to the introduction to the Discussion Paper, *“the vision for the higher education system is that it provides high-quality education which is innovative and adaptive to the needs of the learner, advances equality, diversity and inclusion, strengthens engagement with the wider education system and wider society, and maximises the contribution of higher education to social, economic and cultural development. As demand for higher education continues to grow, it becomes increasingly important to ensure that the higher education system and the higher education institutions are managed efficiently and effectively while delivering this broad-ranging vision”*.

IADT Response

IADT welcomes the Discussion Paper on the *Update on the Reform of the Higher Education Authority Act. 1971*. Reform of the Act is long overdue. The paper, which has emerged at the end of a two-year consultative process, provides an excellent justification for the amendment of the Act, the continued commitment to support the rapidly evolving transformation of the Irish HE Sector. IADT also welcomes the opportunity to respond to this paper, which is set out in the following paragraphs.

The draft vision for a Higher Education system is welcome. However, IADT feels that given the wider transformation agenda and the impact of Covid-19, the current draft could be further reviewed and the Vision enhanced for the following reasons:

- A vision statement generally describes what a “company” aims to achieve in the long term, usually 5-10 years and sets out a roadmap to get there.
- IADT is of the view that the current draft would be enhanced if it provided a macro view and a broadly defined roadmap as part of the vision. Eg. Should the *National Strategy for Higher Education 2030* be reframed given the paper’s ambition and the significant changes across HE since its publication in 2011?
- The vision for HE should also integrate with wider economic and national development strategies, thus providing evidence of a whole of Government approach, including reference to other relevant Government Departments as appropriate, i.e. “delivering the broad-ranging vision”.
- The draft vision lacks insight or consideration in relation to the international market for student, research and partnership opportunities (something worthy of consideration post-Brexit).
- What is the impact of Covid on HE – our learner’s needs and expectations and the changes to modes of delivery, student experience, post-Covid.

Section 3

Consultation Process

The Discussion Paper states that an extensive consultation process has been undertaken by the Department on the updating of the HEA legislation. The consultation process has been a central element of the legislation's development, with the views of the stakeholders being sought on all of the key issues in relation to the legislation.

The consultation process commenced in July 2018 when written submissions were requested on the reform of the HEA legislation, and responses were received from the key stakeholders in the higher education sector. A number of follow up consultations followed.

IADT Response

The draft consultation process appears to inadvertently exclude direct feedback from key international stakeholders/respondents. We note respondents to the written consultation process were invited to submit their views on a number of key issues, including international models of regulation and "best practice". However, it is unclear if direct consultation was held with key international stakeholders with respect to Governance and Transformation within HE. The international voice/experience is not reflected in draft sub-section 3. IADT is of view that international stakeholder views, experience of models proposed, direct insights and evaluation of models of "best practice" are important with respect to bench-marking and supporting Systems Change and should be captured or made more explicit if available.

IADT note that the feedback requested from (internal) stakeholders includes "all of the key issues in relation to the legislation" this inadvertently suggests a prescribed list of 'key issues', which may limit the scope of the feedback submitted by these key stakeholders.

Section 4

An International Perspective of Performance & Governance in Higher Education

The Discussion paper is of the view that a co-regulation model should foster a positive governance culture in the three governance strands of the governing authority, academic council and chief officer/executive and should enable effective leadership, accountability, and strong working relationships to be put in place with clear roles and responsibilities for each of the strands.

IADT response

IADT supports a shared governance model. However, IADT stresses the need for HEIs to have autonomy in relation to the selection and appointment of external members of Governing Bodies and that the three discrete "strands of governance" have a clear and defined understanding of the scope of their "authority and influence" within a defined "accountability framework".

IADT fully supports a smaller Governing Body with a diverse Membership with the competencies appropriate to the oversight and governance of a publicly funded academic institution.

Section 5.1.1

Reform of Governing Authorities of HEIs

While IADT supports the modernisation and reform of Governing Authorities to enable Institutions to operate and function better, upon review of the draft, we suggest that a number of considerations should be taken into account.

Formation of the Governing Authority

Firstly, the *Technological Universities Act 2018* (TU Act) has already provided for reform of Governing Authorities of the newly formed and forming Technological Universities and additionally **has provided for the reform** of Governing Authorities in Institutes of Technology that have not yet or do not intend to apply for TU Designation.

Section 82 of the TU Act makes this provision. However, it has not been commenced by the Minister and rather than creating a new piece of legislative reform, were the Minister commence this Section, the same effect would be achieved for a significant number of HEIs.

We believe that the commencement of Section 82 of the Act would resolve one remaining anomaly from the IoT Acts 1992 to 2006. Under these Acts, the Governing Body of IoTs are appointed by the Minister **on the recommendation of the designated Education and Training Board (ETB)**. This is the last remaining relationship between the IoTs and the local ETB, and despite a continued commitment to educational partnerships and alliances across FE & HE, it is no longer appropriate for ETB to exert such significant influence/authority over a HEI.

Indeed, it could be argued that this influence creates a conflict of interest as the ETBs through their FE Colleges are in direct competition with many of the IoTs and emerging TUs for students, staff and resources.

A further anomaly exists in that under the *ETB Act 2013*, the Nomination of Members to the Governing Authority of an IoT is not listed as a Reserved Function of the ETB, and thus the responsibility and authority rests with the Chief Officer of the ETB. Thus, a situation now exists wherein the Chief Officer of one Statutory Body is making the decisions regarding the appointment of the “Board” of another Statutory Body, over which it has no other authority.

Membership

The proposal is to have a Governing Authority with no more than 12 Members. The TU Act provides for Governing Authorities of between **12 and 20 Members** and sets out the basis on which an institution would determine the size of the Authority. The draft Consultation Paper itself identifies that the IUA has a recommendation from 2012 that Governing Authorities should have between 10 and 20 Governing Authority Members. It can certainly be argued that a “one size fits all” approach should not be applied; however, IADT recommends that the approach as set out in the TU Act would be the most suitable and appropriate option allowing for a Governing Authority of no less than 12 members and one that did not exceed 20.

The Consultation Paper further sets out a proposed Membership of the Governing Authority. It also identifies that there should be a majority of “external” members on the Governing Authority. However, the structure identified has a full balance between internal and external members, and the Consultation Paper relies on classifying the Student Membership as being external membership. This would appear to be in conflict with the Codes of Governance and the Code of Governance for State Bodies which would classify the student members as being internal. Again, the approach adopted in the TU Act would resolve this issue. ***IADT strongly supports the recognition of our students as being key Internal Stakeholders.***

The Consultation Paper continues with recommendations regarding gender balance and the length of terms of office of members. IADT supports such proposals but would add that we would like to see the wider Equality, Diversity and Inclusion (EDI) given some consideration and would advocate for additional “balance and diversity” alongside gender.

Commencement

Under the current arrangements for IoTs, each Governing Body commences with all members, excepting the President (CEO), the Chairperson and the Student Members, being appointed on the same date with the same termination date. Where interim appointments are made, these are made to complete the term of office of the Governing Body. This creates a situation wherein there are complete changes to Governing Authorities on specified dates. There is, therefore, no continuity from one Governing Authority to another.

IADT supports the position that all Governing Authority Members **are appointed for a full term of office of the length of the term regardless of their appointment date**. This would, over time, ensure that Governing Authorities would continue without disruption and ensure some degree of continuity and “corporate memory” with respect to strategic, governance and academic matters.

Remuneration

The current IoT legislation makes provision for Governing Body members to be paid out of monies made available by the Minister. However, this element has never been implemented and currently, Governing Body members serve on a *pro-bono* basis. The time commitment for Governing Body Members, particularly for those independent of the institution is significant, with up to 10 meetings per annum and membership of Committees of Governing Bodies as well as their training and personal preparation times. While such volunteering is to be welcomed and many Governing Body members give significantly additional commitments beyond the minimum requirements, **providing a stipendiary payment to Governing Body members may ensure that the quality of Governing Body members may improve and will accelerate the move from representative appointments towards competency-based appointments.**

Section 5.1.2

Role of the Governing Authority & Academic Council in Higher Education Institutions

IADT’s position is to strongly support the concept of a “shared governance approach” in which the Governing Authority, the President, and the Academic Council share corporate responsibility for the organisation. Each having distinct competencies and interdependencies in a system of “shared governance” and that the three discrete “strands of governance” have a clear and defined understanding of the scope of their “authority and influence” within a defined “accountability framework”.

Role of the Governing Authority

It is essential in developing the specific governance model to apply to institutions that there are clearly defined roles for each of the three elements; the Governing Authority, the Chief Officer, and the Academic Council. The current IoT legislation, combined with the Code of Governance, sets out clearly the roles and responsibilities. The *Technological Universities Act* is less clear regarding the distinction between the roles of both the Governing Authority and the Chief Officer.

It would appear the draft paper advocates that the authority vested in the Chief Officer is such as is devolved by the Governing Authority (?), **if so, IADT considers that this arrangement limits the capacity of the Chief Officer to carry out their full role and responsibilities.**

IADT considers that it is essential for the efficient running of HEIs that there is full clarity of (a) those functions reserved to the Governing Authority, (b) those functions under the remit of the Academic Council and (c) that the Chief Officer has the capacity to carry out all other functions through the Institutional Executive.

Role of Academic Council

Regarding the specific responsibilities of the Academic Council as listed in Section 5.1.2 page 14, IADT has the following comments/recommendations for the Department's consideration:

- **Designing and developing programmes for the HEI**
This would be better phrased as "Oversight of the design and development of programmes for the HEI". This work, in fact, takes place at School or Department level with proposals rigorously reviewed internally and externally before approval by Academic Council.
- **Supporting the implementation of these programmes in the HEI**
This is integral to the role of an Academic Council. No change necessary
- **Making recommendations on programmes for the development of research**
The intent of this sentence is unclear. If it is to make recommendations to embed Research activity and promote a Research culture within undergraduate and postgraduate programmes – IADT would be supportive of this.
- **Making recommendations to the HEI relating to the selection, admission, retention and exclusion of students**
This would be more accurately phrased as, "Approval of regulations relating to the selection, admission, retention and exclusion of students"
- **Making recommendations regarding the form and content of regulations of the HEI relating to the academic affairs and including the assessment of students and the determination of the results of that assessment and the procedure for appeals by students relating to the results of assessments**
This is integral to the role of an Academic Council. No change necessary
- **Making recommendations to the HEI for the awarding of fellowships, scholarships, bursaries, prizes or other awards**
Suggest adding the clause; "subject to the availability of resources"
- **Making general arrangements for academic counselling, including tutorials,**
*Recommend removing this sentence; this is **not the role** of the Academic Council*
- **For Technological Universities – promoting the involvement, in a programme of business, enterprise the professions, the community, local interests and related stakeholders in the region in which the campuses of the technological university are located.**
It is unclear why this provision is targeted at Technological Universities. If it relates to the business and enterprise links that TUs maintain, then the same is true for Universities. If it relates to regional focus, then it is unclear why, for example, TU Dublin is more or less regionally focused than, say, NUIG or UCC.
- **Performing any other functions delegated to it by the governing authority.**
Academic Council has a limit to its field of competence and authority. This sentence would be better phrased as; "Performing any other functions relating to the academic affairs of the HEI delegated to it by the governing authority"

Section 5.1.3

Role of the Chief Officer of the HEI

IADT welcomes the clear commitment to having clarity in respect of the role of the Governing Authority and the role of the Chief Officer (President); please see our commentary in Section 5.1.2. IADT is satisfied that the IoT Act, as currently written in conjunction with the Code of Governance for Institutes of Technology, provides the level of clarity between the two roles. **IADT has some concerns that the TU Act does not provide the same levels of clarity on the distinction between the roles.**

IADT would have concerns that any ambiguity between the responsibility for the Governing Authority against that of the Chief Officer would lead to confusion and potential conflict between the relevant parties and thus inadvertently impair the capacity of the institution to achieve its fullest performance – this observation applies equally to HEIs within the Technological sector and the University sector.

Section 5.1.4 Stakeholder Involvement

IADT supports the thrust of this section and welcomes its inclusion. We would make two suggestions for changes as detailed below.

This section begins with the sentence. **“The governing authorities are the top level of institutional governance and accountability....”**

- This is a legitimate approach to governance but is at variance with the previous statements in the document, which refer to “shared governance”. A more consistent opening might be; ***“The system of shared governance comprising the Governing Body, President, and Academic Council is the top level of institutional governance and accountability....”***

The first paragraph at the top of page 16 ends with the sentence

“These include the Academic Council, strategy development and student engagement provisions.”

- This would be improved, both in accuracy and inclusiveness, if it were to read; ***“These include the Academic Council, Departmental management structures, IR fora, strategy development, and student engagement provisions”***

Section 5.2 Governance Framework

IADT welcomes the approach being proposed in respect of the governance framework with a co-regulatory approach and primary accountability at the HEI level. It is important that this approach operates at an individual HEI level and not on the basis of the sector. **It should be possible for the HEA to implement accountability controls for individual institutions and continue with an autonomy approach for all other institutions.**

Reporting and Review Provisions

IADT recognises the requirement for urgent and relevant reporting where issue arise which have the capacity to hinder the delivery of an institution’s strategic objectives. IADT also recognises the importance of oversight, and this requires regular reporting mechanisms.

IADT considers that a planned and agreed series of reports be developed by the HEA in conjunction with the institutions to capture the relevant data at the appropriate points in the annual cycle.

Once these reports are developed and issued by the institutions, the HEA should utilise the data for further reporting and policy making processes. The implementation of an appropriate digital platform would ensure that relevant data sets from each reporting cycle would be at hand for both the HEA and the HEI – providing a rolling yet “live picture” of activity and performance. Given our experience of the reporting demands faced during the public-health crisis, the HEA should resist the requirement for additional reporting outside the agreed cycle unless there is a very clear imperative for the reports.

IADT recognises that a review of institutions is an essential element of any system and recognises that the proposal is for a stepped approach. It would be essential that clear and consistent engagement with any institution would occur prior to the commencement of any review mechanisms.

Section 5.3 Autonomy and Accountability

IADT has consistently promoted the concept that autonomy should only be permitted where a high degree of accountability can be demonstrated. However, it does appear to IADT that the general approach to autonomy with accountability is operated on a sectoral basis and that where one element of the sector is not achieving the required levels of accountability, autonomy is not then permitted. *Accountability and autonomy should be managed on an Institutional basis and not on a sectoral basis.*

In a reading of the section on autonomy and accountability, it appears to IADT that a much greater emphasis has been placed on the accountability element of the section with a limited discussion regarding how and where autonomy can be devolved to institutions if standards in Governance, Accountability, Performance and Financial prudence are maintained/achieved.

Academic Freedom

IADT wholly supports this section and welcomes the continued and explicit commitment to Academic Freedom. IADT notes that the relevant legislative provision for both Universities and Technological Universities are included in full, i.e. Section 14 of the Universities Act 1997 and Section 10 of the Technological Universities Act 2018. It would be helpful to include the relevant section from the Institutes of Technology Acts 1992 to 2006. This would be:

- *5A.— (1) A college, in performing its functions, shall have the right and responsibility to preserve and promote the traditional principles of academic freedom in the conduct of its internal and external affairs.*

Secondly, it would be constructive to add the definition of academic freedom, which is included in all three pieces of legislation.

- *(2) A member of the academic staff of a college shall have the freedom, within the law, in his or her teaching, research and any other activities either in or outside the college, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions and shall not be disadvantaged, or subject to less favourable treatment by the college, for the exercise of that freedom."*

Section 6.1 Strategy for Higher Education (including Teaching, Learning and Research)

IADT supports this. IADT suggests that cognisance is taken of international models, EU developments and the potential role of philanthropy and its funding role in some areas of Research.

Section 6.2 Change of Name of Higher Education Authority

IADT supports the position not to accept the recommendation of the Consultation Report and sees no merit in engaging in a change of name for the Higher Education Authority. It would appear to IADT that the recommendation, while intended to create a distinction between the Authority and

any restructured body to reflect the legislation, had the unintended consequence of simply being a change of name for the purpose of a change of name. **It is welcomed that the D/FHERIS position will obviate the need for much-needed resources being engaged in what would be an unnecessary exercise.**

It is our view that the value of the Higher Education Authority to higher education in Ireland and to the sector, in general, will continue regardless of their name.

Section 6.3

Board of Higher Education Authority

IADT supports the proposal in respect of the Board of the Higher Education Authority. This is consistent with the structures already existing and proposed in respect of HEIs.

IADT suggests that the HEA establish a standing forum representative of all HEIs, where consultations with and the views of all HEIs can be ascertained and submitted directly to the Board of the HEA.

Section 6.4

Engagement with Students

IADT supports this initiative and the commitment to partner and support student representatives in their roles on Governing Authorities.

Section 6.5

Research

IADT supports this. IADT suggests that some attention is paid to the composition of the Board of the new Irish Research Council to reflect the 'binary' HE structure currently in operation in Ireland, as well as a broad disciplinary mix (appropriate representation of AHSS and STEM subjects), diversity in practice and appropriate gender balance.

Section 6.6

Data Collection and Sharing

IADT supports the requirement for the HEA to be able to obtain significant data from HEIs and, in particular personal and special category personal data. It would be essential that in compliance with the Data Protection Acts (GDPR), detailed Data Impact Analyses be conducted for each system or request and that these be published or made available to HEIs. Changes may be required to both the HEA and the IoT, TU and Universities legislation to ensure that all such Data sharing does not contravene the Data Protection Legislation.

However, IADT does have concerns that the provision to **'ensure that the HEA has the capacity to collect the data necessary to carry out its functions'** would result in a continuation of the current practice, which would appear to be at variance with this statement.

Currently, it is the HEIs who are tasked by the HEA with **'the collection of data necessary for the HEA to carry out its functions'**. The HEA, in turn, analyses that data to support its informed policymaking. In recent years the nature, quantity and frequency of requests for HEIs to collect ever-increasing and changing levels of data has grown exponentially.

IADT would suggest the opening paragraph begin:

“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 provides sufficient resources to the HEIs to ensure they have the capacity to collect the data necessary for the HEA to carry out its functions and to share this data as appropriate with relevant bodies.”

Where possible, the outputs from the Data being submitted should be published in usable formats, and that such publication should be achieved within six months of the submission by the HEIs of the Data. Non-publication of such outputs or significantly delayed publication limits the value to a) the public and b) the HEIs themselves of the use of the Data and could potentially call into question the value of the transfer of the Data.

IADT welcomes the plans by D/FHERIS to consult with DPOs within HEIs.

Section 6.7 Equity of Participation

IADT supports this initiative.

Section 6.8 Designation

IADT broadly welcomes the text of Section 6.8.

However – and despite the fact that **all** IADT awards are to at least bachelor degree level and professionally oriented – we believe that the statement below would benefit from further revision, given the wide range of programmes offered across various levels of the NFQ by other HEIs.

Additionally, the emphasis on training (i.e. the acquisition of hard skills) may raise the question; Is “the value of education, learning and scholarship being diminished?” – in pursuit of technical competencies more often associated with apprenticeships and other tiers of the NFQ?

“a definition of higher education award as a programme of education and training, leading to the award of a degree or other qualifications which are to at least bachelor degree level”

Section 6.9 Funding of HEIs

IADT recognises the need to expand the funding arrangement to additional HEIs. IADT has been consistent in its approach that core and the substantial quantum of funding should always follow the student. IADT is also on record stating that the primary funding allocated for any student should be consistent with differentials only relevant to the type of programme being studied. IADT also supports processes whereby additional funding can then be allocated to support or promote:

- *students from socio-economically disadvantaged backgrounds;*
- *access to higher education from under-represented groups;*
- *and for national strategic priorities.*

IADT recognises the need for some of the overall allocated funding (‘top-slicing’) to be available for national priorities and to support specific cross-institutional initiatives where such support would

either be unavailable from individual institutions or where a combined sectoral initiative would achieve a greater value for money for the State.

However, all such allocations should be agreed by the institutions as well as the HEA and the Minister prior to such implementation, and all such initiatives and beneficiaries must be as accountable and open to scrutiny as the institutions themselves.

While IADT recognises the need for penalty mechanisms for HEIs that

- a) do not provide Data *or*
- b) whose Data submissions are deficient,

it would be reasonable to expect that the HEA would work with the relevant HEIs in the first instance to identify and resolve the issues.

Penalties of any form should only be a last resort. It is noted that a progressive listing of possible performance management actions is set out in Section 5.2 of the Consultation Document. While all of these are appropriate, it should be noted that the imposition of a financial penalty on any underperforming institution is unlikely to have the desired effect as this will impose a limitation of funds available to resolve the issues or factors impacting performance.

Parity between HEIs, Students and Graduates

It is important to IADT that there is parity in all areas between students in Higher Education in Ireland. Many of these items have been addressed above.

Any commitment to students should include *parity in respect of the quality of their education and the award*, as well as *parity in respect of the funding received per student from the exchequer*.

IADT adheres to the NFO, QQI Award Standards and regularly benchmarks against our national and international peers. However, outside of the CINNTE Reviews, the positive impact role which QQI plays in terms of oversight and standard-setting is not felt consistently by all HEIs – arguably resulting in an uneven or diminished “national standard” of provision, for example, with regard to;

- *cohesion within programme curriculum development,*
- *internal quality procedures,*
- *modes and standards across T&L and assessment,*
- *the breadth of external stakeholder engagement and evaluation contributing to award and quality reviews*
- *cohesive national plan for provision amongst providers*

Institutional reputation, and the value of an award, should be built on high standards of quality rather than the application of quality controls being dependent on reputation.

Finally, one other area of parity or **rather lack of parity exists**. Currently, graduates of either the NUI (MU; NUIG; UCC & UCD) or Trinity College are eligible to elect and be elected to Seanad Éireann in the two higher education constituencies; this is enshrined within the Constitution.

This provision **does not apply** to any of the graduates of DCU, MTU; TU Dublin UL; Institutes of Technology or other HEIs. Resolving this issue would, we believe, achieve much in respect of parity among students and graduates. The *7th Amendment* to the Constitution, passed in 1979, gives effect to this, however enabling legislation has not been forthcoming to-date in this regard.

We set out below the provisions of the Constitution.

Enactment of legislation to implement the *7th Amendment to the Constitution*.

Alterations to **Article 18.4** of the Constitution as provided for under the *7th Amendment to the Constitution passed by Referendum* in 1979 (**new text is in bold**):

1º. The elected members of Seanad Éireann shall be elected as follows:

- i. Three shall be elected by the National University of Ireland.
- ii. Three shall be elected by the University of Dublin.
- iii. Forty-three shall be elected from panels of candidates constituted as hereinafter provided.

2º. *Provision may be made by law for the election, on a franchise and in the manner to be provided by law, by one or more of the following institutions, namely:*

i. the universities mentioned in subsection 1 of this section,

ii. any other institutions of higher education in the State, of so many members of Seanad Éireann as may be fixed by law in substitution for an equal number of the members to be elected pursuant to paragraphs i and ii of the said subsection 1.

A member or members of Seanad Éireann may be elected under this subsection by institutions grouped together or by a single institution.

3º. *Nothing in this Article shall be invoked to prohibit the dissolution by law of a university mentioned in subsection 1 of this section.*

End