



Trinity College Dublin

Coláiste na Tríonóide, Baile Átha Cliath

The University of Dublin

The Fellows,
Trinity College Dublin.

Simon Harris, TD,
Minister for Further and Higher Education, Research, Innovation & Science,
Marlborough Street,
Dublin 1,
D01 RC96.

Sent via email.

5 March 2021

Re: Consultation report on reform of the Higher Education Authority Act, 1971

Dear Minister Harris,

Thank you for the opportunity to contribute to the consultative process regarding the above proposed reform. Our Provost, Patrick Prendergast, is writing to you separately about the proposed reform, and we fully support his submission. We write on behalf of the Fellows of Trinity College Dublin, in the spirit of our longstanding philosophy of commitment to collegiality and academic excellence in Ireland and across the globe. We agree with and support our Provost's submission to you, but we write separately here because, uniquely in the Irish higher education landscape, the Fellows play a major role in the governance of Trinity. Our views as university academic leaders are integral to Trinity's decision making and are often of value to the broader community.

We note that your vision is "for ... vibrant, innovative, adaptive and autonomous HEIs which are accountable to the learner and the State, and are supported by the HEA". We share that vision. Indeed, since its foundation in 1592, Trinity has upheld the principle of academic participation in its governance. All members of Trinity strive to participate appropriately in Trinity's affairs, activities and proceedings; and the Fellows, in particular, play a major role in the academic life and governance of the university. Our governance structures are based on the active participation of all members of the College. Our decision-makers, such as our Provost, and majorities on our Board and Council, are directly elected. Some of your proposals, especially those relating to the membership of the Board of the College, would dismantle this distinctive and crucial representative role. For the sake of brevity, we focus here only on those proposals.

One of the most important means by which the members of Trinity in general, and the Fellows in particular, contribute to governance is through their elected representatives on Board. Of the 27 members of Board, 20 are elected - 16 from amongst the staff (from constituencies representing: Fellows & Professors; other members of the academic staff; and members of the non-academic staff), and 4 from amongst the students. This wide range of representation fosters diversity both in membership and in viewpoint. It ensures that those who make decisions of significance for Trinity are those who are expert in the main business of the university: teaching and research. The radically

reduced membership of Board, and the shift to a majority of external appointees, in your proposals would inevitably reduce diversity both in the backgrounds of members of Board and in the range of direct sector-relevant experience brought to bear in discussions on Board, to the inevitable detriment of the quality of its decision-making.

During the last round of reform of the structures and governance of Irish universities, the Government recognised the distinctive nature of Trinity College's governance structures. Hence, instead of requiring that the Board be constituted in the same fashion as the Governing Bodies in other universities in the Universities Act, 1997, the Government permitted Trinity to sponsor the Private Bill that became the Trinity College Dublin (Charters and Letters Patent Amendment) Act, 2000. The current membership of Board is set out in section 3 of that Act (and it is repeated in section 4 of the Chapter on Board in Trinity's 2010 Statutes). This Board has achieved – and continues to achieve – the governance aims that the Department of Education had in introducing the 1997 Act, whilst at the same time respecting Trinity's autonomy, history and traditions, and its commitment to the principle of academic participation in its governance. To be clear, this mode of governance is of value because it serves a higher purpose: the purpose of being the best university we can possibly be. It is how we best serve the interests of the students, academics, the public, and the state. It is how state investment is protected and it is how the pursuit of knowledge – the engine that drives our country's capacity to shape our own future – is supported and optimised.

There is no evidence, in your Consultation report, or elsewhere, that our Board does not fulfil its role. Rather, to the contrary, if the response of the HEI sector to the current Coronavirus Covid-19 Pandemic has shown us anything, it is that our universities are capable of radical and rapid decision-making when the situation warrants and our academics can make critical contributions to the nation's response to crisis. Hence, Trinity's current Board structure – with representation as its founding core principle, and major contributions by Fellows, our leading academics – have been achieving your vision of a “vibrant, innovative, adaptive and autonomous” university. It is therefore not necessary to amend those structures radically in order to realise the vision you espouse. Trinity College is Ireland's highest ranked university, and it consistently attracts the highest level of competitive research funding in the sector; vibrancy, innovation, adaptability and autonomy are at the core of our achievements.

As an institution that engages in constant self-appraisal and quality review, Trinity has been actively working on a review of the structure and operations of our Board for the past 18 months. Work carried out by the Board Review Working Group, chaired by [REDACTED] as well as internal discussions amongst Fellows and throughout Trinity, have resulted in several recommendations in this regard. These discussions address how the Board is chaired, its functions, and its membership, as well as institutional support – and the review process is ongoing. But the point has been made in that process, as strongly as it is being made in this submission to your consultation, that membership of Board should reflect the fundamental principle of wide and deep academic participation in Trinity's governance. This is not to deny the value of external representation; but the proper role of external members is to plug a skills gap or to draw in relevant external experience; and this does not require a majority of external representation. Nor does the cardinal principle of academic representation on Board deny proper accountability for exchequer funding.

We look forward to contributing further to the discussions and decision making around how to make Irish HEIs world leaders in this sector, and we stand ready to engage with you on the issues in this letter and in your Consultation report. As in 1997 and 2000, when our internal process is concluded, it would be appropriate for the changes recommended by Board Review Working Group to be implemented by means of a Private Bill, in parallel with the general legislation implementing your reforms elsewhere in the Irish higher education sector.

Yours sincerely,



Chair of the Fellows,
Trinity College Dublin.