



Written Submission to the Reform of the Higher Education Authority Act 1971

March 2021

The Union of Students in Ireland (USI)

The Union of Students in Ireland (Aontas na Mac Léinn in Éirinn) is the national representative body for third-level Students' Unions in Ireland. Founded in 1959, USI now represents more than 374,000 students in Further and Higher Education Colleges across the island of Ireland. The goal of USI is to work for the rights of students and a fair and equal post-secondary education system in Ireland. USI is a full member of the European Students' Union (ESU) which represents students from 46 National Students' Unions in 39 countries, and a member of Eurodoc, the European Council for Doctoral Candidates and Junior Researchers.

The Union of Students in Ireland [hereinafter referred to as USI] welcomes the opportunity to respond to the latest proposal for reform of the Higher Education Authority Act. Our response will highlight points that we welcome within the proposed legislation, alongside some areas we feel could be further improved or clarified, alongside some suggested areas for improvement.

General Observations

USI was pleased to see a strong emphasis on the needs of students as an integral part of the HEA's work. USI believes that this could be further strengthened by listing 'Promote and safeguard the interests of students' as the first core objective of legislative reform. This would help to further illustrate the point made later in the legislation that the overall aim is to provide a high quality, student-focused system.

Under 'Section 5' on Further Development of a Governance and Regulatory Framework, USI welcomes the proposed model of co-regulation and recognises the need to strike a balance between institutional autonomy, which is a crucial element of any democratic Higher Education system, and accountability, to ensure that institutions respond

thoroughly to the needs of their staff and students. It is important that this model further ensures that the Higher Education Authority is adequately authorized to respond to governance issues that arise within institutions whilst ensuring that this does not encroach upon institutional autonomy but rather, ensures maintenance of good governance in the interest of all stakeholders.

Reform of Governing Authorities

USI understands the rationale for reducing the size of governing authorities, but believes that some of the proposed provisions could be further improved.

Given the focus placed on safeguarding the interests of students within the legislation, USI believes that the proposal to have just two students on the governing authority is inadequate in ensuring that these needs are met. Instead, USI proposes that the number of students on Governing Authority be increased to four with at least one postgraduate seat, equal to the number of external (excluding the Chair) and internal seats on the authority. Given the diversity of students within each institution, which is only set to increase with the designation of more Technological Universities, it is important that these perspectives can be adequately represented through the composition of the Governing Authority.

Furthermore, given that students are classified within the proposals as external members, it is important that they are appointed by the Minister upon nomination by the student representative body/s within the institution, recognizing that they are the democratically elected representatives of students within the institution. Membership could be reviewed on an annual basis with the student representative body in line with elected terms of office, with members remaining on the Authority without re-nomination should their terms of office extend for another year.

USI recommends that at least one of the external members on each Governing Authority be sought from alumni of the institution, recognizing the long-lasting link that exists between students and their alma mater, and the positive contributions that alumni currently play within the governance of their respective former institutions.

Given the recommendations above, USI proposes that the composition of Governing Authorities be increased to fourteen with the composition as follows:

- An independent Chairperson
- The Chief Officer
- 4 independent external members, including at least one Alumnus/a
- 4 students, nominated by the student representative body/s within the institution, including at least one Postgraduate
- 4 members from academic & non-academic staff, *ex-officio*

USI welcomes amendments being made to the relevant sectoral legislation in order to reform governing authorities which will ensure that consistency is applied across the Higher Education sector, and that students within all institutions play an equal role in the governance of their HEI.

Stakeholder Involvement in Higher Education Institutions

USI welcomes the reference within the proposed legislation to ensuring that students have an effective voice and participate fully in the Governance of their HEIs, particularly within the Academic Council. The current respective sectoral legislation does not sufficiently provide for student representation within Academic Councils, instead referring to 'an appropriate number of students'. This leads to inconsistent practice across the sector with the number of students on Academic Council ranging from two, to twenty.

Rather than proposing a minimum number of students to be represented on Academic Council, USI believes that student membership of these bodies should mirror staff representation – signifying the equal role that both parties play in the academic governance of their institution. At a minimum, the composition of Academic Councils should allow for at least one undergraduate and one postgraduate representative per college/faculty of the institution, and at least two elected representatives of the student representative body(s). Again, USI recommends that the composition and selection of student members for Academic Councils be agreed with the student representative body(s) of the institution.

USI also notes that Academic Councils are supported in their work by a number of sub-committees. USI believes that student representation should also be well-supported in each of these sub-committees and should not be limited to the student members of the Academic Council itself.

USI welcomes specific reference to student engagement initiatives which we will respond to later in the document.

Governance Framework between Higher Education Institutions and the HEA

USI welcomes the development of a clear governance framework between HEIs and the HEA to underpin the co-regulation model. Although USI understands that the statutory code of practice will be developed in consultation with HEIs and will not be detailed within the legislation itself, it wishes to make a few specific recommendations for what this code of practice should require institutions to report back on, namely:

- How student engagement and student representation activities are funded, through a well-resourced and supported students' union.

- How students are systematically involved in the governance and decision-making structures of the institution across all levels.
- Any issues/disputes that have arisen with students, and how these have been resolved by the institution and its governing authority.

USI agrees that the primary responsibility for governance should ultimately rest with the governing authority of the HEI, but believes that accountability in the above areas, and wider aspects of governance is fundamental to ensuring that the needs of students remain a primary consideration of the Higher Education system as a whole.

Board of the HEA

USI welcomes the continued provision for a student member of the Board of the HEA and would ask, where possible, that reference be made to this member being nominated by the Union of Students in Ireland as the national student representative body, in line with current practice and with similar references in the legislation underpinning Quality and Qualifications Ireland.

Engagement with Students

USI welcomes explicit reference to the importance of engaging with students in the proposed legislation and particularly welcomes legislative recognition of student engagement initiatives and a national student survey.

USI would welcome consideration of the development of a program of training for students involved in institutional governance, which could be rolled out in line with existing student engagement initiatives detailed within this section. This would help to build capacity amongst students to engage constructively in the internal governance of their institutions, and to ensure that consistent support is offered to students in understanding the role that they play in institutional governance, particularly members of Governing Authority. Similar programs of training are currently rolled out in the UK by Advance HE which might serve as a basis from which a similar initiative could be developed in Ireland.

In relation to the student panel outlined within the section, USI welcomes provision for the Higher Education Authority to engage formally with student representatives. Precedent suggests that fora of this nature work best when they are formally linked into governance, and USI would then suggest that any such student panel should directly feed into the HEA's governance and decision-making structures and could be co-chaired by the student member and Chair or Deputy Chair of the HEA Board.

USI believes that the points of focus for the student panel, as laid out in the proposed legislation are sufficient, and would also suggest that some of the points of reporting

recommended by USI earlier in this submission form a basis for discussion within this panel. In terms of member, USI recommends that the panel be drawn from at least one representative from the student representative body(s) in each Higher Education Institution.

Research

USI welcomes the recognition that research plays a vital role in the higher education landscape in Ireland. We also welcome the recognition that further consideration is required relating to the statutory basis for the Irish Research Council.

USI would further welcome language that reflects the importance of researchers themselves within the higher education landscape. Researchers face specific challenges, and it is important that the researchers themselves are a valued member of the higher education community.

USI would welcome a broader recognition for the role of the HEA in terms of research in the higher education landscape. The HEA is recognized as a funder throughout the report, which is accurate however, the HEA plays a much broader role in terms of policy development and advice and we believe that should be reflected within the legislation.

Equity of Participation

USI welcomes the change in focus from 'Equity of Access' to 'Equity of Participation', recognizing that emphasis must be placed on how students are supported throughout their time in Higher Education, and not simply in entering Higher Education.

Funding of HEIs

USI is pleased to see reference in the proposed legislation to funding being made available to the wider list of designated institutions of higher education providers and would hope that this can be coupled with provision of financial supports to students studying in this wider list of institutions and higher education providers.

Whilst we understand that the conditions of funding which funded bodies will be required to comply with in order to receive funding will not be stated within this proposed legislation, USI would suggest that sufficient funding for independent student representative bodies be a condition of funding which institutions are required to comply with.

USI notes that there is no reference to legislative provisions for a body to support Teaching & Learning, placing it on an equal footing to research and would welcome consideration of how this could be facilitated within the proposed legislation.

The Union of Students in Ireland as a representative body of over 374,000 students across the island of Ireland plays a valuable role in ensuring the higher education sector is one that recognises and values student partnership. Ensuring student partnership is embedded across all levels and areas of the sector is of paramount importance to USI. USI believes in the economic and social good achieved by an excellent higher education system. A focus on quality and innovative teaching, learning and research is vital to ensuring students are gaining a holistic education in a strong and supportive environment. This is an extremely important time for higher education and the HEA. USI would welcome the opportunity to engage in further discussion regarding this submission.

*Where USI refers to student representative body/s, we mean the recognized students' union/s of the institution. In some colleges, there are two separate bodies for the representation of undergraduate and postgraduate students respectively.