

19 March 2021

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

Cláráitheoir Eatramhach
Interim Registrar



Dear Minister Harris,

Submission re Reform of the Higher Education Authority Act 1971

The proposed reform of the HEA Act, 1971 was discussed at the meeting of Academic Council held on Friday 05 March 2021. Academic Council noted that the deadline for submissions was on the day of the meeting but wishes to make the following observations notwithstanding. Due to the short consultation period, this was the first opportunity for Academic Council to consider the proposed reforms and members expressed disappointment at the short consultation period. [Members noted a number of references the 2004 OECD country report and queried why only the recommendations on Governance and Management were being brought forward. It was considered that this was an unbalanced strategy as the OECD report also had key recommendations on the need for further investment (Chapter 7); widening participation and lifelong learning (Chapter 4) and research and innovation (Chapter 5).]

Composition of Academic Council - Members noted Amendment of Section 28 of the Universities Act 1997 provides for a limit to the membership of AC to 50 - 70 members. Academic Councils vary in size across the Irish universities with UCC's being the largest with over 230 members of which over 110 attended Friday's meeting. Academic Council in UCC is broad, collaborative, inclusive and representative of the university community. It meets the Athena SWAN requirements for gender balance (ca. 40% female members) and has recently expanded to include other under-represented categories such as age, disability and ethnicity. UCC Academic Council sees no need or advantage to capping the number of members and recommends that each university should manage its own AC arrangements.

Composition of Governing Body – Members felt that the proposed size of the Governing Body was too small and unsuitable for the governance of a university. In particular, the number of academic members in competition with non-academic staff and *ex officio* members in a category capped at four members.

Co-regulation Model – Members felt that the overall thrust of the proposals envisaged an unwelcome paternalistic relationship between the HEA and universities. It was noted that there is a strong correlation between successful university systems and autonomy and that institutional autonomy is considered as a prerequisite for modern universities to be able to develop institutional profiles and to deliver efficiently on their missions. The placing of codes of practice on a statutory basis was viewed as a worrying and unusual development which appears to go against balanced models of trust, autonomy and accountability. The co-regulation model provides for accountability by the university to the HEA and the State but it was unclear to members what particular problems were being solved by the new focus. In particular, members had concerns about overdeveloped models of linking

funding to compliance (including QQI requirements) which go beyond and oversight role and would lead to the sector reporting in a metricised way.

NUI Response – Members had read the NUI response to the proposals and broadly supported them.

Students – There is already durable and meaningful involvement of students in the management, corporate governance and academic governance activities in UCC. Members welcomed the continued focus on students as partners and co-creators in the University.

Yours sincerely,



Copy: [Redacted] Secretary General, Department of Further & Higher Education, Research,
Innovation and Science.
[Redacted] Director General, IUA.