



**UNIVERSITY OF
LIMERICK**
OLLSCOIL LUIMNIGH

**GOVERNING AUTHORITY
GOVERNANCE COMMITTEE**

Submission to

**Minister for Further and Higher Education,
Research, Innovation and Science**

On Proposed Reform of the HEA Act, 1971

GOVERNANCE COMMITTEE REVIEW OF PROPOSED HEA REFORM

With the approval of the University of Limerick Governing Authority, the following constitutes the submission from the Governing Authority's Governance Committee on the proposed Reform of the HEA Act, 1971 for consideration as part of the Minister's consultation process. The main points for consideration are set out below:

1. Balance between HEA Oversight and Autonomy of Universities:

- In order to thrive in a rapidly changing external environment, it is pivotal that the autonomy of universities is preserved to enable them to meet their discrete (ontological and innovative) contributions to the advancement of society and have the freedom to do so in alignment with their practice of good corporate governance and attainment of social objectives. This required balance needs to be provided for in any proposal new legislation;
- While greater accountability is welcomed, there is concern that greater levels of engagement with the HEA set down in legislation may become too onerous and restrictive in the context of the required autonomy of the universities and could lead to development of a carrot and stick culture, which is contrary to the principles of co-regulation;
- The legislation provides that a designated institute of higher education will have 'no entitlement to funding', this is a serious matter that requires further clarification.

2. General Legislative Principles

- The proposal for statutory provision of stakeholder involvement in the development of the strategic plan was welcomed;
- Where a matter is identified within a HEI for review, then the HEI undertakes a review of the matter under consideration for reporting to the HEA. If the HEA is not satisfied with the review, then it may take appropriate action. It is unclear on what basis the HEA could decide that an internal review of a matter is sufficient or otherwise and this needs further clarification;
- Matters that constitute non-compliance resulting in HEA involvement need to be provided for in the legislation;
- The HEA may provide assistance in the form of appointing a person or body to assist the HEI. There is no clarity here as to the power of the appointed person/body and constraints around the length of appointment;
- The Minister having the power to recommend dissolution and reconstruction of a Governing Authority provides for too much authority to the Minister and the HEA and clarity is required on the confines of this authority.

3. Size, Composition and Appointment to Governing Authority

- The reduction of the size of Governing Authority to 12 members is too small to enable the HEIs to secure diversity in the required skillsets of members. Diversity in experience and expertise are prerequisites for the effective governance of the wide-ranging responsibilities set down for governing authorities;
- There is a clear need identified for the Governing Authority to appoint a range of sub-committees (five identified in the proposal to reform the HEA Act). It would be next to impossible to populate all these committees with the required skillsets and membership levels with a 12 member Governing Authority in place;
- The proposed appointment by the Minister of the 4 external members on the Governing Authority is problematic and is not conducive to a model of co-regulation;
- Given the consensus basis on which Governing Authorities operate, the reduced size makes internal representation very limited and results in an unbalanced body. Any “culture of positive and effective governance” as proposed in the legislative reform is nearly impossible to achieve without inclusive governance. To completely design a governance system solely based on competency of external members restricts the ability of an institution and its community to feel included in their HEI’s governance;
- It is not logical to deem student representatives on governing authorities as external as proposed in the reform;
- The reduced size of governing authorities appears to be accompanied with increased authority to the HEA resulting in an imbalance in co-regulation.