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**An Comhchoiste um Oideachais agus Coimirce Shóisialach**

**Tuarascáil ar Scéim Ghinearálta**

**an Bhille um Ollscoileanna Teicneolaíochta**

**Aibreán 2014**

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**Houses of the Oireachtas**

**Joint Committee on Education and Social Protection**

**Report on the General Scheme of a  
Technological Universities Bill**

**April 2014**

**31 – ESP- 0013**





**Joanna Tuffy, T.D.**  
**Committee Chair**  
**(Lab)**

### **Chair's Foreword**

To remain relevant to the needs of students, society and the economy, we must ensure on an on-going basis that our education system undergoes the necessary structural reform and modernisation. In the case of the higher education system, there is increasing awareness of how well we are preparing our students for constantly changing economic needs, as well as how our educational institutions compare with corresponding institutions in other States.

The purpose of the General Scheme of a Technological Universities Bill is to act on the comprehensive consideration of higher education that was undertaken in the National Strategy for Higher Education to 2030 (Hunt report) and the Higher Education Authority's Landscape document.

The consolidation of the institutes of technology that is being facilitated by the Bill allows for the establishment of new technological universities with a specific mandate to provide education and research that is high-quality and industry-focused. Their role will be distinct from that of the academic universities. By enabling the merging a number of IoTs, the legislation will facilitate the creation of a small number of technological universities with campuses in different locations, together with an updating and improvement of governance of the institutions. It also allows the IoT sector to attain a level of performance and scale that will improve the learning experience and outcomes for students.

I am glad to see that three groups of institutes of technology have expressed interest in merging and applying to become a technological university, while a fourth group are keen on achieving greater collaboration with a view to merging in the future. To achieve the transition, groups will have to fulfil demanding criteria for designation as a technological university and all applications will be subject to independent international evaluation.

I would like to record my appreciation to the focused group of stakeholders who assisted the Joint Committee in the pre-legislative scrutiny of the General Scheme through their submissions and presentations. I would also like to thank the Members of the Joint Committee for their engagement on this challenging issue, to the Library & Research Service of the Houses of the Oireachtas for their very helpful and efficient support, and to the Joint Committee Secretariat for their assistance.

I hope that this Report and its Recommendations will be of assistance to the Minister for Education and Skills; the Joint Committee looks forward to giving further consideration to the Bill when it is presented to the Houses of the Oireachtas.

A handwritten signature in blue ink that reads "Joanna Tuffy". The signature is written in a cursive, flowing style.

Joanna Tuffy, T.D.

Chair of the Joint Committee on Education and Social Protection

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## **1. Introduction**

On 22 January 2014, the Minister for Education and Skills Ruairí Quinn TD (“the Minister”) published the General Scheme of a Technological Universities Bill (hereafter the ‘General Scheme’). It should be noted that the General Scheme has no legal effect and its proposals may change as the legislative process progresses. More detail on the General Scheme of a Bill is included in Section 3.

The overall aim of the General Scheme is to provide for the merger of certain institutes of technology (IoTs) for the purpose of designation as a technological university (TU). In particular, the General Scheme provides for the dissolution of Institute of Technology Tallaght (ITT) and Institute of Technology Blanchardstown (ITB) and the transfer of assets, liabilities and staff of these to form Dublin Institute of Technology (DIT), the first TU in the state.

Following the publication of the General Scheme, the Joint Committee on Education and Social Protection (hereafter the ‘Joint Committee’) was asked to review and consider the General Scheme, and submit a report to the Department of Education and Skills. To this end, the Joint Committee invited particular stakeholders to make written submissions on the matter by 28 March 2014, and it hosted a public hearing with stakeholders on 16 April 2014.

## 2. Recommendations

### Criteria for designation as a Technical University

#### Recommendation 1 (section 6.1 refers) **Criteria**

It is understood that future drafting will entail the addition of statutory regulations which may provide additional details regarding the Head 28 criteria under which (at least two) IoTs may be designated as a TU. Consideration should be given to ensuring that no ambiguity exists as to the standard of the criteria set out in this Bill as against the original criteria set out in the HEA's 'Landscape' document. It is important that the first TU provided for under this Bill (Dublin Institute of Technology) and any future TUs follow a standardised, single set of criteria.

#### Recommendation 2 (section 6.1 refers) **Functions**

The proposed variations between this General Scheme and the existing Universities Act, 1997 regarding the statutory functions of each institution suggest that only 'Labour Force Engagement' is a distinctive function for TUs whereas all other functions closely align with those of universities (See Appendix 2). Consideration should be given to the need to recognise the range of supportive functions involved in the development of expertise and the general engagement of a TU with enterprise and industry.

#### Recommendation 3 (section 6.1 refers) **Enrolments**

According to the General Scheme, a minimum target of 30% of all enrolments shall be 'flexible learning programmes; professional or industry based programmes; or mature learners' (Head 28, s.2 (b) (ii)).

Consideration should be given to including a reference to apprenticeships in the context of their importance in the development of particular technical skills. The Hunt report (p. 49), in particular, refers to the spin-off benefits of apprenticeship programmes including:

- the employment of staff with real industrial experience;
- promotion of linkage with industry;
- improvement of qualifications in the locality; and
- enrichment of the campus experience for all students.

#### Recommendation 4 (section 6.2 refers) **Transparency**

Stakeholders called for transparency regarding the application and designation process to ensure that a fair, open and collaborative dialogue is provided. Consideration should be given to requiring the report associated with any application for TU status to be made publicly available in the interests of transparency.

#### Recommendation 5 (section 6.4 refers) **Initiative of IoTs**

Providing for the expansion of a TU is integral to the objectives of the General Scheme. However, Head 40 does not appear to consider a circumstance where the initiative for applying for TU status comes from the aspirant IoT (or IoTs) working in collaboration with an existing TU. Instead, the proposer as set out in the Scheme is the HEA. Consideration should be given to the inclusion of a section, prior to s.1 of Head 40, allowing for the initiative to be proposed by IoTs with the agreement of the existing TU.

**Recommendation 6** (section 6.5 refers) **Phased replacement of governing bodies**

Consideration should be given to how the transition to the governing arrangements for the TUs can be made so as to avoid a loss of collective corporate memory and unnecessary disruption.

**Recommendation 7** (section 6.5 refers) **Student representatives**

Concerns have been raised by students' unions regarding the possible adverse effects on them of the proposed requirement for the student undergraduate representatives to be elected officers of the Student Union or another representative student body and restrictions related to postgraduate representation. Student representatives on a governing body should be drawn from a student union if one is in place .

**Recommendation 8** (section 6.5 refers) **Composition and operation of governing body**

Consideration should be given to a number of potential amendments in relation to the proposed composition and operations of a TU's governing body and in relation to governance issues generally (see Box 4). Each issue merits examination for inclusion or accommodation in the legislation in its own right.

An elected member should be appointed to a governing body from each of the local authorities in the principal catchment area of a TU, and these nominations should be made by the Education and Training Boards in the area concerned.

**Directions of the Minister and institutional autonomy**

**Recommendation 9** (section 6.6 refers) **Specific Ministerial powers**

Further consideration should be given to Head 55 of this Scheme which possibly allows for specific Ministerial powers that may not similarly apply to universities unless the proposed amendment to the Universities Act, 1997 is enacted.

**Academic freedom and the academic council**

**Recommendation 10** (section 6.7 refers) **Composition of academic council**

Further consideration should be given to Head 61 (3) - the composition of an academic council - in relation to whether it takes account of the unique industry-specific function of a technological university (compared with a traditional university), in particular, to facilitate skills development for the labour force at regional and national level.

**Staff (transfer and dismissal) and superannuation**

**Recommendation 11** (section 6.8 refers) **Terms and conditions of staff**

The Committee refers to the concerns expressed by the trade unions in their submissions and presentations, and urges that the legislation ensures that these concerns are addressed.



### **3. The General Scheme of the Bill**

On 22 January 2014, the Government published the General Scheme of a Technological Universities Bill. The General Scheme is the first step towards a Bill, which if enacted, would provide the statutory basis for the merger of Dublin Institute of Technology (DIT), Institute of Technology Tallaght (ITT) and Institute of Technology Blanchardstown (ITB) to form a new technological university (TU) to be known as Dublin Institute of Technology. The Bill also provides for the merger of other institutes of technology (IoTs), for the establishment of a TU and for the designation of IoTs merged under the Act as TUs.

The General Scheme is comprised of 88 Heads over 147 pages, and will evolve over time as it is amended and drafted.

In examining what has been published to date, it is important to draw the distinction between the General Scheme of the Bill and the Bill as it will be presented at first stage in the parliamentary legislative process (which is known as “initiation”, i.e. publication). Most Government departments have their legislation drafted by the Office of the Parliamentary Counsel (OPC)<sup>1</sup> by supplying Heads of a Bill which broadly set out policy objectives. Typically, a General Scheme can be considered to be in draft format and as such is still subject to the legal advice of the Office of the Attorney General. It may include an explanatory note to accompany each Head unless the Heads are self-explanatory (see Appendix 1 for further details on the preparation of legislation).

It is important to note that the General Scheme has no legal effect and the proposals it contains may well evolve over time as the legislative process progresses. Draft legislation will be prepared on the basis of these proposals, for presentation to the Oireachtas and enactment.

The publication of the General Scheme presented an important opportunity for interested stakeholders to comment on the general principles and themes at an early stage in the Bill’s development. The Joint Committee formally invited written submissions and presentations in relation to the Heads of the Bill.

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<sup>1</sup> The Office of Parliamentary Counsel to the Government is one of three offices that make up the Office of the Attorney General. The OPC comprises the Parliamentary Counsel who draft legislation and have responsibilities in the area of statute law revision.

The draft legislation which follows a General Scheme of a Bill can potentially vary, to a greater or lesser extent, from the General Scheme as issues are further refined during the drafting process.

#### 4. Key aspects of the new proposals

This section focuses on the key aspects of the General Scheme of a Technological Universities Bill. The main provisions of the General Scheme are as follows:

1. Provides for the dissolution of Institute of Technology Tallaght (ITT) and Institute of Technology Blanchardstown (ITB) and their merger with the existing Dublin Institute of Technology (DIT) to create a multi-campus technological university (TU) to be called Dublin Institute of Technology (DIT).
2. Details the criteria and procedures for the dissolution and amalgamation of (at least two) institutes of technology (IoTs) for the purposes of designation as a TU.
3. Details the operational and academic criteria which the Minister, in consultation with *An tÚdarás um Ard-Oideachas* (“*An tÚdarás*”<sup>2</sup>) / Higher Education Authority (HEA), shall direct are to be complied with by a merged institution as part of the TU application process.
4. Specifies the objectives and functions of a TU including the awarding of degrees, provision of courses, engagement in research, establishment of companies and collaboration with relevant interests.
5. Specifies that applications for designation as a TU shall be assessed by an expert advisory panel appointed by *An tÚdarás* / HEA who shall report to the HEA within four months. *An tÚdarás* / HEA shall advise the Minister based on the recommendations of the panel. The final decision will rest with the Minister.
6. Provides for the reform of the governing authorities of the IoTs and of TUs.
7. Provides for the classification of a TU as a designated awarding body (DAB) and relevant provider under the *Qualifications and Quality Assurance (Education and Training) Act, 2012*.
8. Details that future expansion of a TU to include a further IoT or another higher educational institution shall be subject to approval by the Minister for Education and Skills with the consent of the Minister for Public Expenditure and Reform. An order to incorporate an additional institution must also be approved by both Houses of the Oireachtas.
9. Facilitates strengthened powers for inspection and oversight by *An tÚdarás* / HEA following consultation with the Minister for Education and Skills.

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<sup>2</sup> *An tÚdarás um Ard-Oideachas* refers to the Higher Education Authority (HEA), established by the Higher Education Authority Act, 1971.

10. Specifies the method of appointment, membership composition and functions of a TU's governing body (Heads 52-54 and Schedule 1). It is proposed that a governing body will comprise at least 11 members and at most 20 members. The majority of the membership will be external to the institution. The Bill also provides for the establishment of a common governing body structure for all existing IoTs through the repeal and replacement of s.6 of the *Dublin Institute of Technology Act, 1992* and the *Regional Technical College Acts, 1992-1994*.
11. Provides for consequential amendments of other enactments and to provide for related matters.

## 5. Policy context

The press release<sup>3</sup> welcoming the publication of the General Scheme refers to recommendations featured in the [National Strategy for Higher Education to 2030 Report](#) published by the Higher Education Strategy Group in January 2011 (also known as the ‘Hunt report’ after the Chairman of the Strategy Group, Dr. Colin Hunt). Also mentioned is the Higher Education Authority’s (HEA) “Landscape” document ([Towards a Future Higher Education Landscape](#)) which detailed a roadmap for implementation of the recommendations of the Hunt report.

### 5.1 Key reports

The 2011 Programme for Government proposed a number of third level reform measures including *inter alia* to “review the recommendations of the Hunt report on higher education” and an exploration of the “establishment of a multi-campus Technical University in the South East”<sup>4</sup>.

Preceding and following these commitments, there have been a number of reports published by the HEA and others referring to the designation of amalgamated institutes of technology (IoTs) as technological universities (TUs) which have influenced the substance of the General Scheme.

**Table 1: Reports relating to the designation of technological universities in Ireland**

| Publication Date | Title  |
|------------------|--|
| January 2011     | <a href="#">National Strategy for Higher Education to 2030</a> (Hunt report)   |
| February 2011    | <a href="#">Criteria for Technological University Designation</a> (Marginson report)   |
| February 2012    | <a href="#">Towards a Future Higher Education Landscape</a> (‘Landscape’ document) <i>Process and Criteria for Designation as a Technological University</i> (included as Appendix 1)  |
| November 2012    | <a href="#">Institutional Responses to the Landscape Document and Achieving the Objectives of the National Strategy for Higher Education</a><br><a href="#">A Study of Future Demand for Higher Education in Ireland</a> (ESRI). |
| January 2013     | <a href="#">Completing the Landscape Process for Irish Higher Education</a> (Following consultation with higher education institutions on the earlier ‘Landscape’ report).   |
| April 2013       | <a href="#">Report to the Minister for Education and Skills on system reconfiguration, inter-institutional collaboration and system governance in Irish higher education</a>   |
| June 2013        | <a href="#">Principles of Internal Quality Enhancement for Technological Universities</a> (TUQF document)  |

<sup>3</sup> See: <http://www.education.ie/en/Press-Events/Press-Releases/2014-Press-Releases/PR14-01-22.html>

<sup>4</sup> 2011 Programme for Government <http://per.gov.ie/wp-content/uploads/ProgrammeforGovernmentFinal.pdf> p. 13.

The issue of reconfiguration of the higher education sector has been a subject of much debate since the publication of the Hunt report (National Strategy) in **January 2011**. A number of proposals including the development of regional clusters to maximise collaboration and coordination of activities in the sector, featured strongly.

In **February 2012**, the HEA proposed, in a discussion document (*'Towards a Future Higher Education Landscape'*), a reduction in the number of third-level colleges from 39 to 24 through a process of consolidation. Institutional responses were received in summer 2012 and published in **November 2012** along with an ESRI report prepared by an international panel of experts.

The culmination of discussions on the 'Landscape' document (in the format of a report) was submitted to the Minister in **April 2013**. In late **May 2013**, the cabinet approved a plan<sup>5</sup> based on the HEA's April report which detailed the establishment of regional clusters and the creation of three TUs.

### **5.1.1 The Hunt report (2011)**

The Hunt report sets out a 20-year strategy for the higher education sector in Ireland and refers *inter alia* to the need to meet national strategic objectives in participation, access, and research and development. In particular, the report refers to the participation of IoTs in "regional clusters of a similar scale" which would be achieved through consolidation.

Chapter 8 of the report 'Developing a coherent framework for higher education in Ireland' includes explicit reference to the following:

"In relation to the institutes of technology, [the Strategy Group] recommends a process of consolidation that could potentially result in the re-designation of some institutes as technological universities." [HEA (2011; 96)]

According to the report, "consolidation should be promoted to create amalgamated institutes of technology that:

- Participate in regional clusters with partner universities of a similar scale in order to deliver on a range of national policy outcomes;
- Are capable of engaging responsively with indigenous and multinational enterprises regionally, nationally and internationally;

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<sup>5</sup> See: <http://www.education.ie/en/Press-Events/Press-Releases/2013-Press-Releases/PR-%202013-%2005-%2030.html>

- Provide sufficient scale and expertise to deliver excellence in teaching and learning with a strong focus on innovative and flexible modes of delivery;
- Take advantage of shared services opportunities;
- Deliver efficiency benefits from programme rationalisation and staff redeployment; and
- Are able to develop strong international profiles.”

Overall, the report proposes that “smaller institutions should be consolidated to promote coherence and critical mass” and that an incentive framework for those institutions in receipt of exchequer funding should operate to “achieve the incorporation or merger of such institutions into existing universities or institutes of technology or into technological universities” when established [HEA (2011: 23)].

However, in relation to the establishment or re-designation of institutes of technology (IoTs) as universities, the report stated:

“There is no case for the establishment of any new universities in Ireland on the basis set out in Section 9 of the Universities Act, 1997; and in the interest of retaining a broad diversity of activity within the system and the efficient use of resources, no application to convert any institute of technology into a university should be considered.” [HEA (2011; 101)]

Hunt proposes a two-stage assessment process for re-designation of IoTs as a TU as well as specific and generic criteria to be met.

**Table 2: The proposed assessment process for re-designation of IoTs as technological universities – Hunt report**

| <b>Application</b>   | <b>Criteria (specific)</b>   | <b>Criteria (generic)</b>   |
|--|--|---|
| <b>1<sup>st</sup> Review</b>   | <b>Stage 1</b>   | <ul style="list-style-type: none"> <li>▪ Sustained scholarship culture.</li> <li>▪ Sufficient sustainable scale/critical mass.</li> <li>▪ Institutional capacity (skills availability).</li> <li>▪ Governance procedures, organisation structures and quality assurance processes “all underpinned by the vales and goals of the technological university and which ensure the integrity of its academic programmes”</li> </ul> |
| Application considered by an expert panel appointed by the Minister on the advice of the HEA. Assessment would focus on institution performance and wider system implications. | <ul style="list-style-type: none"> <li>▪ Regional impact</li> <li>▪ Relationship and collaborations with other HE providers.</li> <li>▪ Participation in regional clusters/consolidation efforts</li> <li>▪ Financial/operational impact</li> <li>▪ Management capacity.</li> </ul>  |   |
| <b>2<sup>nd</sup> Review</b>   | <b>Stage 2</b>   |   |
| A further panel of international experts assess the application based on quality of institutional performance.   | <ul style="list-style-type: none"> <li>▪ Strategic vision for TU</li> <li>▪ Record of engagement with local business</li> <li>▪ Record of staff exchange with industry</li> <li>▪ Business engagement with curriculum development</li> <li>▪ Proportion of students engaged in up-skilling, non-traditional learning methods.</li> <li>▪ Funding received from training or research contracts with business</li> <li>▪ Record of international collaborations</li> </ul> |   |

The report also outlines the distinguishing features of a TU in broad terms referring to the need to maintain the mission and ethos of an IoT (based on the industry-specific/labour market focus on research and innovation) but also to develop expanded functions regarding:

- Provision of postgraduate courses;
- Development and maintenance of structured relationships with other higher education providers; and
- An overall emphasis on engineering, technology and workplace learning.

In relation to the legislative framework allowing for the re-designation of IoTs as TUs, Hunt states the following:

“The legislative framework for the establishment of technological universities must clearly define their distinct mission and characteristic features. Clarity in these respects will eliminate any basis for redefining staffing profiles, roles or pay structures in line with those in existing universities.” [HEA (2011; 106)].

### **5.1.2 The Marginson Report (2011)**

Applying critical analysis to the Hunt report, a consultation paper by Professor Simon Marginson of the University of Melbourne was published in February 2011 entitled [\*Criteria for Technological University Designation\*](#) and formed the basis for further consultations with stakeholders. The report analyses the recommendations of the Hunt report and proposes more specificity regarding the application evaluation process for designation as a TU.



### **Box 1: Main findings of the Marginson Report (2011)**

- TUs must have a clearly defined mission and distinctive ethos from IoTs.
- The focus of TUs shall be on the needs of enterprise and local communities in particular.
- Establishment of a specified, national evaluation process for designation of TUs, free of political interference, is an imperative.
- Prospective TUs and their constituent IoTs will complement their existing functions (as IoTs) with the distinction of an enhanced focus on teaching at levels 9-10 of the National Framework of Qualifications (NFQ), and in-depth research in selected activities.
- There must be no drift from a prospective TU's focus on NFQ levels 6-8 as this would lead to derogation of services.
- The creation of a viable "second university sector" based on a sufficient regional, national and international standing must have parity of esteem and full acceptance vis-à-vis established universities.<sup>6</sup>
- Collaborative 'clusters' and record of cooperation must be present between prospective IoTs prior to their re-designation but scale is not sufficient in isolation. No exact size threshold should be applied.

According to Marginson, there are a number of scenarios including where a small number of TUs and IoTs shall co-exist (best case scenario) but there is also the alternative possibility of a "three tier" higher education sector resulting in institutional disadvantage (worst case scenario). Marginson also detailed for the first time the considerations underpinning the specific criteria which would form benchmarks for the designation of a technological university in Ireland.

### **5.1.3 The Higher Education Authority (HEA) Landscape Report (2012)**

The second publication referred to in the press release announcing the publication of this General Scheme is the Higher Education Authority's [\*Towards a Future Higher Education Landscape\*](#) which was one of a series of implementation papers published by the HEA to fulfil the objectives and implement the recommendations of the National Strategy (Hunt report).

The Landscape document details a four stage process for designation as a TU and identifies three proposed IT alliances which were progressing towards designation as a TU.

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<sup>6</sup> This term refers to any university so designated under the *Universities Act, 1997*.

**Table 3: Process for designation as a technological university (Landscape report)**

| Stage | Detail  | Detail  |
|-------|---|---|
| 1     | <b>Expression of interest</b>                     | Higher education institutions must apply to the Higher Education Authority (HEA) stating <i>inter alia</i> how the transition will be financed. The HEA will then assess the implications of the designation based on a system-wide analysis and make a decision within 6 months.   |
| 2     | <b>Preparation of a plan to meet the criteria</b> | If applicant passes stage 1, a plan must be prepared outlining how criteria for a technological university will be achieved including <i>inter alia</i> a legally binding agreement for consolidation of two or more institutions, and other academic/administration issues.  |
| 3     | <b>Evaluation of the plan</b>                     | Plan is assessed by an expert panel with regard to capacity and fulfilment of designation criteria. A decision is provided by the HEA within 6 months before progressing to the next stage.   |
| 4     | <b>Application for designation</b>                | Applicant may apply for designation as a technological university. This application will be evaluation by an expert panel following designated criteria and legal and administrative requirements among other considerations. The panel will then report its recommendation to the HEA which will consider the report and advise the Minister for Education and Skills. |

Source: *Landscape report (2012)* Appendix 1, p. 12-13

At that time, the Minister approved the submissions of three prospective groups of TUs for “phrase 1 of the process for designation as a technological university.” The detail provided was as follows:

**Table 4: Indicative aggregate scale of proposed technological universities**

| Grouping             | Institutions                      | Students | Staff | Income | Research |
|----------------------|-----------------------------------|----------|-------|--------|----------|
| <b>Dublin TU</b>     | Dublin Institute of Technology    | 23,738   | 2,433 | €250m  | €20m     |
|                      | IT Tallaght                       |          |       |        |          |
|                      | IT Blanchardstown                 |          |       |        |          |
| <b>Munster TU</b>    | Cork Institute of Technology      | 11,900   | 1,283 | €135m  | €16m     |
|                      | IT Tralee                         |          |       |        |          |
| <b>South-East TU</b> | Waterford Institute of Technology | 12,943   | 1,249 | €122m  | €19m     |
|                      | IT Carlow                         |          |       |        |          |

Source: HEA <http://www.hea.ie/content/new-landscape-higher-education>

A strategic alliance agreement for a proposed fourth TU (the ‘Connaught-Ulster Alliance’) allowing for enhanced collaboration across a number of activities was signed in July 2012 by Galway-Mayo IT, IT Sligo and Letterkenny IT with a stated ambition of applying for designation as a TU in the longer term. Athlone IT, Dundalk IT and IADT have expressed an intention of remaining as standalone IoTs. Limerick IT, originally a

constituent IoT of the ‘Munster TU’ alliance, has since December 2012 decided<sup>7</sup> to develop its own autonomy and deepen collaboration with regional partners.

#### 5.1.4 Other reports

##### Report to the Minister for Education and Skills on system configuration

Following a year-long process of research, analysis and stakeholder engagement, this report sets out the proposed strategy for the HEA to implement the Hunt report including through the development of regional clusters and reconfiguring the higher education system as a whole.

**Table 5: Proposed regional clusters (April 2013 Report)**

| Region                            | Member institutions   |
|-----------------------------------|---|
| <b>South</b>                      | UCC, Cork IT, IT Tralee, Waterford IT and IT Carlow   |
| <b>Mid-West</b>                   | UL, Mary Immaculate College, Limerick IT  |
| <b>West</b>                       | GMIT, IT Sligo, Letterkenny IT, NUIG (St. Angela’s/Shannon College incorporated into NUIG)  |
| <b>Dublin/Leinster (Pillar 1)</b> | UCD/TCD/NCAD/Marino Institute of Education/Dún Laoghaire Institute of Art, Design and Technology (IADT)                               |
| <b>Dublin/Leinster (Pillar 2)</b> | DIT/IT Tallaght/IT Blanchardstown/DCU (and incorporating linked colleges) National College of Ireland/Dundalk IT/NUIM/Athlone IT/RSCI |

*Source: HEA (2013) Report to the Minister for Education and Skills, p. 20-21*

The report also reiterated the proposed creation of three TUs following the framework proposed in Table 5 above.

#### 5.2 Criteria for re-designation as a technological university (comparison)

According to the General Scheme, it is now proposed that when amalgamated, IoTs (at least two) must demonstrate significant progress across stated performance criteria (Head 28) prior to their formal application for re-designation as a technological university. As detailed, the criteria are based on the HEA’s ‘Landscape’ document.

**Appendix 4** of this paper illustrates how the criteria have evolved over time.

In relation to the statistical references in Head 28, the following is referred to:

“Head 2 (b) the profile of learners at the time of application to include:

- (i) a minimum of 4% of full time equivalent student enrolments in honours degrees programmes or above to be enrolled in postgraduate programmes;
- (ii) a combined minimum of 30% of all enrolments to be in flexible learning programmes; professional or industry based programmes; or mature learners;”

<sup>7</sup> See: <http://www.limerickleader.ie/news/business/business-news/lit-withdraw-from-munster-technological-university-idea-1-4613728>

The following table is an approximation of the 4% full-time equivalent (FTE) enrolments criterion (i) as it currently stands in established universities and IoTs for comparison.

**Table 6: Postgraduate enrolments as a percentage of all enrolments (NFQ level 8 and above)**

| Higher Education Institution                           | Full Time Equivalent (FTE) <sup>8</sup> |            | Total  | %        |
|--|---|------------|--------|----------|
|  | Total (Level 8)                         | Total (PG) |        |          |
| <b>Universities</b>                                    |   |            |        |          |
| Dublin City University                                 | 6,513                                   | 2,276      | 8,788  | 26       |
| NUI Galway   | 10,685                                  | 3,181      | 13,866 | 23       |
| NUI Maynooth   | 5,848                                   | 1,564      | 7,411  | 21       |
| Trinity College Dublin                                 | 10,921                                  | 4,054      | 14,975 | 27       |
| University College Cork                                | 12,354                                  | 3,378      | 15,732 | 21       |
| University College Dublin                              | 14,750                                  | 5,764      | 20,514 | 28       |
| University of Limerick                                 | 8,522                                   | 1,987      | 10,509 | 19       |
| <b>IoTs</b>  |   |            |        |          |
| Athlone IT   | 1,376                                   | 300        | 1,676  | 18       |
| Cork IT  | 3,060                                   | 357        | 3,417  | 10       |
| Dublin IT  | 8,031                                   | 1,745      | 9,775  | 18       |
| Dundalk IT(DKIT)                                       | 1,858                                   | 131        | 1,988  | 7        |
| IADT   | 1,717                                   | 118        | 1,835  | 6        |
| Galway-Mayo IT   | 1,604                                   | 161        | 1,764  | 9        |
| IT Blanchardstown                                      | 850                                     | 37         | 887    | 4        |
| IT Carlow  | 2,051                                   | 101        | 2,152  | 5        |
| IT Sligo   | 1,429                                   | 109        | 1,538  | 7        |
| IT Tallaght  | 1,346                                   | 104        | 1,450  | 7        |
| IT Tralee  | 1,089                                   | 50         | 1,139  | 4        |
| Letterkenny IT   | 651                                     | 113        | 764    | 15       |
| Limerick IT  | 2,421                                   | 141        | 2,562  | 5        |
| Waterford IT   | 4,032                                   | 608        | 4,640  | 13       |
| <b>Requirement for TU Designation (General Scheme)</b> | -                                       | -          | -      | <b>4</b> |

**Source:** Oireachtas Library & Research Service (L&RS) approximation based on HEA (2013).

The latter criterion (ii) is not possible to calculate from publicly available data due to the breadth of the proposed definition.

Head 28 (e) also specifies the following requirements:

“The profile of the staff of the institute, with particular reference to the qualifications of the teaching staff to include a minimum of 90% of full time academic staff to hold a postgraduate qualification with a minimum of 45% of full time academic staff to hold a doctoral qualification or terminal degree appropriate to their profession at the time of application.”

The following table illustrates the current indicative position for established universities and IoTs;

<sup>8</sup> Full time equivalent (FTE) calculation applied here is based on 1 full-time enrolment = 2 part-time enrolments.

**Table 7: Composition of full time enrolments and staff qualifications**

| Institutions   | Enrolments (%)   |                 | Staff qualifications (%) |                                      |
|--|------------------|-----------------|--------------------------|--------------------------------------|
|  | <i>Undergrad</i> | <i>Postgrad</i> | <i>(a) Postgrad</i>      | <i>(b) PhD/ Industry<sup>9</sup></i> |
| <b>Universities</b>                                    |                  |                 |                          |                                      |
| Dublin City University                                 | 70               | 30              | 99                       | 77-99                                |
| NUI Galway   | 78               | 22              | 100                      | 84-100                               |
| NUI Maynooth   | 78               | 22              | 98                       | 92-98                                |
| Trinity College Dublin                                 | 71               | 29              | 99                       | 82-99                                |
| University College Cork                                | 78               | 22              | 100                      | 66-100                               |
| University College Dublin                              | 70               | 30              | 89                       | 72-89                                |
| University of Limerick                                 | 80               | 20              | 83                       | 61-83                                |
| <b>IoTs</b>  |                  |                 |                          |                                      |
| Athlone IT   | 91               | 9               | 83                       | 29-83                                |
| Cork IT  | 95               | 5               | 75                       | 20-75                                |
| Dublin IT  | 85               | 15              | 78                       | 30-78                                |
| Dundalk IT(DKIT)                                       | 96               | 4               | 88                       | 23-88                                |
| IADT   | 93               | 7               | 100                      | 36-100                               |
| Galway-Mayo IT   | 97               | 3               | 81                       | 18-81                                |
| IT Blanchardstown                                      | 98               | 2               | 95                       | 25-95                                |
| IT Carlow  | 97               | 3               | 83                       | 18-83                                |
| IT Sligo   | 97               | 3               | 86                       | 23-86                                |
| IT Tallaght  | 97               | 3               | 90                       | 29-90                                |
| IT Tralee  | 97               | 3               | 95                       | 19-95                                |
| Letterkenny IT   | 95               | 5               | 85                       | 16-85                                |
| Limerick IT  | 97               | 3               | 80                       | 14-80                                |
| Waterford IT   | 90               | 10              | 84                       | 26-84                                |
| <b>Requirement for TU Designation (General Scheme)</b> | -                | -               | 90                       | 45                                   |

**Source:** Oireachtas Library and Research Service (L&RS) approximation based on HEA (2013)

### 5.3 The higher education sector in Ireland (Institutes of technology and universities)

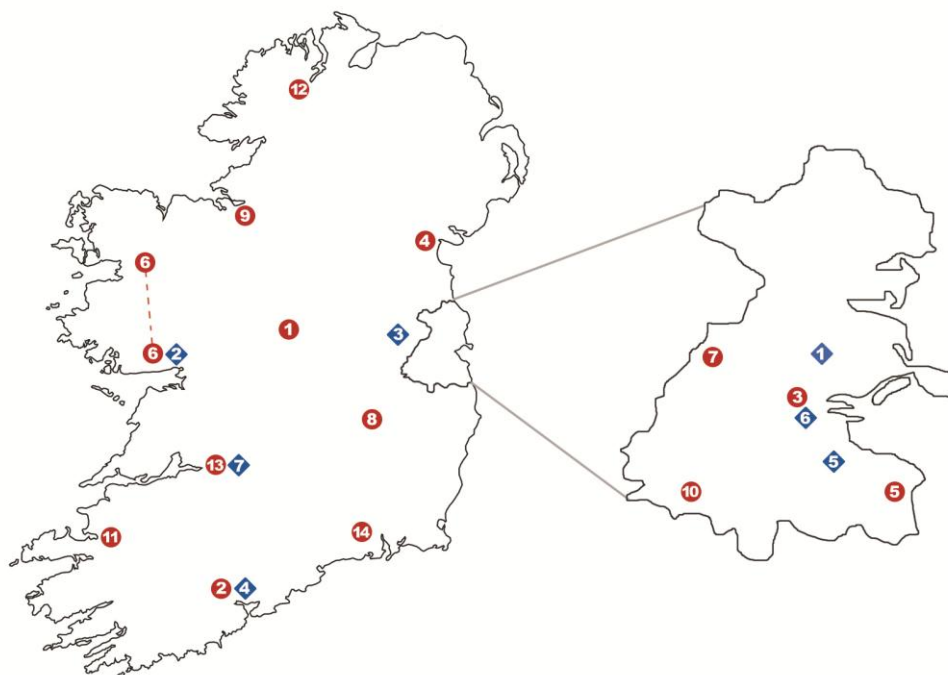
According to the Higher Education Authority's (HEA) 2013 report, there are 39 higher education institutions (HEIs) in Ireland of which 7 institutions are designated as universities<sup>10</sup> and 14 are designated as institutes of technology (IoTs)<sup>11</sup>.

<sup>9</sup>This data is extracted from the HEA (2013) report which categorises the figures as following: **a)** Masters and professional (Level 9 and industry-specific/professional qualifications), and **b)** PhD (Level 10). As a result, the figures provided here are approximates provided for indicative purposes only. The final figures on the 'requirement for TU designation' under Head 28 (b) are based on an approximation by the Oireachtas Library and Research Service (L&RS).

<sup>10</sup> As designated in the *Universities Act, 1997*.

<sup>11</sup> For a full list including web addresses, see: <http://www.education.ie/en/Learners/Information/Providers-of-Higher-Education/List.html>

**Figure 1: Map of universities and IoTs in Ireland**



### UNIVERSITIES

- 1 Dublin City University
- 2 NUI Galway
- 3 NUI Maynooth
- 4 University College Cork
- 5 University College Dublin
- 6 Trinity College Dublin
- 7 University of Limerick

### INSTITUTES OF TECHNOLOGY

- 1 Athlone IT
- 2 Cork IT
- 3 Dublin IT
- 4 Dundalk IT
- 5 Dún Laoghaire Institute of Art, Design and Technology
- 6 Galway-Mayo IT
- 7 IT Blanchardstown
- 8 IT Carlow
- 9 IT Sligo
- 10 IT Tallaght
- 11 IT Tralee
- 12 Letterkenny IT
- 13 Limerick IT
- 14 Waterford IT

**Source:** Oireachtas Library & Research Service (L&RS)

In all, there are 103,188<sup>12</sup> students enrolled in universities and 80,097 enrolled in IoTs.

A total of 198,178 students are enrolled across all HEA-funded institutions.

<sup>12</sup> All figures taken from HEA (2013).

**Table 8: Enrolments and staffing at HEA-funded third level institutions in Ireland**

|                             | Universities (7)   |            | IoTs (14)   |            |
|-----------------------------|--|------------|---|------------|
| <b>Institutions</b>         | NUI <sup>13</sup> Galway<br>NUI Maynooth<br>University College Cork<br>University College Dublin<br>Dublin City University<br>Trinity College Dublin<br>University of Limerick |            | Athlone IT<br>Cork IT<br>Dublin IT<br>Dundalk IT<br>Dun Laoghaire Institute of Art, Design and Technology (IADT)<br>Galway-Mayo IT<br>IT Blanchardstown<br>IT Carlow<br>IT Sligo<br>IT Tallaght<br>IT Tralee<br>Letterkenny IT<br>Limerick IT<br>Waterford IT |            |
| <b>Enrolments</b>           | <b>106,260</b>   |            | <b>80,097</b>   |            |
| <i>Of which</i>             |  |            |   |            |
| Undergraduate <sup>14</sup> | 76,912   | <b>72%</b> | 73,004  | <b>91%</b> |
| Postgraduate                | 26,276   | <b>25%</b> | 5,376   | <b>7%</b>  |
| Other                       | 3,072  | <b>3%</b>  | 1,717   | <b>2%</b>  |
| <b>Staff</b>                | <b>13,701</b>  |            | <b>8,214</b>  |            |
| <i>Of which</i>             |  |            |   |            |
| Academic                    | 7,168  | <b>52%</b> | 4,752   | <b>58%</b> |
| Support                     | 6,532  | <b>48%</b> | 3,462   | <b>42%</b> |

Source: HEA (2013)

According to the HEA report, in terms of the disciplinary mix, the overall enrolment levels of undergraduates<sup>15</sup> for the 7 universities and 14 IoTs are broadly similar (20,147 pa v. 18,719 per annum). However, universities have a higher proportion enrolment in humanities/arts courses (28%) than IoTs (9%). Conversely, IoTs have far higher levels of enrolment in the disciplines of engineering, manufacturing and construction (18% v. 7%) and services (14% v. <1%).

<sup>13</sup> The National University of Ireland (NUI) comprises 4 'constituent universities' identified in the 1997 Act (as amended). These are University College Cork, University College Dublin, NUI Galway and NUI Maynooth.

<sup>14</sup> Undergraduate is defined a student enrolled in a certificate, diploma, ordinary degree or honours degree course (up to Level 8 on the NQF scale). Postgraduate is defined as a student enrolled in levels above this e.g. Master's degree (Level 9) and PhD (Level 10).

<sup>15</sup> All figures taken from HEA (2013)

**Table 9: Comparative disciplinary mix in universities and IoTs**

|  | Undergraduates |            |              |            |
|--|----------------|------------|--------------|------------|
|  | Universities   | %          | IoTs         | %          |
| General Programmes                       | 239            | 1          | 218          | 1          |
| Education Science                        | 428            | 2          | 56           | <1         |
| Humanities/Arts                          | 5586           | 28         | 1707         | 9          |
| Social Science/Business/Law              | 4981           | 25         | 4941         | 26         |
| Science                                  | 3608           | 18         | 2935         | 16         |
| Engineering/Manufacturing & Construction | 1485           | 7          | 3321         | 18         |
| Agriculture/Veterinary                   | 435            | 2          | 418          | 2          |
| Health & Welfare                         | 2881           | 14         | 2577         | 14         |
| Services                                 | 26             | <1         | 2545         | 14         |
| Combined                                 | 478            | 2          | -            | -          |
| <b>TOTAL</b>                             | <b>20147</b>   | <b>100</b> | <b>18719</b> | <b>100</b> |

|  | PhDs         |            |            |            |
|--|--------------|------------|------------|------------|
|  | Universities | %          | IoTs       | %          |
| General Programmes                       | 2            | <1         | 11         | 2          |
| Education Science                        | 324          | 4          | 4          | 1          |
| Humanities/Arts                          | 1300         | 17         | 65         | 13         |
| Social Science/Business/Law              | 1314         | 17         | 88         | 17         |
| Science                                  | 2453         | 32         | 209        | 40         |
| Engineering/Manufacturing & Construction | 999          | 13         | 126        | 24         |
| Agriculture/Veterinary                   | 176          | 2          | -          | -          |
| Health & Welfare                         | 1071         | 14         | 4          | 1          |
| Services                                 | 57           | 1          | 12         | 2          |
| Combined                                 | 1            | <1         | -          | -          |
| <b>TOTAL</b>                             | <b>7697</b>  | <b>100</b> | <b>519</b> | <b>100</b> |

Source: HEA (2013)

According to a recent 2014 report<sup>16</sup>, the total income of the 7 universities was €1.821 billion and the 14 IoTs was €794 million (for year ended 31 December 2011). Tuition fees surpassed state grants as the single largest contributor to these institutions' income in 2010. In 2011, state grants amounted to €719m - a fall of 28% from a peak of €998m in 2009. Tuition fees amounted to €817m in 2011.

### 5.3.1 The National Framework for Qualifications (NFQ)

Under the [Qualifications \(Education and Training\) Act, 1999](#), the Further Education and Training Awards Council (FETAC) made awards at the National Framework of Qualifications (NFQ) levels 1-6 and the Higher Education and Training Awards Council (HETAC) made awards at levels 6-10.

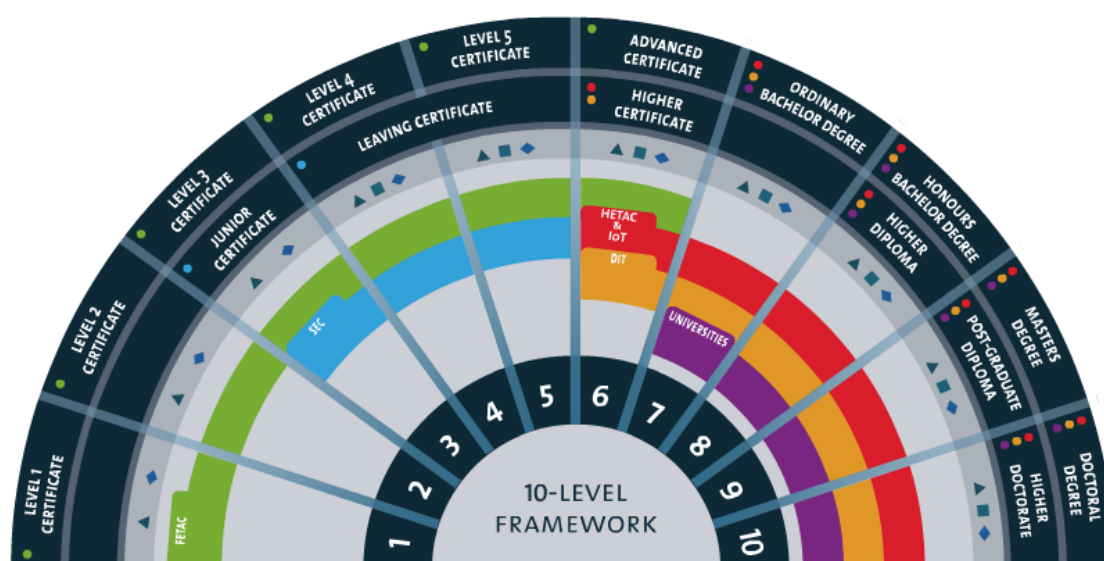
The [Qualifications and Quality Assurance \(Education and Training\) Act, 2012](#) provided the statutory basis for the amalgamation of HETAC, FETAC, the National Qualifications

<sup>16</sup> Grant Thornton (2014) pp. 7-9.



Authority of Ireland (NQAI) and the Irish Universities Quality Board (IUQB) to form Quality and Qualifications Ireland (QQI). This was completed on 6 November 2012, for all IoTs. QQI is therefore the awarding body which validates awards outside the university sector and also for further education and training. Dublin Institute of Technology (DIT) is unique among IoTs in that it has its own degree-award powers since 1998/9.

**Figure 2: The National Framework of Qualifications (1999-2012)**



Source: NQF Interactive Fan Diagram.

See: [http://www.nfq.ie/nfq/en/FanDiagram/nqai\\_nfq\\_08.html](http://www.nfq.ie/nfq/en/FanDiagram/nqai_nfq_08.html)

**Note:** As stated, the awarding powers of **FETAC** and **HETAC** have been transferred to QQI. The powers of others (the State Examinations Commission - SEC, Dublin Institute of Technology – DIT, and the universities) under each qualification category remain as illustrated above.

The General Scheme proposes to amend the *Qualifications and Quality Assurance (Education and Training) Act, 2012* to allow for TUs to become “designated awarding bodies” (DABs). DABs are responsible for all their own awards including awards made for linked providers. As such, the following bodies and institutions will have awarding competencies under that Act.

**Table 10: Designated Awarding Bodies (current and proposed) within the NFQ**

| Qualifications and Quality Assurance (Education and Training) Act, 2012  |                                |                                      | General Scheme of Technological Universities Bill, 2014 <i>(proposed)</i> |
|--|--------------------------------|--------------------------------------|---|
| <b>Designated Awarding Bodies (DABs)</b>   |                                |                                      |   |
| NUI Galway<br>NUI Maynooth<br>University College Cork<br>University College Dublin<br>Dublin City University<br>Trinity College Dublin<br>University of Limerick | Dublin Institute of Technology | Royal College of Surgeons in Ireland | Technological Universities  |

TUs will also be classified as relevant providers. IoTs are classified as awarding bodies with delegated awarding authority.

#### **5.4 Institutes of Technology (IoT) and the Dublin Institute of Technology (DIT)**

Institutes of Technology (IoT)<sup>17</sup> in Ireland have been developed from Regional Technical Colleges (RTCs) - a concept first proposed in the 1960s. A report by the Department of Education entitled *Investment in Education* found that there was insufficient output of technicians and a poor capacity for an organised expansion of technical education, particularly due to the concentration of full-time education provision in a small number of institutes in the county boroughs of Dublin, Cork, Limerick and Waterford. This was particularly important insofar as “technical education is more relevant to economic growth and development” (p.70) and would be required to service a growing industrial sector.

As such, the report stated that:

“Making provision for the projected increase in technical education is almost entirely a matter of providing new accommodation. Regional technical colleges are being built or are planned in Dublin, Cork, Limerick, Waterford, Carlow, Galway, Sligo, Dundalk and Athlone. These should provide accommodation for around 4,500 students including the projected increase of 500 whole-time technical students and 1,000 technical leaving certificate students” [(DES 1965; 71)]”.

The first RTC opened in the early 1970s but with an increasing focus on third level course (certificate, diploma and degree) provision, greater autonomy was provided for through the [Regional Technical Colleges Act, 1992](#). In 1997, the RTCs were re-designated as IoTs.

<sup>17</sup> With the exception of Dublin Institute of Technology (DIT) which was created under the [Dublin Institute of Technology Act, 1992](#) to bring greater coordination of the six constituent colleges of the City of Dublin Vocational Education Committee (VEC).

#### 5.4.1 Dublin Institute of Technology (DIT)

DIT was established in 1978 to coordinate six third-level colleges in the City of Dublin Vocational Education Committee or CDVEC (Colleges of Technology in Bolton Street and Kevin Street, Colleges of Catering, of Commerce, of Marketing & Design, and of Music (Carty, 2011; 116). As a result of its overall size, level of enrolments, varieties of available courses, national focus and relationship with Trinity College Dublin in the awarding of degrees, DIT was deemed “quite different in character from the RTCs”.<sup>18</sup> DIT was given statutory recognition under *the Dublin Institute of Technology Act, 1992* and has had its own degree-awarding powers since 1998. DIT has been refused university status most recently in 1999<sup>19</sup> in the context of Section 9 of the *Universities Act, 1997* (see Box 2 over).

#### 5.5 Differences between a university and a technological university

According to the Hunt report, a technological university (TU) is defined as a “higher education institution that operates at the highest academic level in an environment that is specifically focused on technology and its application” [(HEA (2011; 103)]. As proposed, TUs would have a distinct mission and ethos from both IoTs and universities. **Appendix 2** provides an overview of the comparative functions of the higher education institutions (HEIs) related to this General Scheme. **Appendix 3** provides an overview of the comparative objects (missions) of the HEIs.

In general, while the statutory functions of a university and a TU (as proposed under this General Scheme) are broadly similar, a TU shall *inter alia* “facilitate skills development for the labour force at regional and national level” and shall promote “enterprise focused” research and “innovation, consultancy and development work”. Universities in Ireland are designated under the *Universities Act, 1997* which laid down a statutory framework for university governance. In particular, Section 9 defines the functions of the Government and the HEA in relation to the establishment or designation of additional institutions as universities.

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<sup>18</sup> Duff, Hegarty and Hussey (2000). p.84

<sup>19</sup> Garvey (2008)

**Box 2: The Section of the *Universities Act 1997* relating to the establishment of education institutions as universities**

Section 9 of the Act specifies the following:

- “(1) The Government may, at any time, appoint a body, the membership of which shall be recommended by An tÚdarás (Higher Education Authority) and shall include international experts and national experts, including employees of universities to which this Act applies, to advise An tÚdarás on whether, having regard to the objects and functions of a university under sections 12 and 13, an educational institution should be established as a university.
- (2) On the advice of the body and the recommendation of An tÚdarás, but subject to subsection (3), the Government may, by order, provide that the institution shall be a university for the purposes of this Act and, on the making of the order, it shall be established accordingly.
- (3) The Government shall not make an order under subsection (2) unless it has first caused to be laid before each House of the Oireachtas a draft of the proposed order and a resolution approving of the draft has been passed by both Houses.
- (4) A university established under subsection (2) shall be a body corporate with perpetual succession and an official seal and have power to sue and may be sued in its corporate name and to acquire, hold and dispose of land or any other property.”

Part VI (Section 52) of the *Act* explicitly prohibits the use of the title ‘university’ by any educational institution of body without the approval of the Minister for Education<sup>20</sup>.

Although the *Act* allows for the incorporation of educational institutions as constituent parts of universities or as universities in their own right, those institutions which have applied for university status on the basis of section 9 have not been successful.

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<sup>20</sup> A recent newspaper report (5 March 2014) suggested that both universities and institutes of technology may however be allowed to describe themselves as a ‘university’ abroad for the purpose of attracting foreign students which, it is claimed, would entail a change to Section 52 of the *1997 Act*. See: <http://www.independent.ie/irish-news/colleges-to-be-called-universities-in-bid-for-foreign-students-30063327.html>. Legislation on the issue is anticipated but has not yet been published.

## 6. Key themes in the submissions

A selection of the key themes which emerged during analysis of the written submissions is presented below. It is not within the scope of this paper to address every issue raised by each stakeholder or to address each Head of the Bill individually. Submissions are instead addressed thematically.

**Table 11: Stakeholder submissions - L&RS identification of key concerns<sup>21</sup>**

|    | DIT | DITSU | EI | HEA | IADT | IBEC | IMPACT | IOTI | IUA | LIT | SIPTU | TUI | Freq. |
|----|-----|-------|----|-----|------|------|--------|------|-----|-----|-------|-----|-------|
| 1  | √   |       |    |     |      |      |        |      |     |     |       |     | 1     |
| 2  |     | √     |    |     |      |      |        | √    |     |     |       |     | 2     |
| 7  | √   |       |    |     |      |      |        |      |     |     |       |     | 1     |
| 8  | √   | √     |    |     | √    |      |        | √    |     |     |       |     | 4     |
| 11 | √   |       |    |     |      |      |        |      |     |     |       |     | 1     |
| 12 | √   |       |    |     |      |      | √      |      |     |     | √     | √   | 4     |
| 13 |     |       |    |     |      |      | √      |      |     |     | √     | √   | 3     |
| 21 |     |       |    |     |      |      |        |      |     |     | √     | √   | 2     |
| 22 |     |       |    |     |      |      |        |      |     |     |       | √   | 1     |
| 27 |     | √     |    |     |      |      |        |      |     |     |       |     | 1     |
| 28 | √   | √     |    | √   | √    | √    | √      | √    |     |     |       | √   | 8     |
| 29 | √   | √     |    | √   | √    |      |        |      |     |     |       |     | 4     |
| 34 |     |       |    |     |      |      |        |      |     |     | √     | √   | 2     |
| 35 |     |       |    |     |      |      |        |      |     |     |       | √   | 1     |
| 40 | √   |       |    |     | √    |      |        |      |     |     |       | √   | 3     |
| 44 |     |       |    |     |      |      |        |      |     |     |       | √   | 1     |
| 45 |     |       |    |     |      |      |        |      |     |     |       | √   | 1     |
| 50 |     | √     | √  | √   |      | √    | √      | √    |     |     | √     | √   | 8     |
| 51 |     | √     |    |     | √    |      |        |      | √   |     | √     | √   | 5     |
| 52 |     |       |    |     |      | √    |        |      |     |     |       |     | 1     |
| 53 | √   | √     | √  |     |      | √    | √      |      |     |     | √     |     | 6     |
| 54 | √   |       |    |     |      | √    |        |      |     |     |       |     | 2     |
| 55 |     |       |    |     |      | √    |        |      |     |     | √     | √   | 5     |
| 57 |     |       |    |     | √    |      |        | √    | √   |     |       |     | 3     |
| 59 |     |       | √  |     |      |      |        | √    | √   |     |       | √   | 4     |
| 60 |     | √     |    |     |      |      |        |      |     |     | √     |     | 2     |
| 61 |     | √     | √  |     |      | √    |        | √    |     |     |       |     | 4     |
| 62 |     |       |    |     |      |      |        | √    |     |     |       |     | 1     |
| 64 |     |       |    |     |      |      |        |      | √   |     |       |     | 1     |
| 69 |     | √     |    |     |      |      |        |      |     |     |       | √   | 2     |
| 70 | √   |       |    |     | √    |      |        |      |     |     |       |     | 2     |
| 73 | √   |       |    |     | √    |      |        |      |     |     |       |     | 2     |
| 74 |     |       |    |     | √    |      |        |      |     |     |       | √   | 2     |
| 76 |     |       |    |     | √    |      |        |      |     |     |       |     | 1     |
| 78 | √   |       |    |     |      |      |        |      |     |     |       |     | 1     |
| 81 |     |       |    |     |      |      |        |      |     |     |       | √   | 1     |
| 84 | √   |       |    |     |      |      |        | √    |     | √   |       |     | 3     |
| 85 |     |       |    |     |      |      |        | √    |     |     |       |     | 1     |
| 86 |     |       |    |     | √    |      |        |      |     |     |       | √   | 2     |
| 87 | √   |       |    |     |      |      |        |      |     |     |       |     | 1     |

comments. The TUI provided specific comments in respect of each of the 88 Heads

<sup>21</sup> Dublin Institute of Technology (DIT), DIT Student Union (DITSU), Enterprise Ireland (EI), IADT Dún Laoghaire (IADT), Irish Business and Employers' Confederation (IBEC), Irish Municipal, Public and Civil Trade Union (IMPACT), Institutes of Technology Ireland (IOTI), Irish Universities Association (IUA), Limerick IT (LIT), Services Industrial Professional and Technological Union (SIPTU) and the Teachers Union of Ireland (TUI).

and for the First and Second Schedule in their preliminary submission. The above table reflects their substantive comments.

**Note:** The title ‘technological university’ and the associated acronym ‘TU’ are used interchangeably in the treatment of written stakeholder submissions.

### **6.1 Criteria for designation as a TU**

The substance and composition of the criteria to be complied with by a merged institution before it may become a TU (Head 28) emerged as an issue in a number of submissions. DIT referred to the difference between the criteria specified in earlier HEA reports on which this General Scheme is based and the criteria detailed under Head 28 (See Appendix 4).

As the lead institution for the Dublin Technological University Alliance (DTUA), DIT stated that they are “working towards achieving the HEA criteria which appear more onerous” than those listed in the General Scheme. Further to this point, the HEA stated that the criteria have already been detailed and agreed by the Minister (in the ‘Landscape’ document) and clarified that those included in the General Scheme “do not purport to be the full range of criteria to be applied” and that it understands that the criteria currently agreed with be further detailed in statutory regulations, as provided for in s.1. The IOTI agreed with this approach and queried the appropriateness of specifying detailed criteria in primary legislation, specifying that provision for this in regulations would “seem more appropriate”.

IBEC, referring also to the HEA’s Landscape document and the Technological Universities Quality Framework (TUQF) document (see Table 1) highlighted that the breadth of provision from levels 6-10 on the NFQ scale should be explicitly detailed. This, they believe, could be done by amending the current general reference in the General Scheme to “programmes at all levels of higher education, with particular reference to the NFQ...” in order to highlight this breadth of provision as a unique and differentiating characteristic of a TU.

Enterprise Ireland submitted that the designation criteria should be set in such a way so as not to drive IoTs away from they describe as their well-developed and supportive focus for small and medium enterprises (SMEs). The importance of engagement with multinational corporations (MNCs) was also highlighted by IDA Ireland.

**Recommendation 1** (section 6.1 refers) **Criteria**

It is understood that future drafting will entail the addition of statutory regulations which may provide additional details regarding the Head 28 criteria under which (at least two) IoTs may be designated as a TU. Consideration should be given to ensuring that no ambiguity exists as to the standard of the criteria set out in this Bill as against the original criteria set out in the HEA's 'Landscape' document. It is important that the first TU provided for under this Bill (Dublin Institute of Technology) and any future TUs follow a standardised, single set of criteria.

**Recommendation 2** (section 6.1 refers) **Functions**

The proposed variations between this General Scheme and the existing Universities Act, 1997 regarding the statutory functions of each institution suggest that only 'Labour Force Engagement' is a distinctive function for TUs whereas all other functions closely align with those of universities (See Appendix 2). Consideration should be given to the need to recognise the range of supportive functions involved in the development of expertise and the general engagement of a TU with enterprise and industry.

DIT Student Union (DITSU) in conjunction with the Student Unions of IT Tallaght and IT Blanchardstown, stated that the criteria relating to stakeholder engagement s.2 (d) and quality assurance procedures s.2 (f) should refer more specifically to learners and societal interests. In particular, the Unions contend that "all academic staff above Assistant Lecturer level should have a professional qualification in learning or teaching or will have achieved same within two years of appointment" in addition to the proposed requirements provided for under s.2 (e).

The TUI highlighted that the current lecturing workload "is an unsupportive impediment to the introduction of a technological university" and that current academic staff workloads will not provide for the feasible attainment of the criteria without a substantial financial investment in the sector for additional staff and staff development. However, the TUI supports the proposed multi-level (NFQ Levels 6-10) programme provision approach for both ITs and TUs and stated that these "must include apprenticeship programmes, part-time programmes and industry-based skills programmes".

### **Recommendation 3 (section 6.1 refers) Enrolments**

According to the General Scheme, a minimum target of 30% of all enrolments shall be 'flexible learning programmes; professional or industry based programmes; or mature learners' (Head 28, s.2 (b) (ii)).

Consideration should be given to including a reference to apprenticeships in the context of their importance in the development of particular technical skills. The Hunt report (p. 49), in particular, refers to the spin-off benefits of apprenticeship programmes including:

- the employment of staff with real industrial experience;
- promotion of linkage with industry;
- improvement of qualifications in the locality; and
- enrichment of the campus experience for all students.

## **6.2 Application process for designation as a TU**

Head 29 refers to the process for merged (at least two) IoTs to submit an application to the Minister to be re-designated as TUs. Once the application is received, it is proposed the Minister will direct the HEA to appoint an expert panel to report on the application.

IADT proposed that additional detail should be included in primary legislation as to what an application to become a TU would comprise and suggested that the HEA may "publish a scheme or guidance on the issue".

Although generally welcoming of the provision, DIT highlighted particular concern at the necessity for the institutions to have already merged prior to submission of an application as this would have considerable impact on the respective identities ("name, branding and positioning both in Ireland and internationally") for the interim period between application and final decision by the Minister. Thus, the application procedure may have negative consequences in the interim period in relation to the attraction of domestic and international students, research funding and philanthropy in the constituent IoTs which could then inadvertently "ironically...inhibit the institution's ability to satisfy the criteria [under Head 28]". The TUI similarly recommends that accommodation be instead made in the legislation to allow for single institutes to make a joint application.

Although the General Scheme proposes a maximum timeframe for scrutiny, reporting and final decision by the Minister of an application, which was welcomed by DIT, this was considered "constrained and limiting" by IADT.



DIT also stressed the importance that the expert ‘advisory panel’ appointed by the HEA (of at least five persons) tasked with evaluating the application be “truly international” and that the resultant report be made public. The inclusion of student representation on this panel, through a nomination by the Union of Students in Ireland (USI), was recommended by DITSU.

**Recommendation 4** (section 6.2 refers) **Transparency**

Stakeholders called for transparency regarding the application and designation process to ensure that a fair, open and collaborative dialogue is provided. Consideration should be given to requiring the report associated with any application for TU status to be made publicly available in the interests of transparency.

### **6.3 Objects/functions of a TU**

Head 50 sets out the objects and functions of a TU. A number of stakeholders suggested amendments and additions to this Head. See Appendix 3 for a legislative comparison between IoTs, the proposed TUs and established universities.

DITSU suggested that explicit reference be made to staff and students in s.3 (e) regarding collaboration between a TU and the various industrial and societal bodies. Similarly, IMPACT highlighted the necessity to reflect in the legislation the need to “promote social harmony and community solidarity between students, staff and the wider community”. Furthermore, the need to avoid the “businessification” of education and to protect the public service ethos of the institution was stressed by SIPTU.

Enterprise Ireland recommended a number of amendments to s.1 and s.3 be made to strengthen references to local industry, national knowledge transfer structures, entrepreneurship and company creation and to highlight the collaborative opportunities between a TU and enterprise generally regarding research (both TU-led and enterprise-led).

The HEA recommended that the reference to access in s.1 (h) “...to provide programmes and services in a way that reflects principles of equity and social justice and promotes access for all citizens in their region” should be nationally based rather than regionally based to ensure accessibility is not limited. This same point was reiterated by the IOTI.

IBEC highlighted that the importance of quality and the role of Quality and Qualifications Ireland (QQI) should be reflected in this Head, to highlight adherence to best-practice quality assurance principles.

In relation to resources, the TUI submits that (as with Head 28) academic staff do not have the resources or facilities currently available to fulfil the objective of a TU due to the “current excessive workload model” and that fundamental reform of this model, by way of negotiations on work allocation, is an imperative.

#### **6.4 Expansion of a TU**

Head 40 provides for the future expansion of a TU to allow an IoT or another institution not already referred to in the General Scheme/Bill to merge with a TU. It is proposed that the HEA shall consider any educational institution and recommend that the Minister for Education, with the consent of the Minister for Public Expenditure and Reform, provide that that institute or part thereof shall become part of the TU.

The TUI stated that this “unilateral and excessive power and authority [of the HEA] to exercise such power, is unacceptable” and necessary compliance with relevant Consultative and Transfer of Undertakings legislation<sup>22</sup> needs to be adhered to.

IADT recommended that it “would be more appropriate” if a joint application by an existing TU and an IoT seeking to be part of that TU was submitted to the HEA as a preliminary step rather than leave the initiation of the application process to the sole direction of the HEA.

#### **Recommendation 5 (section 6.4 refers) Initiative of IoTs**

Providing for the expansion of a TU is integral to the objectives of the General Scheme. However, Head 40 does not appear to consider a circumstance where the initiative for applying for TU status comes from the aspirant IoT (or IoTs) working in collaboration with an existing TU. Instead, the proposer as set out in the Scheme is the HEA. Consideration should be given to the inclusion of a section, prior to s.1 of Head 40, allowing for the initiative to be proposed by IoTs with the agreement of the existing TU.

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<sup>22</sup> [European Communities \(Protection of Employees on Transfer of Undertaking\) Regulations, 2003](#) and the [Employees \(Provision of Information and Consultation Act\), 2006](#) apply.

## 6.5 Governance

Heads 52-54 and Schedule 1 refer to the proposed establishment, composition, and functions of the governing body of a TU. The General Scheme also provides for the repeal and replacement of existing *Acts* (through Head 8 and 70) to provide for a common governing body structure across all IoTs, DIT (as a proposed TU) and other TUs. The composition of the governing body was the single issue highlighted most frequently in stakeholder submissions.

**Table 12: The proposed membership composition of the governing body of DIT, a technological university, and an institute of technology (Heads 8, 53 and 70)**

| Member  | Number | Method of appointment  |
|---|--------|--|
| Chief officer                                       | 1      | Appointed by the governing body (Head 58)  |
| Academic staff representative                       | 1-3    | Elected by academic staff  |
| Non-academic staff representative                   | 1      | Elected by non-academic staff  |
| Undergraduate student representative                | 1-2    | Elected officers of the student union or other recognised student representative body                              |
| Postgraduate student representative                 | 1      | Elected by post-graduate students  |
| <b>Internal</b> (total)                             | 5-8    |  |
| Chairperson (external)                              | 1      | Appointed by a sub-board of governing body   |
| External representative                             | 3-8    | Chosen by a committee of the governing body  |
| External representative                             | 2      | Nominated/appointed by the Minister  |
| Education and training board/s (ETB) representative | 1      | Determined by a mechanism to be agreed by the relevant ETBs where a TU operates across multiple ETB jurisdictions. |
| <b>External</b> (total)                             | 7-12   |  |
| <b>Total</b>  | 12-20  |  |

It should be noted that the proposed provisions for the election or appointment of members to the governing body mirror those set out in the *Universities Act, 1997* (in particular, in relation to election of academic, student and post-graduate members).

In with the context of the “businessification” concern raised by SIPTU in section 6.3 of this paper, IBEC notes the Danish model<sup>23</sup> whereby the status of Danish universities were changed from government institutions to ‘independent institutions under public-sector administration’ in order *inter alia* to promote institutional self-government and independence. IBEC furthermore stressed the proposed 20 member maximum for the governing body is “too large for effective decision making” and suggested a 15 member maximum is optimal. In particular, IBEC recommended that the nomination mechanism for an Education and Training Board (ETB) nominee be more specific where more than

<sup>23</sup> The Danish self-governance model is outlined in detail on a dedicated Danish Ministry for Education website. See: <http://eng.uvm.dk/Education/General/Self-governance/The-self-governance-model>

one ETB exists in a single region rather than rely on a '*mechanism agreed by the relevant Education and Training Boards*' as proposed.

DIT stated that the limit on student representation be removed to allow for flexibility in the provision of greater student representation, if so desired. Flexibility was also recommended regarding a member's four year term in order to stagger appointments and avoid the prospect of the entire board "going out of office on the same day" and take account of transitional requirements and practicalities. DIT also highlighted a lack of clarity over whether the constituent governing bodies of IoTs would be required to change prior to the merger with DIT or thereafter.

IADT also highlighted that the General Scheme "appears to contemplate defined governing bodies" with an explicit commencement and termination date which may suggest the possibility that no "collective memory" through continuity be maintained other than that of the Chief Officer and Secretary of the governing body.

TUI disagrees with the concept of a governing body appointing its own members and states a preference for "an open and transparent process of replacing members of the Governing Body where vacancies arise during a term of office".

**Recommendation 6** (section 6.5 refers) **Phased replacement of governing bodies**

Consideration should be given to how the transition to the governing arrangements for the TUs can be made so as to avoid a loss of collective corporate memory and unnecessary disruption.

DITSU recommends that it be further specified that "two undergraduate students...who are elected officers of the Student Union" rather than '*not less than one or more than two*' as proposed and that the reference to "or other student representative body" be removed. The necessity for a student to be an elected officer of the Union, rather any registered student, was also queried by IADT.

DITSU also recommended that the postgraduate representative should be nominated by the Student Union rather than '*elected by post-graduate students*' and that a representative of the relevant local authority be included. IADT highlighted a potential conflict in the legislation in relation to the nomination of a postgraduate student and

their eligibility to remain on the body upon graduation, which may have occurred shortly after their membership formally commences.

To further ensure commonality between established universities and TUs as proposed, DITSU further recommended that a student charter be purposely provided for, as it is under Section 31 (d) of the *Universities Act, 1997*.

**Recommendation 7** (section 6.5 refers) **Student representatives**

Concerns have been raised by students' unions regarding the possible adverse effects on them of the proposed requirement for the student undergraduate representatives to be elected officers of the Student Union or another representative student body and restrictions related to postgraduate representation. Student representatives on a governing body should be drawn from a student union if one is in place .

In relation to full-time academic staff representation, IOTI highlighted that this definition may be too confined as it excludes pro-rata and part-time lecturers. IADT stated that as a result, this criterion may contravene the provisions of the *Protection of Employees (Fixed-Term Work) Act, 2003* and/or the *Protection of Employees (Part-Time Work) Act, 2001*.

In relation to non-academic employee representation, IMPACT and SIPTU recommended that two rather than one non-academic member of staff should be included to ensure equality of representation. IMPACT and SIPTU also recommends the inclusion of an ICTU representative as was the case with the *DIT Act, 1992*.

Enterprise Ireland stressed the importance of the representation of industry, suggesting a 30% minimum level in order to ensure significant external 'user' representation. Furthermore, EI stated that explicit links and involvement of development agencies be considered.

The provision of a subsection detailing that "a governing body shall ensure that each sex is represented on the governing body in accordance with such gender balance as may from time to time be determined or approved by the Minister" was questioned by IADT as this represents a "significant variance" with existing legislation (s.4 (2) of the *Regional Technical Colleges (Amendment) Act, 1994*).

**Box 3: Maintaining a gender balance on a governing body (*RTC (Amendment) Act, 1994*)**

S.4 (2): In making recommendations to the Minister pursuant to subsection (1), the vocational education committee shall—

- a) ensure that not fewer than seven of those so recommended are women and not fewer than seven are men, and
- b) make such recommendations subject to such directives as may be issued by the Minister from time to time, including directives relating to an appropriate gender balance among the persons nominated by the vocational education committee under paragraph (a) of subsection (1).

The TUI recommended that an initial gender balance target be set of not less than “40% female members and/or 40% male members with a plan to move to equal proportions in two terms”.

In relation to the technical administration of meetings, both IADT and IOTI recommended that a provision be considered to enable the body to choose a member to be appointed chairperson for the duration of a meeting where the chairperson and deputy chairperson are not present (as provided for in s.14 (1) (4)(b) of the *National Development Finance Agency Act, 2002*). It should be noted that the wording in the General Scheme in this regard mirrors that in the *Universities Act, 1997*

In relation to the holding and operation of electronic meetings, IADT welcomed the provision and requested clarity on a series of operational issues. TUI stated that electronic participation at meetings can result in insecure communications, security risks, misinterpretation and flawed decision and as such TUI stated it “does not accept the notion that telephone or other electronic communication can be considered as attendance at a governing body meeting for the purpose of getting a quorum”.

The disqualification of a governing body member in respect of bankruptcy was highlighted by IADT. In relation to the disqualifying criteria in respect of membership of either House of the Oireachtas and/or the European Parliament, IADT states that although this reflects the practice in previous legislation, “it is not reasonable for a staff member of the Institute to be disqualified” as there have been cases where a staff member (mainly academic staff members) has served as a Member of a House of the Oireachtas.

The HEA welcomed the proposals in particular as “the move towards a more competency based membership is in line with the National Strategy for Higher Education (Hunt report)”.

The Association of County and City Councils propose that an elected member should be appointed to a governing body from each of the local authorities in the principal catchment area of a TU, and these nominations should be made by the Education and Training Boards in the area concerned.

**Box 4: Summary of proposed stakeholder amendments to the proposed governance structures (IoTs and TUs)**

- The level of student undergraduate representation should be a minimum of two (DITSU, DIT).
- Part-time and pro-rata academic staff also be considered for membership (IOTI).
- The level of non-academic staff representative should be two rather than one (IMPACT, SIPTU).
- The postgraduate student representative should be nominated by the student union (DITSU).
- A local authority representative should be included (DITSU).
- An ICTU representative should be included (IMPACT, SIPTU).
- Nomination mechanism for the ETB representative be made more explicit (IBEC).
- Links to development agencies be made explicit (EI).
- Continuity should be ensured by legislating for a staggered appointment or terms of the governing body (IADT, DIT).
- The issue of a gender balance requires more specific guidelines, in accordance with existing legislation, particularly as this impacts all ITs and prospective TUs.
- The provision for a TU to have a student charter (and other charters, if desired) as under Section 31 of the Universities Act, 1997 should be explicitly examined for inclusion in the Bill.

**Recommendation 8** (section 6.5 refers) **Composition and operation of governing body**

Consideration should be given to a number of potential amendments in relation to the proposed composition and operations of a TU’s governing body and in relation to governance issues generally (see Box 4). Each issue merits examination for inclusion or accommodation in the legislation in its own right.

An elected member should be appointed to a governing body from each of the local authorities in the principal catchment area of a TU, and these nominations should be made by the Education and Training Boards in the area concerned.

## 6.6 Directions of the Minister and institutional autonomy

Head 55 provides for Ministerial powers in relation to the functions of TUs as they relate to remuneration and numbers of public servants (staffing). The Head also facilitates the Minister directing a TU to comply with a collective agreement entered into by the Government or the Minister.

It should be noted that Heads 55-57 mirror that of the [General Scheme of a Universities \(Amendment\) Bill, 2012](#) which will amend the *Universities Act, 1997*<sup>24</sup>. Should the Bill as proposed be enacted and Head 55 of this Bill is maintained, there will be commonality in relation to Ministerial direction for these purposes across all TUs and established universities.

The issue of institutional autonomy was raised by a number of stakeholders.

IBEC stated that, insofar as this Head appears to “undermine the concept of institutional autonomy” limitations on institutional independence may impact on the ability of an institution to “set strategic direction, manage income streams, manage and reward performance to attract the best teaching and research staff”. Particular to this is the “unacceptable position whereby higher education institutions are subject to agreements to which they are not party (i.e. entered into by the Government or the Minister under s.1 (b)). IOTI similarly questioned this.

The IUA detailed a number of concerns related to Head 55 in each of the three competencies. In relation to remuneration, the IUA stated that this conflicts directly with Head 59 (Staff) and potentially Head 51 (Academic freedom). In relation to staffing, the IUA highlighted that removing the unhindered ability for TUs to determine their own staffing numbers, in response to changing circumstances, as is the current ability of universities “would allow the Minister for Education and Skills to put aside all of the foregoing concerns and exercise unfettered control over the staffing of a technological university”. This would occur, in particular, by disregarding the importance of flexible staffing arrangements where non-exchequer funds are involved. In relation to collective

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<sup>24</sup> The General Scheme of Technological Universities Bill, 2014 proposes an enhanced role for the HEA whereby an inspector would be authorised by the HEA upon consultation with the Minister for Education, rather than appointment by the Minister as proposed in the General Scheme of a Universities (Amendment) Bill, 2012 which is currently undergoing further drafting.



agreements, the IUA states that to compel a TU to comply with the provisions of a collective agreement is “entirely repugnant to the ethos of voluntarism” and that the position “may give rise to Constitutional concerns” in light of a recent Supreme Court Judgement<sup>25</sup>.

SIPTU further stated that the powers of the Minister/Government “are in excess of those which are in operation in established universities and go far beyond what is necessary to ensure the effective functioning of the technological university”.

TUI supports the proposed role of the Minister, in particular as it is “of the strong view that collective bargaining for the sector has worked well and should remain as the procedure used for the establishment of any new Technological University”.

Head 57 provides for the Minister to appoint a Commission following the receipt of a report from the HEA based on an inspectors report. An inspector’s report shall be produced by a person or persons authorised by the HEA, following consultation with the Minister, on matters regarding the operation of a TU.

IADT recommended that the appointment of a Commission be applicable to all IoTs, proposed TUs and traditional universities, rather than solely TUs and traditional universities as proposed (respectively) in the General Scheme and as currently provided for under the *Universities Act, 1997*.

IUA states that it is “a matter of great concern” that the power of appointment of a Commission rests with the HEA following “consultation” with the Minister as this presents the possibility for the abuse of power “without any regard to due process” by the HEA.

**Recommendation 9** (section 6.6 refers) **Specific Ministerial powers**

Further consideration should be given to Head 55 of this Scheme which possibly allows for specific Ministerial powers that may not similarly apply to universities unless the proposed amendment to the Universities Act, 1997 is enacted.

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<sup>25</sup> Judgement dealt with the issue of employment agreements and was delivered on 9 May 2013 in *McGowan and others v The Labour Court and the Attorney General*. See: <http://www.kildarestreet.com/wrans/?id=2014-02-13a.361>

## **6.7 Academic freedom and the academic council**

Head 51 provides for the right and responsibility to preserve and promote the traditional principles of academic freedom in the conduct of its internal and external affairs.

A reference to students within the ambit of the provision at s.2 (*'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 institute, for the exercise of that freedom'*) was recommended by DITSU.

The TUI expressed dissatisfaction at the absence of a need for a Ministerial enquiry in the case of the dismissal of academic staff.

The IUA highlighted that the proposed powers of Ministerial direction (Head 55) impact on institutional autonomy in relation to remuneration and as such poses a significant potential threat to academic freedom. SIPTU reiterated that academic freedom cannot be achieved without the necessary academic resources being allocated.

Head 61 details the functions, composition and operation of the academic council which controls the academic affairs on the institution.

DITSU recommended additional functions for the council including approving programmes of study, ensuring quality assurance and making of recommendations for the award of all degrees. Furthermore, DITSU proposed that a "substantial appropriate number of undergraduate and postgraduate students – nominated by the Student's Union" be included among the membership of the council.

Enterprise Ireland recommended that the council includes "considerable" enterprise membership or that a separate enterprise council working in parallel with the council be established to "ensure that the academic evolution of the institution is informed by, and of relevance to, industry".

IBEC advises that the proposed control by the academic council of academic affairs is not in line with "modern university governance". Instead, IBEC recommends that the academic council advise the governing body. This point was reiterated by the IOTI

who proposed that the statutory function of an academic continue as laid down in the *Institute of Technology Acts, 1992-2006*<sup>26</sup> to “advise the governing body”.

**Table 13: Provision for an academic council in current and proposed legislation**

| <b>Institute of Technology Act, 1992</b>   | <b>Universities Act, 1997</b>  | <b>General Scheme of Technological Universities Bill, 2014</b>   |
|--|--|--|
| <p><i>Section 11 (1)</i><br/>The Institute shall have an Academic Council appointed by the Governing Body to assist it in the planning, co-ordination, development and overseeing of the educational work of the Institute and to protect, maintain and develop the academic standards of the courses and the activities of the Institute.</p> | <p><i>Section 27 (1)</i><br/>Each university shall have an academic council which shall, subject to the financial constraints determined by the governing authority and to review by that authority, control the academic affairs of the university, including the curriculum of, and instruction and education provided by, the university.</p> | <p><i>Head 61 (1)</i><br/>The Technological University shall have an academic council which shall, subject to the financial constraints determined by the governing body and to review by that body, control the academic affairs of the university, including the curriculum of, and instruction and education provided by, the technological university.</p> |

**Recommendation 10** (section 6.7 refers) **Composition of academic council**

Further consideration should be given to Head 61 (3) - the composition of an academic council - in relation to whether it takes account of the unique industry-specific function of a technological university (compared with a traditional university), in particular, to facilitate skills development for the labour force at regional and national level.

**6.8 Staff (transfer and dismissal) and superannuation**

Various Heads refer to the treatment of staff related issues. Head 12 (transfer of staff to a merged institution), Head 21 (transfer of staff of dissolved body to an institute), Head 34 (transfer of staff of dissolved merged institute to a technological university) and Head 44 (transfer of staff of dissolved incorporated institute to a technological university).

In relation the **transfer of staff**, TUI believes there is absence of a specified protection of existing conditions as was provided for under the *Dublin Institute of Technology Act 1992*, *Regional Technical Colleges Act 1992* and *Institute of Technology Act 2006*. The agreement between trade unions and *Uisce Éireann* | Irish Water was cited in

<sup>26</sup> Section 11 of the *Institute of Technology Act, 1992*. See table 13 above.

particular as a “working proposal that satisfied some of our concerns” regarding the guaranteed protection of existing (“not less favourable”) remuneration, terms and conditions of employment. TUI is seeking an amendment to ensure that the *European Communities (Protection of Employees on Transfer of Undertaking) Regulations, 2003* and the *Employees (Provision of Information and Consultation Act), 2006* apply.

It must be noted that s.4 (a) does provide for an existing employee of a subsequently dissolved body to be subject to “not less beneficial conditions of remuneration than the conditions of remuneration which he or she was subject immediately before the establishment day...” or (b) on the date he/she is transferred.

However, SIPTU states that this section may merit broadening to include reference to specific terms and conditions of employment.

IMPACT recommends that the protection of on-going terms and conditions of members in all respects be maintained, as provided for under Head 12. SIPTU specifically suggests that the Head be amended from:

“(2) A person referred to in subsection (1) may be transferred, in accordance with procedures determined from time to time by the Minister with the consent of the Minister for Public Expenditure and Reform...following consultation with recognised trade unions and staff associations representing the persons concerned, to any other institute of technology of public service body.”

to the following:

“...following consultation and agreement with recognised Trade Unions and in line with established industrial relations practices and procedures”.

SIPTU also reiterate the recommendation by the TUI to ensure that the *Employees (Provision of Information and Consultation Act), 2006* is referenced.

In relation to the **internal matters for staffing** (Head 59 and replicated in amendments to other *Acts* through Heads 74, 81 and 86), the TUI expressed concern over the proposed “excessive power” of the Chief Officer of a TU to suspend and dismiss staff and believes this to be draconian. TUI recommends the removal of these sections which make provision for repeal of sections of the *Dublin Institute of Technology Act 1992*, the *Regional Technical Colleges Act 1992* and the *Education Training Boards Act 2013*.

IOTI queried the necessity for an “out-dated” reference to tenure (s.7) and the appropriateness of the HEA issuing guidelines on employee numbers and budget apportionment (s.8).

Given the proposed object of a TU is to “promote inward and outward mobility of staff and students between the Technological University, business, industry, the professions and the wider community”, Enterprise Ireland recommends that a specific mention be given to the “recognition and career progression of staff members who engage with industry, produce patents, licences and spinouts, industrial problem-solving and skill training”.

In relation to **superannuation**, Head 13 (and replicated through amendments to other Acts through Head 22, 35 and 45) provides for the continuation of the service of members of the superannuation scheme for existing employees. The TUI states that it believes the provision to be inadequate and that express assurance should be provided in the legislation. IMPACT recommends that the protection of on-going terms and conditions of members in this respect be maintained, as provided for under Head 13.

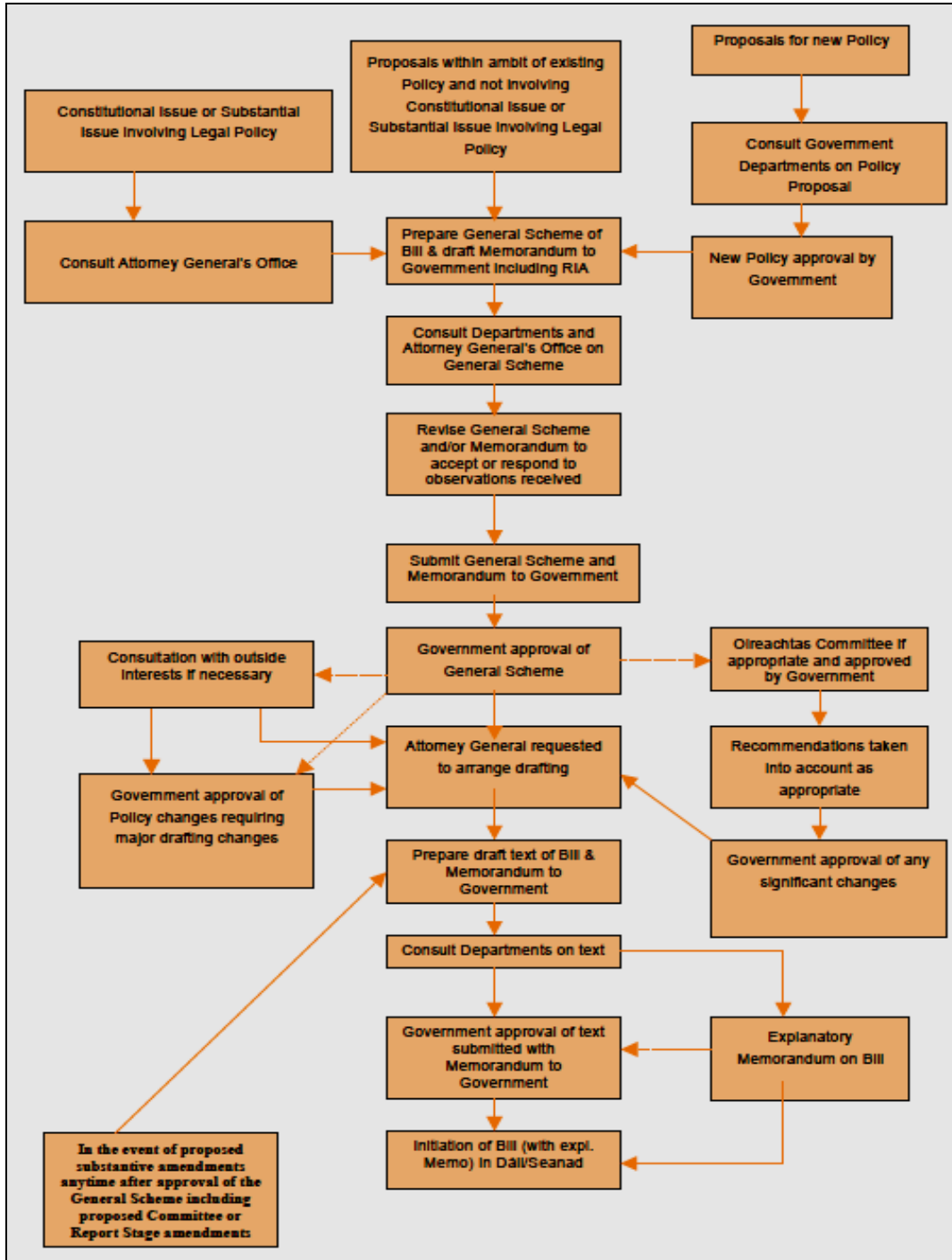
**Recommendation 11** (section 6.8 refers) **Terms and conditions of staff**

The Committee refers to the concerns expressed by the trade unions in their submissions and presentations, and urges that the legislation ensures that these concerns are addressed.

## 7. References

- Curry, John (2011) *Irish Social Services*. Institute of Public Administration.
- Department of Education (1965) *Investment in Education: Report of the Survey Team appointed by the Minister for Education in October 1962*. Available at <http://opac.oireachtas.ie/AWData/Library3/Library2/DL006128.pdf>
- Duff, Thomas, Hegarty, Joe and Hussey, Matthew (2000). *The Story of the Dublin Institute of Technology*. Available at <http://arrow.dit.ie/ditpress/1/>
- Garvey, Colm (2008) *The Dublin Institute of Technology and University Status: A case study of the application by DIT for designation as a university (1996-1999)*. [PhD Thesis]. Available at: <http://arrow.dit.ie/cgi/viewcontent.cgi?article=1000&context=scschmatoth>
- Higher Education Authority (2011) *National Strategy for Higher Education to 2030*. January 2011. Available at [http://www.hea.ie/sites/default/files/national\\_strategy\\_for\\_higher\\_education\\_2030.pdf](http://www.hea.ie/sites/default/files/national_strategy_for_higher_education_2030.pdf)
- Higher Education Authority (2013) *Towards a Performance Evaluation Framework: Profiling Irish Higher Education*. December 2013. Available at: <http://www.hea.ie/node/1022>

## Appendix 1: Preparation of legislation



## Appendix 2: Comparative statutory functions of higher education institutions (HEIs)

|  | IoTs  | Technological University  | University   |
|--|---|---|--|
| <b>Legislation</b>   | <a href="#"><i>Regional Technical Colleges Acts, 1992-2001</i></a> (as amended by the <a href="#"><i>Institutes of Technology Act, 2006</i></a> )   | <a href="#"><i>Technological Universities Bill, 2014</i></a> (At General Scheme stage)  | <a href="#"><i>Universities Act, 1997</i></a>  |
| <b>Principle Function</b>  | To provide vocational and technical education and training for the economic, technological, scientific, commercial, industrial, social and cultural development of the State with particular reference to the region served by the college.   | To do all things necessary or expedient in accordance with this Act, if any, to further the objects and development of the technological university.  | To do all things necessary or expedient in accordance with this Act and its charter, if any, to further the objects and development of the university.   |
| <b>Academic provision</b>  | To provide such courses of study as the governing body of the college considers appropriate.  | Shall provide enterprise focused courses of study, opportunities for work based learning, conduct examinations and award degrees and other qualifications.  | Shall provide courses of study, conduct examinations and award degrees and other qualifications.   |
| <b>Research</b>  | Subject to such conditions as of An tÚdarás may determine, to engage in research, consultancy and development work and to provide such services in relation to these matters as the governing body of the college considers appropriate.  | Shall promote and facilitate enterprise focused research and innovation, consultancy and development work.  | Shall promote and facilitate research.   |
| <b>Incorporation of other entities</b>                             | A college may, with the consent of the Minister, acquire such one or more subsidiaries or cause such one or more subsidiaries to be formed and registered under the Companies Acts, 1963 to 1999, as it considers appropriate, to perform such of its functions as it considers appropriate.              | May establish by incorporation in the State or elsewhere, or participate in the commencement of, such trading, research or other corporations as it thinks fit for the purpose of promoting or assisting or in connection with the functions of the technological university. | May establish by incorporation in the State or elsewhere, or participate in the establishment of, such trading, research or other corporations as it thinks fit for the purpose of promoting or assisting, or in connection with the functions of, the university. |
| <b>Labour force engagement</b>                                     | -   | Shall facilitate skills development for the labour force at regional and national level.  | -  |
| <b>Collaboration (education, business and community interests)</b> | To enter into arrangements with other institutions in or outside the State for the purpose of offering joint courses of study and of engaging jointly in programmes of research, consultancy and development work in relation to such matters as the Governing Body of the college considers appropriate. | May collaborate with educational, business, professional, trade union, Irish language, cultural, artistic, community and other interests, both inside and outside the State, to further the objects of the technological university.  | May collaborate with educational, business, professional, trade union, Irish language, cultural, artistic, community and other interests, both inside and outside the State, to further the objects of the university.   |
| <b>Collaboration (graduates)</b>                                   | -   | May collaborate with graduates, convocations of graduates and with associations representing graduates of the technological university both inside and outside the State.   | May collaborate with graduates, convocations of graduates and with associations representing graduates of the university both inside and outside the State.  |
| <b>Estate management</b>   | To maintain, manage, administer and invest all the money and assets of the college.   | Shall maintain, manage and administer, and may dispose of and invest, the property, money, assets and rights of the technological university.   | Shall maintain, manage and administer, and may dispose of and invest, the property, money, assets and rights of the university.  |
| <b>Land/ Property</b>  | Subject to the approval of An tÚdarás, to acquire land.   | May purchase or otherwise acquire, hold and dispose of land or other property.  | May purchase or otherwise acquire, hold and dispose of land or other property.   |
| <b>Donor/Gifts</b>   | To accept gifts of money, land or other property upon such trusts and conditions, if any, as may be specified by the donors: provided that nothing in any such trust or condition is contrary to the provisions of this Act.  | May accept gifts of money, land or other property on the trusts and conditions, if any, not in conflict with this Act, specified by the donor.  | May accept gifts of money, land or other property on the trusts and conditions, if any, not in conflict with this Act, specified by the donor.   |

[http://www.taoiseach.gov.ie/eng/Publications/Publications\\_Archive/Publications\\_2007/CABINET\\_HANDBOOK2007.pdf](http://www.taoiseach.gov.ie/eng/Publications/Publications_Archive/Publications_2007/CABINET_HANDBOOK2007.pdf)



## Appendix 3: Comparative statutory objects of higher education institutions (HEIs)

| IoTs  | Technological University   | University   |
|---|--|--|
| <p><u><a href="#">Vocational Education Act, 1930</a></u></p> <p><i>Note: No applicable objects are specified for Institutes of Technology or their proceeding designation as Regional Technical Colleges.</i></p> <p>The <i>Regional Technical Colleges Act, 1992</i> provided greater autonomy to the RTCs by allowing them to have their own governing bodies. RTCs became effective subcommittees of the local Vocational Education Committee (VEC). RTCs were re-designated as Institutes of Technology (IoTs) in 1997.</p> <p style="text-align: right;"><b>Source:</b> Curry (2011; 115)</p> <p>The objects of the IoTs are therefore set out by the Governing Body, rather than the legislation.</p> <p>However, the original 1930 Act (since amended and partially repealed) did specify the competencies of a VEC in relation to higher technical education.</p> <p><b>Section 38</b></p> <p>1) A vocational education committee for a borough vocational education area may, subject to compliance with the next following sub-section of this section, establish and maintain in its area a school (in this section referred to as a day technical college) having for its main object the provision of education, in the general principles of science, commerce, or art suited to the requirements of persons employed in positions of control or responsibility in trade or industry.</p> <p>(2) The following provisions shall apply to and be complied with in every day technical college, that is to say:—</p> <p>a) such college shall not provide for the training in the technique of any trade or craft save to such extent as the same may be ancillary to its main object and be approved of by the Minister.</p> | <p><u><a href="#">Technological Universities Bill, 2014</a></u> (At General Scheme stage)</p> <p><b>Head 50</b></p> <p>a) Provide and maintain a teaching and learning environment of excellent quality offering higher education at an international standard;</p> <p>b) Provide for the broad education, intellectual and personal development of students, equip graduates to excel in their chosen careers and enable them to contribute responsibly to social, civic and economic life in innovative and adaptable ways.</p> <p>c) Achieve academic excellence in research and support the exploitation of intellectual property and technology and knowledge transfer.</p> <p>d) Support entrepreneurship, enterprise development and innovation.</p> <p>e) Support the development of a skilled workforce.</p> <p>f) Promote inward and outward mobility of staff and students between the Technological University, business, industry, the professions and the wider community.</p> <p>g) Serve their communities and the public interest by-</p> <ul style="list-style-type: none"> <li>▪ Supporting the delivery of local, regional and national economic objectives and making a measurable impact upon local, regional and national economic development, businesses and enterprises;</li> <li>▪ fostering close and effective relationships with local, regional, national and international stakeholders, including relevant local authorities and regional assemblies, and enterprise partners.</li> <li>▪ enriching cultural and community life;</li> <li>▪ promoting critical and free enquiry, informed intellectual discourse and public debate within the Technological University and in the wider society;</li> <li>▪ promoting an entrepreneurial ethos;</li> </ul> <p>h) Provide accessible and flexible learning pathways for students from a diverse range of backgrounds and to provide programmes and services in a way that reflects principles of equity and social justice and promotes access for all citizens in their region;</p> <p>i) Confer degrees and other qualifications;</p> <p>j) Utilise or exploit its expertise and resources, whether commercially or otherwise</p> <p>k) Provide directly, or in collaboration with other institutions of education, facilities for university education, including technological and professional education, and for research.</p> <p>l) Develop international collaborations and partnerships</p> | <p><u><a href="#">Universities Act, 1997</a></u></p> <p><b>Section 12</b></p> <p>a) Advance knowledge through teaching, scholarly research and scientific investigation.</p> <p>b) Promote learning in its student body and in society generally.</p> <p>c) Promote the cultural and social life of society, while fostering and respecting the diversity of the university's traditions.</p> <p>d) Foster a capacity for independent critical thinking amongst its students.</p> <p>e) Promote the official languages of the State, with special regard to the preservation, promotion and use of the Irish language and the preservation and promotion of the distinctive cultures of Ireland.</p> <p>f) Support and contribute to the realisation of national economic and social development.</p> <p>g) Educate, train and retrain higher level professional, technical and managerial personnel.</p> <p>h) Promote the highest standards in, and quality of, teaching and research.</p> <p>i) Disseminate the outcomes of its research in the general community.</p> <p>j) Facilitate lifelong learning through the provision of adult and continuing education.</p> <p>k) Promote gender balance and equality of opportunity among students and employees of the university.</p> |

## Appendix 4: Comparative criteria for designation of a technological university (2011-present)

|  | Marginson  | Landscape  | General Scheme   |
|--|--|--|--|
| <b>Publication</b>                           | Criteria for Technological University Designation Marginson Report (2011)  | Higher Education Authority (HEA) - <a href="#">Towards a Future Higher Education Landscape</a> (2012)  | <a href="#">General Scheme – Technological Universities Bill</a> (2014)  |
| <b>Mission</b>                               | <ul style="list-style-type: none"> <li>Strong local orientation with links with local employers, communities and enterprise.</li> </ul>  | <ul style="list-style-type: none"> <li>Systematic focus on preparation of graduates for professional roles.</li> <li>Advance knowledge through research and scholarship to meet needs of society and enterprises. Particular regard to needs of the region in which the TU is located.</li> </ul>  | <ul style="list-style-type: none"> <li>Provision of programmes at all levels of higher education with particular reference to the National Framework of Qualifications (NFQ) and the breadth and orientation of those programmes to reflect the skills needs in the labour force.</li> <li>Evidence of a high level engagement with business, enterprises, the professions, and related stakeholders in the region within which the enterprise operates.</li> <li>Profile of learners at time of application must include a minimum of 4% FTE enrolments in honours degree (level 8) programmes or above and a combined minimum of 30% of enrolments to be in flexible learning programmes.</li> </ul> |
| <b>Institutional Profile</b>                 | <ul style="list-style-type: none"> <li>Activity across all National Qualifications Framework (NQF) levels.</li> <li>Comparable size to existing universities (at least 10,000 enrolments).</li> <li>At least 5% of students enrolled at NQF levels 9-10 with a phased plan to increase this.</li> <li>At least 15% enrolled in adult/occupation education and industry programmes with a phased plan to increase this.</li> <li>Established procedures for facilitating and managing student entry on the basis of prior learning and from further education.</li> </ul> | <p><b>Programmes (include):</b></p> <ul style="list-style-type: none"> <li>Activity across all NFQ levels.</li> <li>Vocationally/professionally orientated (strong focus on science and technology).</li> <li>Structured work placement.</li> <li>Focus on social/economic needs of the region, where located.</li> <li>Sufficient resources for pedagogical and research quality.</li> <li>Active research policy focus on applied, problem orientated research and discovery.</li> <li>Support intensive and broad-base links with regional business, enterprises, professions and related stakeholders that inform curriculum teaching and learning.</li> </ul> <p><b>Enrolments</b></p> <ul style="list-style-type: none"> <li>Enrolments at levels 9-10 will not be less than 4% of FTE (full-time equivalent) enrolments at levels 8 to 10. Must evidence a developmental trajectory, showing that the institution will raise these enrolments to 7% within a period of ten years from the date of designation.</li> <li>Level 10 provision concentrated in a small number of fields/departments</li> <li>A combined minimum of 30% of all students enrolled on professional focused programmes, including part-time, work-related programmes and work-study programmes and/or mature learners.</li> </ul> |  |
| <b>International Profile</b>                 | <ul style="list-style-type: none"> <li>International collaborations (projects, student/staffs exchanges, joint provision of programs)</li> <li>5 year plan for enhanced international activities supported by an international office.</li> <li>Level of international non-EU students (5% of all within 3 years, 10%+ by 2020).</li> </ul>  | <ul style="list-style-type: none"> <li>Demonstrate a developmental trajectory for the enhancement of internationalisation related to teaching and learning, research and staff development and a sustainable range of international collaborations such as joint projects, student and staff exchanges including the collaborative provision of academic and training programmes.</li> </ul>   | Current and planned activities of the institute to enhance its internationalisation relating to teaching, research, staff and student mobility and collaboration.  |
| <b>Teaching and curriculum development</b>   | <ul style="list-style-type: none"> <li>Curriculum developed in consultation with business/professional and occupational organisations.</li> <li>Research informed teaching programmes.</li> </ul>  | <ul style="list-style-type: none"> <li>Curriculum focused on knowledge, skills and competencies developed in conjunction with business, professional organisations and occupational organisations.</li> <li>Curricula that embed the full range of generic attributes linked to employability and citizenship;</li> <li>Curricula that embed engagement in the workplace as part of its programmes.</li> <li>Research-informed and practice-led teaching, learning and assessment that uses problem-oriented, practice-based and is community engaged.</li> </ul>  |  |
| <b>Research</b>                              | <ul style="list-style-type: none"> <li>Applied research focus mission with links to enterprises, industry and other research units.</li> <li>Focus on innovation and knowledge transfer</li> <li>Distinctive research mission orientated to national innovation strategy</li> <li>Projects/doctoral training in at least 2 fields of PhD training with a 3<sup>rd</sup> in 5 years.</li> <li>Distinctive PhD programme.</li> </ul>   | <ul style="list-style-type: none"> <li>Focus on applied, problem-orientated research and social and technological development and innovation with direct social and economic impacts and public and private benefits in the region in which the university is located.</li> <li>Support/sustain research activity that can be compared to appropriate international benchmarks.</li> <li>Demonstrate methodological approaches to the formation of level 10 knowledge, skills and competencies.</li> <li>Have existing research capacity to support on-going programmes, projects and PhD training in at least 3 fields of knowledge/study with capacity to support 2 further fields within 5 years.</li> </ul>  | Provision of high quality research and innovation activities with direct social and economic impacts for the surrounding area. Capacity must be shown to support programmes and doctoral training (level 10) in a minimum of three fields of study.  |
| <b>Staff capacity and staff development</b>  | <ul style="list-style-type: none"> <li>Institution wide strategy for staff development and secondment from and/or visiting from enterprises, occupations and professions.</li> <li>At least: 10% of teaching staff to hold a PhD qualification, 40% to hold a Masters/PHD, 50% to hold a level 7-10 qualification.</li> <li>Teaching at level 10, at least 33% to hold PhDs with plans to lift proportion to 50% in 3 years.</li> </ul>  | <ul style="list-style-type: none"> <li>90% of full-time academic staff will hold at least Level 9 (Masters) qualification.</li> <li>At least 45% will hold a Level 10 qualification. Evidence of developmental trajectory to reach comparable university levels (Not less than 65%).</li> <li>Staff with equivalence in professional experience shall not exceed 10%.</li> <li>At least 80% of staff engaged in doctoral training much hold Level 10 qualification.</li> </ul>   | A minimum of 90% of full-time academic staff hold a postgraduate qualification with a further minimum of 45% of full-time academic staff to hold a doctoral qualification (level 10) or terminal degree appropriate to their profession.   |
| <b>Leadership, management and governance</b> | <ul style="list-style-type: none"> <li>Full awarding powers at levels 6-10.</li> <li>Governing body with representatives of enterprises, occupations, professions and local communities.</li> </ul>  | <ul style="list-style-type: none"> <li>Governance structures that reflect the external orientation of the institution and the engagement focus of its programmes of study.</li> <li>An integrated and consolidated academic governance structure.</li> <li>A leadership team that includes experience in enterprise and profession.</li> <li>Workplace practices and employment contracts are reflective of a modern university including, inter alia, such matters as the flexible delivery of programmes for diverse learner groups, the length and structure of the academic year, the efficient utilisation of the institution's physical resources and other infrastructure.</li> </ul>   | <ul style="list-style-type: none"> <li>A high standard in overall management and governance of the institute including properly integrated and effective academic governance structures sufficient to deliver the objectives and functions of a technological university.</li> <li>High level engagement with business, enterprises, industry and related stakeholders in the region.</li> </ul>   |
| <b>Funding and entrepreneurship</b>          | <ul style="list-style-type: none"> <li>Spirit of enterprise and entrepreneurship across the institution.</li> <li>Capacity to generate funds from non-traditional sources supported by professional development programmes.</li> <li>Proportion of funds sources from business and the community.</li> </ul>   | N/A  | N/A  |
| <b>Quality assurance</b>                     | <ul style="list-style-type: none"> <li>International quality standards benchmarking, strong feedback processes and quality reviews.</li> </ul>   | N/A  | Quality assurance procedures and curriculum development be informed by the needs of enterprise and professional development  |

## Appendix 5: Groups who made written submissions, and/or participated in the hearing of the Committee

| No. | Group   | Participated in hearing |
|-----|---|-------------------------|
| 1   | Dublin Technological University Alliance (representing Dublin Institute of Technology, Institute of Technology Blanchardstown and Institute of Technology Tallaght) | Yes                     |
| 2   | Institutes of Technology Ireland  | Yes                     |
| 3   | Dun Laoghaire Institute of Art, Design and Technology   |                         |
| 4   | Limerick Institute of Technology  |                         |
| 5   | Higher Education Authority  | Yes                     |
| 6   | Irish Universities Association  | Yes                     |
| 7   | Teachers Union of Ireland   | Yes                     |
| 8   | Quality and Qualifications Ireland (QQI)  | Yes                     |
| 9   | IMPACT Trade Union  |                         |
| 10  | SIPTU Trade Union   |                         |
| 11  | Dublin IT Students Union in conjunction with the Students' Unions at IT Blanchardstown and IT Tallaght  | Yes                     |
| 12  | Enterprise Ireland (EI)   |                         |
| 13  | Association of County and City Councils   |                         |
| 14  | IDA Ireland   |                         |
| 15  | Irish Business and Employers' Confederation (IBEC)  | Yes                     |

## Notes

- 1 All written submissions to the Joint Committee on Education and Social Protection, and all presentations made at its hearing, were considered by the Joint Committee in preparing this Report, although not all of them may have been specifically referred to in the body of the Report.
- 2 Submissions made to the Joint Committee are shown on the Oireachtas website:  
  
[http://www.oireachtas.ie/parliament/oireachtasbusiness/committees\\_list/educationandsocialprotection/presentations/](http://www.oireachtas.ie/parliament/oireachtasbusiness/committees_list/educationandsocialprotection/presentations/)
- 3 Transcripts of the public hearings of the Joint Committee are also shown on the Oireachtas website. Click [here](#) to view.
- 4 The Draft General Scheme of a Technological Universities Bill is available on the website of the Department of Education and Skills. Click [here](#) to view.

## Appendix 6 : Membership of the Joint Committee on Education and Social Protection

|          |   |
|----------|---|
| Chair    | Joanna Tuffy (Lab)  |
| Deputies | James Bannon (FG)<br>Ray Butler (FG)<br>Joan Collins (PBPA)<br>Clare Daly (IND)<br>Brendan Griffin (FG)<br>Jim Daly (FG)<br>Derek Keating (FG)<br>Charlie McConalogue (FF)<br>Nicky McFadden (FG), deceased.<br>Jonathan O'Brien (SF)<br>Willie O'Dea (FF)<br>Aodhán Ó Ríordáin (Lab)<br>Aengus Ó Snodaigh (SF)<br>Brendan Ryan (Lab) |
| Senators | Hildegarde Naughton (FG)<br>Jim D'Arcy (FG)<br>Marie Moloney (Lab)<br>Mary Moran (Lab)<br>Marie-Louise O'Donnell (IND)<br>Averil Power (FF)   |

## Appendix 7 : Orders of Reference of the Joint Committee

### a. Functions of the Committee – derived from Standing Orders [DSO 82A; SSO 70A]

- (1) The Select Committee shall consider and report to the Dáil on—
  - (a) such aspects of the expenditure, administration and policy of the relevant Government Department or Departments and associated public bodies as the Committee may select, and
  - (b) European Union matters within the remit of the relevant Department or Departments.
- (2) The Select Committee may be joined with a Select Committee appointed by Seanad Éireann to form a Joint Committee for the purposes of the functions set out below, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.
- (3) Without prejudice to the generality of paragraph (1), the Select Committee shall consider, in respect of the relevant Department or Departments, such—
  - (a) Bills,
  - (b) proposals contained in any motion, including any motion within the meaning of Standing Order 164,
  - (c) Estimates for Public Services, and
  - (d) other matters as shall be referred to the Select Committee by the Dáil, and
  - (e) Annual Output Statements, and
  - (f) such Value for Money and Policy Reviews as the Select Committee may select.
- (4) The Joint Committee may consider the following matters in respect of the relevant Department or Departments and associated public bodies, and report thereon to both Houses of the Oireachtas:
  - (a) matters of policy for which the Minister is officially responsible,
  - (b) public affairs administered by the Department,
  - (c) policy issues arising from Value for Money and Policy Reviews conducted or commissioned by the Department,
  - (d) Government policy in respect of bodies under the aegis of the Department,
  - (e) policy issues concerning bodies which are partly or wholly funded by the State or which are established or appointed by a member of the Government or the Oireachtas,
  - (f) the general scheme or draft heads of any Bill published by the Minister,
  - (g) statutory instruments, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009,

- (h) strategy statements laid before either or both Houses of the Oireachtas pursuant to the Public Service Management Act 1997,
  - (i) annual reports or annual reports and accounts, required by law, and laid before either or both Houses of the Oireachtas, of the Department or bodies referred to in paragraph (4)(d) and (e) and the overall operational results, statements of strategy and corporate plans of such bodies, and
  - (j) such other matters as may be referred to it by the Dáil and/or Seanad from time to time.
- (5) Without prejudice to the generality of paragraph (1), the Joint Committee shall consider, in respect of the relevant Department or Departments—
  - (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 105, including the compliance of such acts with the principle of subsidiarity,
  - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
  - (c) non-legislative documents published by any EU institution in relation to EU policy matters, and
  - (d) matters listed for consideration on the agenda for meetings of the relevant EU Council of Ministers and the outcome of such meetings.
- (6) A sub-Committee stands established in respect of each Department within the remit of the Select Committee to consider the matters outlined in paragraph (3), and the following arrangements apply to such sub-Committees:
  - (a) the matters outlined in paragraph (3) which require referral to the Select Committee by the Dáil may be referred directly to such sub-Committees, and
  - (b) each such sub-Committee has the powers defined in Standing Order 83(1) and (2) and may report directly to the Dáil, including by way of Message under Standing Order 87.
- (7) The Chairman of the Joint Committee, who shall be a member of Dáil Éireann, shall also be the Chairman of the Select Committee and of any sub-Committee or Committees standing established in respect of the Select Committee.
- (8) The following may attend meetings of the Select or Joint Committee, for the purposes of the functions set out in paragraph (5) and may take part in proceedings without having a right to vote or to move motions and amendments:
  - (a) Members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,
  - (b) Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
  - (c) at the invitation of the Committee, other Members of the European Parliament.

**b. Scope and Context of Activities of Committees (as derived from Standing Orders [DSO 82; SSO 70])**

- (1) The Joint Committee may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders.
- (2) Such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil and/or Seanad.
- (3) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice given by the Chairman of the Select Committee, waives this instruction on motion made by the Taoiseach pursuant to Dáil Standing Order 26. The Chairmen of Select Committees shall have responsibility for compliance with this instruction.
- (4) The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Dáil Standing Order 163 and/or the Comptroller and Auditor General (Amendment) Act 1993.
- (5) The Joint Committee shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
  - (a) a member of the Government or a Minister of State, or
  - (b) the principal office-holder of a body under the aegis of a Department or which is partly or wholly funded by the State or established or appointed by a member of the Government or by the Oireachtas:

Provided that the Chairman may appeal any such request made to the Ceann Comhairle / Cathaoirleach whose decision shall be final.