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**An Bille Ardoideachais agus Taighde (Comhdhlúthú agus Feabhsú), 2014**  
**Higher Education and Research (Consolidation and Improvement) Bill 2014**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE ARDOIDEACHAIS AGUS TAIGHDE (COMHDHLÚTHÚ AGUS  
FEABHSÚ), 2014  
HIGHER EDUCATION AND RESEARCH (CONSOLIDATION AND IMPROVEMENT)  
BILL 2014**

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FEABHSÚ), 2014  
HIGHER EDUCATION AND RESEARCH (CONSOLIDATION AND IMPROVEMENT)  
BILL 2014**

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# **Bill**

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*entitled*

An Act to consolidate the Irish higher education and research sector so as to ensure a more efficient, responsible and effective structure for delivering quality education, research and knowledge resources to the Irish people.

*Preamble*

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WHEREAS, the Irish people have always placed great respect in education and provided substantial public and private resources to higher education, even during times of depression and austerity;

AND WHEREAS the higher education and research environment since 1997 has changed dramatically;

15

AND WHEREAS there exists a series of unresolved governance problems with respect to the disbursement of funding to higher education and research establishments;

AND WHEREAS there exists concerns about the efficacy of the governing authorities of higher education and research establishments;

THEREFORE the Oireachtas, for the purposes of maintaining the high caliber educational system of the country proposes a series of governance changes enshrining the purposes and aims of the higher education and research sector, improving financial accountability and ensuring better forms of internal governance while allowing the development of new special-purpose institutions to meet the needs of society.

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**Be it enacted by the Oireachtas as follows:**

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## PART 1

### PRELIMINARY AND GENERAL

#### Short title and commencement

1. (1) This Act may be cited as the Higher Education and Research (Consolidation and Improvement) Act 2014. 5
- (2) This Act shall come into operation on such day or days as may be fixed therefore by order or orders made by the Minister under this section, either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions of this Act.

#### Definitions 10

2. (1) In this Act, unless the context otherwise requires—
  - “1971 Act” means Higher Education Authority Act 1971;
  - “1997 Act” means Public Service Management Act 1997;
  - “2006 Act” means Institutes of Technology Act 2006;
  - “An tÚdarás” means the body established by section 2 of the Higher Education Authority Act 1971; 15
  - “chairperson”, in relation to a governing authority, includes the chief officer, a deputy-chairperson and a person presiding at a meeting of the authority, while he or she is acting as the chairperson or so presiding;
  - “chief officer” means— 20
    - (a) a person appointed under *section 23* as the chief officer of a higher education and research institution, or
    - (b) the chief officer of a higher education and research institution, constituent college, Recognised College or educational institution, by whatever name known, continued in office for the purposes of this Act, 25and includes a person acting in the office or performing the duties of a chief officer;
- “commission” means a commission appointed under *section 22*;
- “constituent college” means a higher education and research institution college;
- “constituent higher education and research institution” means a higher education and research institution specified in column (2) of Schedule 2 of 1997 Act or the National Higher education and research institution of Ireland, Maynooth; 30
- “Dublin City Higher education and research institution” means the higher education and research institution established by section 2 of the Dublin City University Act 1989;
- “employee”, in relation to a higher education and research institution, means a person employed by the higher education and research institution in any capacity, and includes an officer of the higher education and research institution; 35



“financial year” means a period of 12 months commencing on the 1st day of January in each year;

“first governing authority” means a governing authority of a higher education and research institution as that governing authority is first constituted after the commencement of *Part 3* or, in the case of an additional higher education and research institution established under *section 8*, as first constituted after that higher education and research institution is established; 5

“functions” includes powers and duties;

“governing authority” includes—

- (a) a person or body appointed under *section 20(4)* to perform the functions of a governing authority, 10
- (b) in relation to the appointment of a new governing authority after the suspension of a governing authority of a higher education and research institution under *section 20(4)*, the Visitor of that higher education and research institution,
- (c) in relation to the appointment of the first governing authority of a higher education and research institution, the commission for that higher education and research institution, and 15
- (d) except to the extent that its functions are limited under *section 21*, a governing body continued in existence by that section;

“Higher education and research institution of Dublin” means the higher education and research institution established by the charters and letters patent incorporating Trinity College and which said higher education and research institution is further provided for by the letters patent of the 24th day of July, 1857; 20

“Higher education and research institution of Limerick” means the higher education and research institution established by section 2 of the University of Limerick Act 1989; 25

“Minister” means the Minister for Education and Skills;

“National Higher education and research institution of Ireland” means the higher education and research institution by that name in Dublin, constituted and founded by charter in pursuance of the Irish Universities Act 1908; 30

“officer”, in relation to a higher education and research institution, includes—

- (a) a permanent, full-time member of the academic staff of the higher education and research institution,
- (b) the chief officer,
- (c) a person who immediately before the commencement of this Part is an officer of a higher education and research institution, constituent college or recognised college, and 35
- (d) such other employees as the governing authority may from time to time determine;

“Recognised College” means a recognised college of the National Higher education 40

and research institution of Ireland;

“Senate” means the Senate of the National Higher education and research institution of Ireland;

“statutes” means the statutes made under *section 32(1)* by a governing authority, and includes statutes continued in force by *section 32(3)*; 5

“student”, in relation to a higher education and research institution, means a person registered as a student by the higher education and research institution or a full-time officer of the Students Union or other student representative body in the higher education and research institution recognised by the governing authority who was first elected or appointed to his or her office while he or she was a registered student of the higher education and research institution; 10

“Student Union” means a body established to promote the general interests of students of a higher education and research institution and which represents students, both individually and collectively, in respect of academic, disciplinary and other matters arising within the higher education and research institution; 15

“Trinity College” means the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin established by charter dated the 3rd day of March, 1592, and shall be held to include the Higher education and research institution of Dublin save where the context otherwise requires in accordance with the charters and letters patent relating to Trinity College; 20

“Visitor” means the Visitor or Visitors to a higher education and research institution or a person appointed under *section 18* to be a Visitor for any purpose under this Act.

(2) In this Act, including a Schedule to this Act—

(a) a reference to any other enactment shall, except where the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Act, 25

(b) a reference to a section, Chapter or Part is a reference to a section, Chapter or Part of this Act, unless it is indicated that reference to some other enactment is intended,

(c) a reference to a subsection, paragraph or subparagraph is a reference to a subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that a reference to some other provision is intended, and 30

(d) a reference to a Schedule is a reference to a Schedule to this Act.

(3) A reference in this Act to the performance of functions includes a reference to the exercise of powers and the performance of duties. 35

### **Application to higher education and research institutions**

3. (1) Without limiting its general application, but subject to *subsection (2)*, this Act shall apply to—

(a) the Universities as defined and enumerated by the Universities Act 1997, 40

- (b) such universities, if any, as are established under *section 8*, as constituted from time to time, while they are institutions of higher education in receipt of moneys in accordance with the Higher Education Authority Act 1971,
  - (c) the Institutes of Technology as defined and enumerated by the Institutes of Technology Act 2006, and 5
  - (d) the Technological University as defined under *section 42* of this Act.
- (2) The enactments mentioned in Part 1 of Schedule 1 of 1997 Act are hereby repealed.
- (3) The enactments mentioned in column (2) of Part 2 of Schedule 2 of 1997 Act are hereby repealed to the extent mentioned in column (3) of that Schedule opposite to those enactments mentioned in column (1). 10
- (4) (a) For the purposes of this Act, the entities referred to under *subsection (1)(a)* and *(b)* shall be classified as “Category I” institutions,
- (b) for the purposes of this Act, the entities referred to under *subsection (1)(c)* shall be classified as “Category II” institutions, and
- (c) for the purposes of this Act, the entities referred to under *subsection (1)(d)* shall be classified as “Category III” institutions. 15
- (5) This Act supersedes the Universities Act 1997 and the Institutes of Technology Act 2006 on matters of academic freedom, tenure and institutional governance.

**Revision to the responsibilities of An tÚdarás and the creation of the Higher Education and Research Grants Committee** 20

4. An tÚdarás as defined under the 1971 Act will be responsible for the regulatory and administrative requirements of the higher education and research sector, reporting to the Minister for Education and Skills directly. Pursuant to these objectives the following amendments are made to the 1971 Act:
- (a) Sections 8, 9, 10 and 12 of the 1971 Act are repealed, and 25
  - (b) after section 7 of the Act of 1971 to insert the following new sections:
    - “Higher Education and Research Grants Committee**
    - 8. (1) All powers related to the resource allocation process for higher education and research, such as the application and disbursement of the State financial provision for higher education and research for the bodies subject to An tÚdarás will be vested in the Higher Education and Research Grants Committee. 30
    - (2) The Higher Education and Research Grants Committee will be an executive body of An tÚdarás and the Department of Public Expenditure and Reform, housed within the existing resources and facilities of both departments. 35
    - (3) There shall be paid to An tÚdarás, out of moneys provided by the Oireachtas, such amounts for institutions of higher education as may be approved of by the Minister with the consent of the Minister for Finance. These monies shall be administered and disbursed by the 40

Higher Education and Research Grants Committee.

- (4) The Chairman of the Higher Education and Research Grants Committee will be directly accountable to the Minister for Education and Skills and the Minister for Public Expenditure and Reform.
- (5) (a) An tÚdarás will share information and provide resource allocation recommendations to the Higher Education and Research Grants Committee outlined in section 9, and 5
- (b) An tÚdarás will have regard for the short and medium term capacity limitations of the national higher education and research system and advise the Higher Education and Research Grants Committee on such limitations. 10

### **Committee Membership**

- 9. (1) The Higher Education and Research Grants Committee, with the advice and consent of the Minister for Public Expenditure and Reform, will determine— 15
  - (a) the State financial provision for higher education and research establishments considered suitable for subvention via the Exchequer, and
  - (b) the allocation of funds from the Exchequer to the Higher Education and Research and Grants Committee. 20
- (2) The Higher Education and Research Grants Committee will be constituted and purposed as such:
  - (a) the Committee shall consist of—
    - (i) a Chairman,
    - (ii) a Vice-Chairman, and 25
    - (iii) ten other members, 5 to be appointed by the Minister for Education and Skills and 5 to be appointed by the Minister for Public Expenditure and Reform;
  - (b) the Chairman shall be chosen by the Minister for Education and Skills and is not a member of a government department, semi-state 30 body or domestic educational establishment;
  - (c) the Vice-Chairman shall be chosen by the Minister for Public Expenditure and Reform and is not a member of a government department, semi-state body or domestic educational establishment.
- (3) Of the other members referred to in clause (iii) of subsection (2)(a)— 35
  - (a) two shall be chosen from among the officers of the An tÚdarás,
  - (b) not less than four shall be chosen from among persons who are, at the time when they are so chosen, active lecturing and research staff at Universities, and
  - (c) the remainder shall be chosen from among persons— 40

- (i) who have knowledge of, or experience in, agriculture, commerce, forestry or industry;
  - (ii) who are members of the engineering, legal, medical or any other learned profession; or
  - (iii) who are not being teachers of Universities, are in the opinion of the Minister for Education and Skills or the Minister for Public Expenditure and Reform, educationists of repute or have obtained high academic distinctions; provided that not less than one-half of the number chosen under this clause shall be from among persons who are not employees of the civil service, an Irish semi-state body or educational establishment. 5 10
- (4) The Vice-Chairman shall exercise such of the powers, and discharge such of the duties, of the Chairman as may be prescribed.
- (5) Every appointment under this section shall take effect from the date on which it is notified in *Iris Oifigiúil*. 15
- (6) (a) A person appointed as Chairman, Vice-Chairman or other member after the commencement of the this Act, shall, unless he or she sooner becomes disqualified for continuing as such under the rules that may be made under this Act—
- (i) in the case of Chairman, hold office for a term of five years, 20
  - (ii) in the case of Vice-Chairman, hold office for a term of three years,
  - (iii) in the case of any other member, hold office for a term of three years,
- provided that— 25
- (I) a person who has held office as Chairman or Vice-Chairman shall be eligible for further appointment as Chairman, Vice-Chairman or other member, and
  - (II) a person who has held office as any other member shall be eligible for further appointment as Chairman, Vice-Chairman or other member; provided further that a person who has held office for two terms, in any capacity, whether as Chairman, Vice-Chairman or other member, shall not be eligible for any further appointment as Chairman, Vice-Chairman or other member, 30 35
- (b) a member may resign his office by writing under his hand addressed to the Central Government; but he shall continue in office until his resignation is accepted by the Minister for Education and Skills and/or the Minister for Public Expenditure and Reform, 40
- (c) if a casual vacancy occurs in the office of the Chairman, whether by reason of his death, resignation or inability to discharge his

- functions owing to illness or other incapacity, the Vice-Chairman holding office as such for the time being shall act as the Chairman and shall, unless any other person is appointed earlier as the Chairman, hold the office of the Chairman for the remainder of the term of office of the person in whose place he is to so act; provided that where no Vice-Chairman is holding office at the time, when the vacancy in the office of the Chairman occurs, the Minister for Education and Skills shall, appoint any other member to act as the Chairman and the person so appointed shall not hold the office of the Chairman for a period exceeding six months,
- (d) if a casual vacancy occurs in the office of the Vice-Chairman or any other member, whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, such vacancy shall be filled up by the Minister for Public Expenditure and Reform by making a fresh appointment and the member so appointed shall hold office for a term of three years.
- (7) The Committee shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made under this Act.
- (8) No act or proceedings of the Committee shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of the Committee.
- (9) The Committee may associate with itself, in such manner and for such purposes as may be determined by regulations made under this Act, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act.
- (10) A person associated with it by the Committee for any purpose shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the Committee, and shall not be a member for any other purpose.
- (11) It shall be the general duty of the Committee to take, in consultation with the enumerated entities contained within the 1997 Act and the 2006 Act or other bodies concerned, all such steps as it may think fit for the promotion and co-ordination of higher education and research and for the determination and maintenance of standards of teaching, examination and research, and for the purpose of performing its functions under this Act, the Committee may—
- (a) inquire into the financial needs of entities subject to An tÚdarás,
- (b) allocate and disburse public monies, upon the consent of the Minister for Public Expenditure and Reform, grants to entities subject to An tÚdarás established or incorporated by or under this Act, the Universities Act 1997, the Institutes for Technology Act 2006 and additional bodies outlined in the Industrial Development (Science Foundation Ireland) Act 2003, the Institute for Advanced Studies Act 1940, S.I. No. 279/1986 and any further legislation or

- statutory instruments that the Minister for Education and Skills and the Minister for Public Expenditure and Reform deem fit for public subvention such that those funds are used for the maintenance and development of such entities subject to An tÚdarás or for any other general or specified purpose related to the advancement of higher education and research the Committee shall give due consideration to the development of the entity subject to An tÚdarás concerned, its financial needs, the standard attained by it and the national purposes which it may serve and as it may deem necessary, for one or more of the following purposes, namely: 5 10
- (i) for maintenance in special cases;
  - (ii) for development;
  - (iii) for any other general or specified purpose; establish, in accordance with the regulations made under this Act, institutions for providing common facilities, services and programmes for a group of entities subject to An tÚdarás or for the entities subject to An tÚdarás in general and maintain such institutions or provide for their maintenance by allocating and, disbursing such grants as the Committee may deem necessary; 15
  - (iv) recommend to any entity subject to An tÚdarás the measures necessary for financial reporting improvement and advise an entity subject to An tÚdarás upon the action to be taken for the purpose of implementing such recommendation; 20
  - (v) advise the Minister for Education and Skills and/or the Minister for Public Expenditure and Reform or an entity subject to An tÚdarás on the allocation of any grants to an entity subject to An tÚdarás for any general or specified purpose out of Exchequer Funds; 25
  - (vi) advise any authority, on the financial or fiscal implications of the establishment of a new University or on proposals connected with the expansion of the activities of any entity subject to An tÚdarás; 30
  - (vii) advise the Minister for Education and Skills and/or the Minister for Public Expenditure and Reform or an entity subject to An tÚdarás on any financial or fiscal question which may be referred to the Committee by the Minister for Education and Skills and/or the Minister for Public Expenditure and Reform or an entity subject to An tÚdarás, as the case may be; 35
  - (viii) collect information in conjunction with An tÚdarás on all financial and fiscal matters relating to higher education and research in Ireland and other countries as it thinks fit and make the same available to any Minister for Education and Skills and/or the Minister for Public Expenditure and Reform or an entity subject to An tÚdarás; 40

- (ix) require an entity subject to An tÚdarás to furnish it with such information as may be needed relating to the financial position of the entity subject to An tÚdarás;
- (x) perform such other functions as may be prescribed or as may be deemed necessary by the Committee for advancing the cause of higher education in Ireland or as may be incidental or conducive to the discharge of the above functions. 5

### **Financial Reporting Requirements**

- 10. (1) An tÚdarás will act as the repository for all financial information obtained as a result of the annual audit process of entities in receipt of funds disbursed by the Higher Education and Research Grants Committee. 10
- (2) An tÚdarás will act as the financial auditor of first instance for bodies in receipt of funds disbursed by the Higher Education and Research Grants Committee. 15
- (3) An tÚdarás will make regulations from time-to-time to ensure best practice is followed in the areas of audit and accounting by bodies in receipt of funds disbursed by the Higher Education and Research Grants Committee.
- (4) All bodies in receipt of funds disbursed by the Higher Education and Research Grants Council Committee will be obliged to produce their accounts in IFRS (International Financial Reporting Standards) format by 1 January 2015. 20

### **Extension to all payments from Department of Public Expenditure and Reform**

- 11. Any payment to an institution which Higher Education and Research Grants Committee makes out of the amounts that it receives from the Department of Public Expenditure and Reform shall be made in such manner and subject to such conditions as An tÚdarás and the Higher Education and Research Grants Committee thinks fit.”. 25 30

### **Bodies subject to An tÚdarás**

- 5. (1) An tÚdarás shall take on a special regulatory and advisory role to the Minister for Education and Skills for the following educational and research bodies beyond those enumerated in *section 3* of this Act—
  - (a) Dublin Institute for Advanced Studies (financial oversight related to State subvention only), 35
  - (b) Royal Irish Academy (financial oversight related to State subvention only),
  - (c) Royal Dublin Society (financial oversight related to State subvention only),
  - (d) Royal College of Surgeons Ireland (financial oversight related to State subvention only), 40
  - (e) Georgia Tech Ireland (financial oversight related to State subvention only),



- (f) Teagasc (financial oversight related to the research and higher education aspects of the State subvention only),
  - (g) Economic and Social Research Institute,
  - (h) Molecular Medicine Ireland,
  - (i) Tyndall National Institute, 5
  - (j) Boyne Research Institute,
  - (k) Marine Institute,
  - (l) National Institute for Bioprocessing Research and Training,
  - (m) Irish Research Council,
  - (n) Health Research Board, 10
  - (o) Science Foundation Ireland,
  - (p) Qualifications and Quality Assurance Ireland.
- (2) An tÚdarás will organise an annual roundtable consultation meeting between the chief executives of all the bodies it is responsible for regulating, the Chairman of the Higher Education and Research Grants Committee, the chairman and chief executive of the Higher Education Authority and the Minister for Education and Skills and the Minister for Public Expenditure and Reform to discuss the short and medium term future of higher education and research strategic and operational policy in Ireland. 15

## PART 2

### ESTABLISHMENT AND IDENTITY OF HIGHER EDUCATION BODIES 20

#### **References to higher education and research institutions**

6. (1) A reference to a constituent college, Institute of Technology or Technological University in any other Act or in a statutory instrument made under an Act, or in the memorandum or articles of association of any company or any other legal document, shall be construed as a reference to the corresponding constituent higher education and research institution referred to in *section 3* as constituted from time to time. 25
- (2) Where immediately before the commencement of this Part any legal proceedings in relation to a constituent college were pending to which the constituent college was party, the name of the corresponding constituent higher education and research institution shall on that commencement be substituted in the proceedings for the name of the constituent college, and the proceedings shall not abate by reason of the substitution. 30

#### **References to associated bodies to the higher education and research institutions**

7. (1) If An tÚdarás considers that an educational institution or part of an educational institution should form part of a higher education and research institution, the Minister may by order made with the consent of the Minister for Finance, the institution concerned and the governing authority of the higher education and research 35

institution, provide that the institution or part shall become and form part of the higher education and research institution, and on the making of the order it shall be so incorporated.

- (2) The Minister shall not make an order under *subsection (1)* unless the Minister 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. 5

### **Expert Panels**

8. (1) The Government may, at any time, appoint a body, the membership of which shall be recommended by An tÚdarás 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 higher education and research institution under *sections 11 and 12*, an educational institution should be established as a higher education and research institution. 10
- (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 higher education and research institution for the purposes of this Act and, on the making of the order, it shall be established accordingly. 15
- (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. 20
- (4) A higher education and research institution 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.

### **Changing the name of a higher education and research institution** 25

9. (1) The Minister may, at the request of the governing authority of a higher education and research institution, and in the case of a constituent higher education and research institution with the consent of the Senate, by order, change the name of the higher education and research institution.
- (2) A reference in any Act, statutory instrument made under an Act or legal or other document to a higher education and research institution by its name applying before it was changed under *subsection (1)* shall be construed as a reference to that higher education and research institution as so renamed. 30
- (3) Notwithstanding *subsection (1)* and *section 6(1)*, a constituent higher education and research institution may extend its name in such manner as it considers appropriate to indicate that it is the successor to its corresponding constituent college. 35

## PART 3

### HIGHER EDUCATION AND RESEARCH INSTITUTIONS GENERALLY

#### CHAPTER 1

##### *Objects and functions*

- Objectives of the higher education and research sector** 5
- 10.** The aim, objective and functions of the higher education and research sector in Ireland is to ensure that the following is upheld:
- (a) the mission of the higher education and research sector is to promote free research and academic and artistic education, to provide higher education based on research, and to educate students to serve their country and humanity. In carrying out their mission, the higher education and research sector must promote lifelong learning, interact with the surrounding society and promote the impact of research findings and artistic activities on society; 10
  - (b) the higher education and research sector must arrange their activities so as to assure a high international standard in research, education and teaching in conformity with ethical principles and good scientific practices; 15
  - (c) the higher education and research sector shall have autonomy with a view to securing the freedom of higher academic and art education. Autonomy entails the right to decision-making in matters belonging to internal administration;
  - (d) in the drafting of legislation concerning them, the higher education and research sector shall have an opportunity to give their opinion on the matter; 20
  - (e) the higher education and research sector community comprises the teaching and research personnel, other staff and students;
  - (f) the higher education and research sector shall have freedom of research, art and teaching, however, a staff member must comply with the statutes and regulations issued concerning teaching arrangements; 25
  - (g) instruction in the higher education and research sector shall be public; for well-founded reasons, access to teaching may be restricted;
  - (h) the function of a higher education and research sector is to advance science and culture, to provide services based on educational, research and other creative activities necessary for society and to shape its students to become responsible citizens able to act on their own initiative; 30
  - (i) in pursuing their mission, higher education and research sector cooperate both with each other and with the whole society, supporting society's development and sustaining of national culture by effective research, development or other creative activity, and creating and developing opportunities based on integrated education and research activities for international cooperation, for acquiring higher education based on scientific approach and for lifelong learning. 35

## **Objectives of the higher education and research institutions**

- 11.** The objects of a higher education and research institution shall include—
- (a) to advance knowledge through teaching, scholarly research and scientific investigation,
  - (b) to promote learning in its student body and in society generally, 5
  - (c) to promote the cultural and social life of society, while fostering and respecting the diversity of the higher education and research institution's traditions,
  - (d) to foster a capacity for independent critical thinking amongst its students,
  - (e) to 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, 10
  - (f) to support and contribute to the realisation of national economic and social development,
  - (g) to educate, train and retrain higher level professional, technical and managerial personnel, 15
  - (h) to promote the highest standards in, and quality of, teaching and research,
  - (i) to disseminate the outcomes of its research in the general community,
  - (j) to facilitate lifelong learning through the provision of adult and continuing education, and
  - (k) to promote gender balance and equality of opportunity among students and employees of the higher education and research institution. 20

## **Actions and functions of a higher education and research institute**

- 12.** (1) The functions of a higher education and research institution are 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 higher education and research institution. 25
- (2) Without limiting the generality of *subsection (1)*, a higher education and research institution—
- (a) shall provide courses of study, conduct examinations and award degrees and other qualifications,
  - (b) shall promote and facilitate research, 30
  - (c) 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 higher education and research institution,
  - (d) 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 higher education and research institution, 35
  - (e) shall maintain, manage and administer, and may dispose of and invest, the

property, money, assets and rights of the higher education and research institution,

- (f) may collaborate with graduates, convocations of graduates and with associations representing graduates of the higher education and research institution both inside and outside the State, 5
- (g) may purchase or otherwise acquire, hold and dispose of land or other property,
- (h) 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, and
- (i) may aim to maintain their individual ethos and norms, such that it benefits their individual mission, as internally defined, towards the improvement of individuals and society at large. 10

### **Academic Freedom**

- 13.** (1) Academic freedom defined in general, higher education and research institution, in performing its functions shall—
- (a) have the right and responsibility to preserve and promote the traditional principles of academic freedom in the conduct of its internal and external affairs, and 15
  - (b) be entitled to regulate its affairs in accordance with its independent ethos and traditions and the traditional principles of academic freedom, and in doing so it shall have regard to— 20
    - (i) the promotion and preservation of equality of opportunity and access,
    - (ii) the effective and efficient use of resources, and
    - (iii) its obligations as to public accountability,
- and if, in the interpretation of this Act, there is a doubt regarding the meaning of any provision, a construction that would promote that ethos and those traditions and principles shall be preferred to a construction that would not so promote. 25
- (2) Academic freedom for the purposes of higher education and research institutional application will be defined as such—
- (a) a member of the academic staff of a higher education and research institution shall have the freedom, within the law, in his or her teaching, research and any other activities either in or outside the higher education and research institution, 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 higher education and research institution, for the exercise of that freedom, 30 35
  - (b) academic and research members of staff shall enjoy such freedoms in particular in the discharge of their academic functions, and in related participation both in the life of the Community and in society at large; the Minister for Education and Skills guarantees to respect, defend and vindicate the traditional principles of academic freedom and freedom of expression, 40

- (c) in accordance with its long-established autonomy, higher education and research institutions shall enjoy such freedoms in the conduct and regulation of its affairs,
- (d) the Governing Authority may provide in a Schedule that such freedoms may also be exercised in other fashions, in other contexts, and/or by other members of staff, 5
- (e) since such freedoms are fundamental to the pursuit of knowledge and the advancement of truth, they shall be enjoyed and exercised with integrity and with due regard to their concomitant duties and responsibilities on the part of higher education and research institutions and their staff.

## CHAPTER 2

10

### *Governance*

#### **Governing Authority**

- 14.** (1) Subject to *section 20*, each higher education and research institution shall have a governing authority established in accordance with this Act which shall be known by whatever name the governing authority decides. 15
- (2) Subject to this Act, the functions of a higher education and research institution shall be performed by or on the directions of its governing authority.
- (3) All acts and things done by a governing authority, or in the name of or on behalf of the higher education and research institution with the express or implied authority of the governing authority, shall be deemed to have been done by the higher education and research institution. 20
- (4) *Schedule 1* shall apply to the governing authority.

#### **Design and composition of the governing authority**

- 15.** (1) The governing authorities of entities deemed to be Category I will follow the membership structure laid out in the 1997 Act. 25
- (2) The governing authorities of entities deemed to be Category II will follow the membership structure laid out in the 2006 Act.
- (3) The governing authorities of entities deemed to be Category III will follow the membership structure laid out in the 1997 Act.
- (4) All members of the governing authority are subject to a 48 month tenure, one-time continuously renewable. 30
- (5) The Chairman and external members shall not be an employee or a student of the higher education and research institution.
- (6) In performing its functions under this section a governing authority shall ensure that each gender is represented on the governing authority in accordance with such gender balance as may from time to time be determined or approved by the Minister. 35
- (7) A governing authority may make such regulations relating to the selection, election, nomination or appointment of members of the governing authority as it thinks fit, and

their selection, election, nomination or appointment shall be carried out in accordance with those regulations.

- (8) Additional nonvoting members may be appointed by the Chairman with the two-thirds majority approval of the governing body. The objective of this option is to ensure that local institutional norms or customs are maintained but for only so long as they remain useful to the development and governance of the institution. 5
- (9) All members are subject to the conditions laid out in *Schedule 1*.

#### **First meeting of the governing authority and role of chairman**

16. (1) The first meeting of a governing authority of a higher education and research institution shall be chaired by the chief officer and, subject to this section, at that meeting and from time to time as the governing authority determines, the governing authority shall decide whether— 10
- (a) the holder of the office of chief officer should be or continue to be the chairperson, or
- (b) a person other than the holder of the office of chief officer should be appointed as chairperson. 15
- (2) Where the governing authority decides that the holder of the office of chief officer should be the chairperson then, subject to this section, the chief officer shall, *ex officio*, be the chairperson on and from the passing of the resolution to that effect.
- (3) Where the governing authority decides at a meeting that a person other than the chief officer should be the chairperson, it shall, as soon as practicable at that or a subsequent meeting, by a majority vote of not less than two-thirds of its members, appoint a person who is not an employee of the higher education and research institution or a member of the governing authority to be the chairperson. 20
- (4) Until a person is appointed under *subsection (3)*, but subject to this section, the chief officer shall act as chairperson of all meetings of the governing authority. 25
- (5) Subject to this section, a chairperson appointed under *subsection (3)* shall hold office on such terms and conditions as the governing authority may, at the date of his or her appointment, determine.
- (6) A person holding office as chairperson of a governing authority in accordance with *subsection (3)* may, at any time for stated reasons, be removed from the office of chairperson by the governing authority and where a person is so removed from office, *subsections (1), (2) and (3)*, with the necessary modifications, shall apply. 30
- (7) Where immediately before the commencement of this Part the chief officer of a higher education and research institution was not the chairperson (by whatever name known) of the governing body (by whatever name known) of the higher education and research institution, then, except for the first meeting of a governing authority of the corresponding higher education and research institution under this Act or in the circumstances referred to in *subsection (4)*, the chief officer shall not be eligible to be the chairperson of the governing authority. 35 40
- (8) An appointment under *subsection (3)* shall not be on a full-time basis and the person appointed shall exercise no function in respect of the control and management of the

higher education and research institution other than the functions of chairperson of the governing authority.

### **Responsibilities of the governing authority**

17. (1) The functions of the governing authority of a higher education and research institution shall be, in pursuance of the objects of the higher education and research institution under *section 11* but within the constraints of its budget under *section 36*— 5
- (a) to control and administer the land and other property of the higher education and research institution,
  - (b) to appoint the chief officer and such other employees as it thinks necessary for the purposes of the higher education and research institution, 10
  - (c) subject to this Act and its charter, if any, statutes and regulations, to determine the membership from time to time of the governing authority, and
  - (d) to perform such other functions as are imposed on it by or under this or any other Act or by its charter, if any, statutes and regulations.
- (2) For the purposes of the performance of its functions under *subsection (1)(b)*, the governing authority shall develop such interview and other procedures as in its opinion will best ensure participation in the selection process by high quality candidates from both within and outside of the employees of the higher education and research institution and specify those procedures in a statute or regulation. 15
- (3) A governing authority has, subject to this or any other Act or its charter, if any, such powers as are necessary for the purposes of performing its functions. 20
- (4) A governing authority may, from time to time, appoint such and as many committees, consisting either wholly or partly of members of the governing authority, as it thinks necessary to assist it in the performance of its functions and may assign to those committees such of its functions as it thinks fit. 25
- (5) A committee appointed under *subsection (4)* shall operate in such manner as the governing authority may direct and its acts shall be subject to confirmation by the governing authority unless the governing authority otherwise directs.
- (6) In performing its functions a governing authority, or a committee where appropriate, shall— 30
- (a) have regard to the promotion and use of the Irish language as a language of general communication and promote the cultivation of the Irish language and its associated literary and cultural traditions,
  - (b) have regard to the attainment of gender balance and equality of opportunity among the students and employees of the higher education and research institution and shall, in particular, promote access to the higher education and research institution and to higher education and research institution education by economically or socially disadvantaged people and by people from sections of society significantly under-represented in the student body, and 35
  - (c) ensure as far as it can that the higher education and research institution contributes to the promotion of the economic, cultural and social development of 40



the State and to respect for the diversity of values, beliefs and traditions in Irish society.

### **Role of the Visitor**

18. (1) Where a higher education and research institution does not have a Visitor, the Government shall from time to time as the occasion requires, following consultation with the President of the High Court, appoint a Judge of the High Court, or a retired Judge of the High Court or the Supreme Court, to be the Visitor for the purposes of this Act. 5
- (2) There shall be at minimum three Visitors to a higher education and research institution where the structure will be as follows: 10
- (a) the Chancellor (The Primary Visitor);
  - (b) the Visitor (The Judicial Visitor);
  - (c) the Pro-Chancellor (The Secondary Visitor).
- (3) Where a Visitor appointed under *subsection (1)* resigns or otherwise becomes incapable of performing his or her functions the Government may appoint another such person to replace that Visitor. 15

### **Intervention by the Minister and the Visitor**

19. (1) Where the Minister is of the opinion that there are reasonable grounds for contending that the functions of a higher education and research institution are being performed in a manner which *prima facie* constitutes a breach of the laws, statutes or ordinances applicable to the higher education and research institution, the Minister may, after first advising the governing authority of his or her opinion and considering any explanation given in response, and with the concurrence of the Government, request the Visitor to the higher education and research institution to inquire into any matter giving rise to the Minister's opinion. 20 25
- (2) If the Visitor is satisfied that there are reasonable grounds for the Minister's opinion, the Visitor shall inquire into the matters giving rise to that opinion and any related matter and report to the Minister on the results of the inquiry.
- (3) A Visitor shall, for the purposes of this section, be entitled at all reasonable times to enter a higher education and research institution to inquire into the academic or other affairs of the higher education and research institution or to conduct an inspection of the higher education and research institution and its buildings, equipment and records where the inspection is, in the opinion of the Visitor, relevant to his or her inquiries. 30
- (4) A Visitor shall be afforded all reasonable co-operation and facility by the higher education and research institution, its employees and its governing authority, including access to such buildings, equipment and records as the Visitor may require, to enable the Visitor to perform his or her functions under this section. 35

### **Visitor inquiries**

20. (1) Where the Minister, after considering the report of an inquiry by a Visitor made in pursuance of a request under *section 19(1)*, is of the opinion that the functions of a 40

- higher education and research institution or its governing authority are being performed in a manner which constitutes a breach of the laws, statutes or ordinances of or applicable to the higher education and research institution, the Minister shall so inform the chief officer and give to the chief officer a copy of the report of the Visitor.
- (2) The Minister may, after a period of 14 days commencing on the day on which he or she gave to the chief officer the report of the Visitor and after considering the observations, if any, of the governing authority or the chief officer on the report—
- (a) if the Minister is still of the opinion that the functions are being performed in a manner which constitutes a breach of the laws, statutes or ordinances of or applicable to the higher education and research institution, and
- (b) is of the opinion that, because of the report, the governing authority should be suspended and the Visitor concurs, recommend to the Government the suspension of the governing authority and the termination of the membership of its members.
- (3) On receiving the recommendation of the Minister the Government may, by order but subject to *subsection (8)*, suspend the governing authority.
- (4) Where the Government makes an order under *subsection (3)*, the Visitor to the higher education and research institution shall, following consultation with the Minister and such persons within the higher education and research institution as the Visitor considers appropriate, appoint such person or body of persons as the Visitor thinks fit to perform the functions of the governing authority and that person or body shall perform those functions until the commencement of the first meeting of the governing authority after the appointment of its members in pursuance of *subsection (6)*.
- (5) The remuneration, if any, of a person or member of a body appointed under *subsection (4)* shall be paid out of moneys provided by the Oireachtas.
- (6) The Visitor shall, as soon as practicable, but in any case not later than 12 months, after the suspension of a governing authority, following consultation with such persons within the higher education and research institution as the Visitor considers appropriate, determine the composition of the new governing authority and, by notice in writing, inform the Minister of the composition as so determined.
- (7) On the Minister being informed as provided in *subsection (6)*, the governing authority shall be so constituted as so determined, in accordance with *Chapter 2*.
- (8) Where the Government proposes to make an order under *subsection (3)*, it shall cause a draft of the proposed order to be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by both Houses.

### CHAPTER 3

#### *Interim Arrangements*

##### **Interim governing authority**

21. A governing body (by whatever name known) of—
- (a) a constituent college or a higher education and research institution to which this Act applies and holding office on the commencement of this Part, or

- (b) an educational institution established under *section 8* as an additional higher education and research institution and holding office immediately before its establishment as a higher education and research institution,

shall continue in existence after that commencement or the establishment of the institution as a higher education and research institution, as the case may be, notwithstanding the repeal of any provision of an enactment by or under which that governing body was constituted and, except in relation to the appointment of the first governing authority of the higher education and research institution, shall have the functions of a governing authority under this Act until the first governing authority is duly constituted under this Act.

### **Appointment of commission on higher education by the Minister**

22. Subject to *section 15*, the Minister shall, as soon as practicable after the commencement of this Part, in respect of each higher education and research institution to which this Act applies, and after the establishment under *section 8* of any additional higher education and research institution in respect of that higher education and research institution, appoint a commission for the higher education and research institution made up of the existing governing authority to ensure the election and appointment of the non-Ministerial members of the newly constituted governing authority along the structure outlined in *section 15* of this Act.

## CHAPTER 4

### *Staff of Higher education and research institution*

#### **The Chief Officer**

23. (1) A governing authority shall, in accordance with procedures specified in a statute, appoint in a whole-time capacity a person to be chief officer of its higher education and research institution, who shall be called the President or Provost or by such other title as the governing authority determines, and the person so appointed shall be the accounting officer for the higher education and research institution.
- (2) For the purposes of section 19 of the Comptroller and Auditor General (Amendment) Act 1993, the expression “accounting officer” shall include a chief officer of a higher education and research institution to which this Act applies.
- (3) The chief officer shall have tenure of 48 months, renewable once.
- (4) *Schedule 2* shall apply to the chief officer.

#### **Staff Tenure**

24. (1) Subject to *subsection (2)*, a higher education and research institution may, in accordance with procedures specified in a statute or regulation, appoint such and so many persons to be its employees as it thinks appropriate, having regard to—
- (a) the efficient use of its available resources, the requirements of accountability for the use of moneys provided to it by the Oireachtas and the policy relating to pay and conditions in the Public Service as outlined in the Public Service

- Management Act 1997 and as determined from time to time by the Government,
- (b) the implications of the appointments for its budget and for subsequent budgets, and
  - (c) the guidelines, if any, issued under *section 49*.
- (2) A governing authority may, subject to such conditions as it thinks fit, delegate to the chief officer any of the functions of the governing authority or the higher education and research institution relating to the appointment of employees of the higher education and research institution and the determination of selection procedures. 5
- (3) Except as otherwise provided by this section, the employees of a higher education and research institution shall be employed on such terms and conditions as the higher education and research institution from time to time determines. 10
- (4) Subject to *subsection (5)*, there shall be paid by a higher education and research institution to the employees of that higher education and research institution, such remuneration, fees, allowances and expenses as may be approved from time to time by the Minister with the consent of the Minister for Finance. 15
- (5) (a) A higher education and research institution may depart from levels of remuneration, fees, allowances and expenses approved under *subsection (4)* where the governing authority is satisfied that it is necessary to meet the objects of the higher education and research institution, but may do so only in accordance with a framework which shall be agreed between the universities and An tÚdarás; 20
- (b) a corporation referred to in *section 12(2)(c)* may pay to employees of a higher education and research institution remuneration, fees, allowances and expenses only in accordance with a framework which shall be agreed between the institution and An tÚdarás.
- (6) A higher education and research institution may suspend or dismiss any employee but only in accordance with procedures, and subject to any conditions, specified in or pursuant to a statute made following consultation through normal industrial relations structures operating in the higher education and research institution with recognised staff associations or trade unions, which procedures or conditions may provide for the delegation of powers relating to suspension or dismissal to the chief officer and shall provide for the tenure of officers. 25 30
- (7) A higher education and research institution, the Institutes of Technology and the Technological University shall determine the terms and conditions of any superannuation scheme for its employees in accordance with *Schedule 1* and that *Schedule* shall apply to an amendment to an existing scheme in the same way as it applies to a new scheme pursuant to advice from the Minister for Public Expenditure and Reform with regard to the status of potential and actual contingent liabilities upon the Exchequer. 35
- (8) The formal declaration of academic tenure, pursuant to the principals of academic freedom outlined in *section 13* of this Act— 40
- (a) the rights and entitlement in respect of tenure, remuneration, fees, allowances, expenses and superannuation enjoyed on the commencement of this section by persons who are employees, and in the case of superannuation, former

employees, of a higher education and research institution to which this Act applies shall not, by virtue of the operation of this Act, be any less beneficial than those rights and entitlements enjoyed by those persons as employees of the higher education and research institution or immediately before that commencement, and

5

- (b) the conditions of service, restrictions and obligations to which such persons were subject immediately before the commencement of this Act shall, unless they are varied by agreement, continue to apply to such persons and shall be exercised or imposed by the higher education and research institution or the chief officer as may be appropriate, while such persons are employed by the higher education and research institution, 10
- (c) after the expiration of a probationary period of no greater than 24 months, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies, 15
- (d) in the interpretation of tenure it is understood that the following represents acceptable academic practice—
  - (i) the precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated, 20
  - (ii) beginning with appointment to the rank of full-time equivalent, the probationary period should not exceed 24 months, including within this period full-time service in all institutions of higher education. Notice should be given at least 6 months prior to the expiration of the probationary period if the staff member is not to be continued in service after the expiration of that period, 25
  - (iii) during the probationary period a staff member should have the academic freedom that all other members of the faculty have,
  - (iv) termination for cause of a continuous appointment, or the dismissal for cause of a staff member previous to the expiration of a term appointment, should, if possible, be considered by both the academic council and the governing board of the institution. In all cases where the facts are in dispute, the accused staff member should be informed before the hearing in writing of the charges and should have the opportunity to be heard in his or her own defense by all bodies that pass judgment upon the case. The staff member should be permitted to be accompanied by an advisor of his or her own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from the staff member's own or from other institutions. Staff on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution, 30  
35  
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(v) termination of a continuous appointment because of financial exigency should be demonstrably *bona fide*,

(e) in the case of a non-continuation of a contract during the course of or at the end of a period of probation, if any, and otherwise, to preserve, and promote the traditional principles of academic freedom and to provide security against arbitrary dismissal, the principle of tenure guarantees that the employment of permanent, full-time members of the academic staff shall not be terminated, except— 5

(i) by resignation or retirement,

(ii) through discharge of the contract by operation of law, or pursuant to the procedures set out in the institutional Division on Conduct, 10

(iii) the governing authority may, in a Schedule, apply the principle of tenure to other categories of academic staff, on terms consistent with their contracts of employment.

### **Staff dispute resolution procedures**

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25. (1) A governing authority shall establish procedures for the resolution of disputes which arise in the higher education and research institution, other than disputes to be dealt with through normal industrial relations structures operating in the higher education and research institution or appeals conducted in accordance with *section 26(2)(e)*.

(2) Procedures established under *subsection (1)* shall— 20

(a) be specified in a statute,

(b) be established following consultation with trade unions and staff associations representing employees of the higher education and research institution and with the students union or other student representative body, and

(c) provide for consideration of issues in dispute by an independent person or persons, as appropriate, one of whom, in the case of a constituent higher education and research institution, shall be a nominee of the Chancellor. 25

## CHAPTER 5

### *Academic Council*

### **Academic Council**

30

26. (1) Each higher education and research institution 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 higher education and research institution, including the curriculum of, and instruction and education provided by, the higher education and research institution. 35

(2) Without limiting the generality of *subsection (1)*, the functions of the academic council shall include, within those constraints and consistent with the functions of the higher education and research institution and those applying to its academic council immediately before the commencement of this Part—

- (a) to design and develop programmes of study,
- (b) to establish structures to implement those programmes,
- (c) to make recommendations on programmes for the development of research,
- (d) to make recommendations relating to the selection, admission, retention and exclusion of students generally, 5
- (e) to propose the form and contents of statutes to be made relating to the academic affairs of the higher education and research institution, including the conduct of examinations, the determination of examination results, the procedures for appeals by students relating to the results of such examinations and the evaluation of academic progress, 10
- (f) to make recommendations for the awarding of fellowships, scholarships, bursaries, prizes or other awards,
- (g) to make general arrangements for tutorial or other academic counselling,
- (h) to perform any other functions, not in conflict with this Act, which may be delegated to it by the governing authority, and 15
- (i) to implement any statutes and regulations made by the governing authority relating to any of the matters referred to in this subsection.

### **Membership of Academic Council**

27. (1) The majority of members of the academic council shall be members of the academic staff of the higher education and research institution and, subject to *subsection (2)*, the numbers, composition, selection, appointment and terms of office of members shall be provided for in a statute, which statute shall contain provisions for the inclusion on the academic council of— 20
- (a) the senior member of staff having responsibility to the chief officer for each academic discipline, school or department as the governing authority determines, or the senior member of staff having responsibility to the chief officer for each faculty, 25
  - (b) members from what, in the opinion of the governing authority, is an appropriate range of levels of other academic staff from an appropriate range of academic disciplines, and 30
  - (c) an appropriate number of students.
- (2) The composition and terms of office of members of an academic council to be first appointed under this Act shall be determined in consultation with the members of the academic council of the relevant higher education and research institution, holding office immediately before the commencement of this Part or, in the case of an educational institution established under *section 8* as a higher education and research institution after that commencement, with the members of the academic council (by whatever name known) of that institution holding office immediately before the date on which the educational institution was so established as a higher education and research institution. 35 40
- (3) The chief officer and the senior officer of the higher education and research

institution responsible to the chief officer for academic affairs shall be, *ex officio*, members of the academic council.

### **Meetings of the Academic Council**

28. (1) Subject to this Act and any directions of the governing authority, an academic council shall hold such meetings as it thinks necessary to perform its functions and may regulate its own procedure. 5
- (2) The chief officer shall be entitled to preside at all meetings of the academic council or a committee of the council at which he or she is present, but if the chief officer at any time chooses not to so preside, he or she shall nominate a person to preside in his or her place. 10
- (3) An academic council may establish such and so many committees as it thinks necessary to assist it in the performance of its functions.
- (4) A committee may consist either wholly of members of the academic council or such combination of members and non-members as the academic council thinks fit.

### **Transition from previous Academic Council to newly organised one** 15

29. (1) An academic council (by whatever name known) of a higher education and research institution, holding office immediately before the commencement of this Part shall, after that commencement and notwithstanding the repeal of any provision of an enactment under which it was constituted, continue to exist as if that provision had never been repealed. 20
- (2) An academic council continued in existence under *subsection (1)* shall be the academic council for the higher education and research institution, with all the powers of an academic council under this Act, until an academic council for the higher education and research institution is established in accordance with this Chapter or the day which is one year from the date of commencement of this Part, whichever is earlier. 25

## CHAPTER 6

### *Charters and Statutes*

#### **Institutional charter**

30. (1) A higher education and research institution may have a charter, not in conflict with this Act, setting out all or any of the following: 30
- (a) its objects and functions in respect of its academic and administrative affairs;
- (b) the arrangements it has for the promotion and use of the Irish language and the promotion of Irish cultures;
- (c) the composition of the governing authority and its functions; 35
- (d) the rights of its employees and students and their responsibility towards the higher education and research institution and the responsibility of the higher education and research institution towards them;



- (e) the arrangements for review of, or appeals against, decisions of the governing authority or the academic council which affect employees or students;
  - (f) its policy in respect of the promotion of equality of opportunity among students and employees;
  - (g) its policy in respect of adult and continuing education and the arrangements in place for the provision of that education, including part-time and evening courses; and 5
  - (h) any other matters the governing authority may consider relevant.
- (2) In preparing a charter, the governing authority shall consult, in such manner as it thinks appropriate, with the academic staff and other employees of the higher education and research institution, any recognised trade union or staff association, any recognised student union or other student representative body, or with any other person or group, both within and outside of the higher education and research institution, it considers should be consulted. 10
- (3) A charter made under this section by a governing authority of a constituent higher education and research institution shall be supplemental to the charter of that higher education and research institution in force at the commencement of this Part. 15
- (4) A draft of a proposed charter under this section may be submitted by the governing authority to the Government with a request that it be recognised, and the Government shall, by order, recognise the charter as so drafted. 20
- (5) An order under *subsection (4)* shall be laid before each House of the Oireachtas as soon as practicable after it is made and, if a resolution annulling the order is passed by either House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done under the order or the charter which the order recognised. 25

### **References to the Universities Act 1997 in institutional charters**

31. (1) A reference to the Universities Act 1997, in the charters of the higher education and research institutions can be construed as a reference to the *Higher Education and Research (Consolidation and Improvement) Act 2014*. 30
- (2) The Government may, by order made on the application of a higher education and research institution, amend the charter of the higher education and research institution in a manner agreed to by the higher education and research institution.
- (3) Where a higher education and research institution considers that its charter, as amended by or under this Act, should be consolidated into a single instrument, it may submit to the Government a copy of the consolidated charter and the Government, if it agrees, may by order recognise the charter as so consolidated. 35
- (4) An order under this section shall be laid before each House of the Oireachtas as soon as practicable after it is made and, if a resolution annulling the order is passed by either House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done under the order or the consolidated charter which 40

the order recognised.

### **Institutional statutes**

32. (1) Subject to this Act and to the charter, if any, of the higher education and research institution, a governing authority of a higher education and research institution or the Senate may, and where required by this Act to do so shall, make such and so many statutes and regulations as it considers appropriate to regulate the affairs of the higher education and research institution. 5
- (2) A governing authority shall, as soon as practicable after the making of a statute or a regulation under *section 16(2)* or *23(1)*, inform An tÚdarás and the Minister of the making of the statute and shall arrange for its publication in the *Iris Oifigiúil*. 10
- (3) The statutes in force immediately before the commencement of this Part in a higher education and research institution to which this Act applies shall, so far as they are consistent with this Act, continue in force as statutes of the higher education and research institution or the corresponding constituent higher education and research institution on and after that commencement but may be repealed or amended by a statute made under *subsection (1)*. 15

## CHAPTER 7

### *Planning and Evaluation*

#### **Planning aims of the governing authority**

33. (1) A governing authority shall, as soon as practicable after its appointment and at such other times as it thinks fit, require the chief officer to prepare a plan which shall set out the aims of the governing authority for the operation and development of the higher education and research institution and its strategy for achieving those aims, and for carrying out the functions of the higher education and research institution, during the period, being not less than three years, to which the plan relates. 20 25
- (2) A governing authority may, having regard to the resources available to the higher education and research institution, either approve a strategic development plan prepared under *subsection (1)* without modification or, after consultation with the chief officer, approve the plan with such modifications as it thinks fit.
- (3) As soon as practicable after it approves the strategic development plan under *subsection (2)*, the governing authority shall provide a copy of the plan to An tÚdarás, the Higher Education and Research Grants Committee and to the Minister. 30

#### **Quality Assurance**

34. (1) A governing authority, in consultation with the academic council, shall, as soon as practicable after the governing authority is established under this Act and at such other times as it thinks fit, require the chief officer to establish procedures for quality assurance aimed at improving the quality of education and related services provided by the higher education and research institution. 35
- (2) The procedures shall include—

- (a) the evaluation, at regular intervals and in any case not less than once in every 5 years or such longer period as may be determined by the higher education and research institution in agreement with An tÚdarás, of each department and, where appropriate, faculty of the higher education and research institution and any service provided by the higher education and research institution, by employees of the higher education and research institution in the first instance and by persons, other than employees, who are competent to make national and international comparisons on the quality of teaching and research and the provision of other services at higher education and research institution level, and 5
  - (b) assessment by those, including students, availing of the teaching, research and other services provided by the higher education and research institution, 10
- and shall provide for the publication in such form and manner as the governing authority thinks fit of findings arising out of the application of those procedures.
- (3) A governing authority shall implement any findings arising out of an evaluation carried out in accordance with procedures established under this section unless, having regard to the resources available to the higher education and research institution or for any other reason, it would, in the opinion of the governing authority, be impractical or unreasonable to do so. 15
  - (4) A governing authority shall, from time to time, and in any case at least every 15 years, having regard to the resources available to the higher education and research institution and having consulted with An tÚdarás, arrange for a review of the effectiveness of the procedures provided for by this section and the implementation of the findings arising out of the application of those procedures. 20
  - (5) A governing authority, in a report prepared in accordance with *section 40*, shall publish the results of a review conducted under *subsection (4)*. 25

### **Access and Equality**

- 35.** (1) A governing authority shall, as soon as practicable but not later than 12 months after it is established under this Act and at such other times as it thinks fit, require the chief officer to prepare a statement of the policies of the higher education and research institution in respect of— 30
- (a) access to the higher education and research institution and to higher education and research institution education by economically or socially disadvantaged people, by people who have a disability and by people from sections of society significantly under-represented in the student body, and
  - (b) equality, including gender equality, in all activities of the higher education and research institution, 35
- and the chief officer, in preparing the statement, shall have regard to such policies on those matters as may from time to time be determined by the Minister.
- (2) A governing authority may, having regard to the resources available to the higher education and research institution, either approve the statement prepared under *subsection (1)* without modification or, after consultation with the chief officer, approve the statement with such modifications as it thinks fit. 40

- (3) A higher education and research institution shall implement the policies set out in the statement as approved under *subsection (2)*.

## CHAPTER 8

### *Finance, Property and Reporting*

#### **Financial auditing**

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36. (1) A governing authority shall, on or before the 1st day of January as An tÚdarás and the Higher Education and Research Grants Committee may approve (which may be a date before the commencement of the financial year to which the statement relates), prepare and submit to An tÚdarás and the Higher Education and Research Grants Committee, in such form and manner as may from time to time be approved by An tÚdarás and the Higher Education and Research Grants Committee, a statement of the proposed expenditure and expected income of the higher education and research institution for the financial year. 10
- (2) The Higher Education and Research Grants Committee shall, having regard to the statement and after consultation with the governing authority of a higher education and research institution, determine the amount of money to be allocated to the higher education and research institution for the financial year from moneys provided to the Higher Education and Research Grants Committee by the Oireachtas, and the amount so allocated, together with the other expected income of the higher education and research institution as agreed with An tÚdarás and the Higher Education and Research Grants Committee, shall be the budget of the higher education and research institution for the financial year. 15
- (3) When the budget of a higher education and research institution has been determined, it shall be a function of the chief officer, acting on the authority of the governing authority, to carry it into effect. 20
- (4) The Higher Education and Research Grants Committee may at any time, on application made to it by the governing authority of a higher education and research institution, increase the amount of money to be allocated to the higher education and research institution from moneys provided thereunder. 25
- (5) Where the chief officer of a higher education and research institution is of the opinion that a proposed course of action of the governing authority will or is likely to result in expenditure in excess of the budget which has not been increased in accordance with *subsection (4)*, (in this section referred to as a “material departure from the budget”) the chief officer shall so inform the governing authority. 30
- (6) Where a governing authority, despite being informed as required by *subsection (5)*, decides to proceed with its course of action, the chief officer shall, unless satisfied that a material departure from the budget will not occur, as soon as practicable, inform An tÚdarás and the Higher Education and Research Grants Committee of the decision of the governing authority. 35
- (7) Where, notwithstanding this section, a higher education and research institution incurs expenditure in excess of its budget which is not met from the income of the higher education and research institution other than the money allocated to it by the Higher Education and Research Grants Committee, that excess shall be a first charge 40

on the budget for the next succeeding financial year.

- (8) A higher education and research institution that exceeds its budget for an excess of 24 months will be placed under the direct financial control of the Higher Education and Research Grants Committee.

#### **Ability to borrow funds**

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37. (1) A higher education and research institution may borrow money by means of bank overdraft or otherwise and may guarantee or underwrite a loan taken or borrowing undertaken by a person or a body of persons.
- (2) Borrowing, guaranteeing and underwriting under *subsection (1)* shall be in accordance with a framework which shall be agreed from time to time between the higher education and research institutions subject to the regulatory authority of An tÚdarás and the Higher Education and Research Grants Committee, following consultation by Higher Education and Research Grants Committee with the Minister and the Minister for Public Expenditure and Reform. 10
- (3) All borrowing, guaranteeing and underwriting under *subsection (1)* shall be in accordance with a framework which shall be agreed from time to time between the higher education and research institutions subject to a statement produced by the higher education and research institution of project appraisal, including at minimum a statement of cost-benefit-analysis, scenario analysis and multi-criteria analysis, lodged with An tÚdarás and the Higher Education and Research Grants Committee. 15 20

#### **Presentation of financial accounts**

38. (1) A higher education and research institution shall keep, in such form as may be approved by An tÚdarás and the Higher Education and Research Grants Committee, all proper and usual accounts and records of all income received or expenditure incurred by it. 25
- (2) Accounts kept in pursuance of *subsection (1)* shall, to the extent directed by the Comptroller and Auditor General, be submitted annually by a higher education and research institution to the Comptroller and Auditor General, for audit, by such date as the Comptroller and Auditor General may from time to time determine and, immediately after the audit, a copy of the accounts, together with a copy of the report of the Comptroller and Auditor General on the accounts, shall be presented by the higher education and research institution to An tÚdarás and to the Minister. 30
- (3) The Minister shall cause copies of the accounts presented under this section to the Minister, together with copies of the report of the Comptroller and Auditor General on those accounts, to be laid before each House of the Oireachtas. 35

#### **Fees**

39. (1) A higher education and research institution subject to the regulatory authority of An tÚdarás may determine and charge fees of such amounts for student registration, courses, lectures, examinations, exhibitions or any other event, service or publication held or provided at or by, or produced by, the higher education and research institution. 40

- (2) The Higher Education and Research Grants Committee may review with the universities the fees charged or proposed to be charged by the higher education and research institutions subject to the regulatory authority of An tÚdarás for student registration and courses, and for lectures and examinations relating to those courses.
- (3) Arising from a review under *subsection (2)*, the Higher Education and Research Grants Committee may, without prejudice to *subsection (1)* and after consultation with the Minister for Education and Skills and the Minister for Public Expenditure and Reform, advise the higher education and research institutions subject to the regulatory authority of An tÚdarás on the fees which in its opinion should be charged. 5

### **Strategic Planning**

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40. (1) The chief officer shall, with the approval of the governing authority and having regard to the strategic development plan under *section 33*, as soon as practicable after the end of each period, not exceeding three years commencing on the commencement of this Part or at the end of the previous such period, whichever is the later, as the governing authority thinks fit, prepare a report on the operations and the performance of the higher education and research institution during that period. 15
- (2) The governing authority shall publish the report in such form as it thinks fit and shall provide the Minister with a copy and the Minister shall cause a copy of the report to be laid before each House of the Oireachtas as soon as practicable after it is received by him or her. 20

### **Disposal and sale of property by a higher education and research institution**

41. (1) Subject to *subsection (2)*, a higher education and research institution may sell or otherwise dispose of any land the property of the higher education and research institution.
- (2) Where the acquisition, development or refurbishment of land, the property of a higher education and research institution, was funded in whole or in part out of moneys provided by the Oireachtas after the date of the passing of this Act, a sale or other disposal of that land shall be subject to such terms and conditions relating to a payment to the Minister in recompense for such moneys, as may be agreed between the Minister and the governing authority. 25 30
- (3) If a higher education and research institution ceases to be funded substantially from moneys provided by the Oireachtas, then all moneys provided to the higher education and research institution by the Oireachtas after the date of the passing of this Act for the acquisition, development or refurbishment of land, or for the acquisition of any other assets which are the property of the higher education and research institution, shall be repayable to the Minister subject to such terms and conditions, including as to the amount to be so repaid, as may be agreed between the Minister and the governing authority. 35
- (4) Where the Minister and a governing authority cannot agree on terms and conditions referred to in this section, the issues in dispute shall be determined by an arbitrator appointed by the President of the High Court and any arbitration shall be conducted in accordance with the Arbitration Acts 1954 and 1980. 40

## Establishment of a Technological University

42. The establishment of a Category III institution, otherwise known as a Technological University, by the Minister for Education and Skills will follow the following structure:
- (a) a commission of 12 academic experts will be appointed by the Minister for Education and Skills to evaluate applications for Technological University for academic credence; 5
  - (b) the name of this commission shall be the Commission on the Creation of Technological Universities;
  - (c) the Chairman of this commission will be the Chancellor of Oxford University;
  - (d) the members of the commission will be members of the senior professoriate from the following academic institutions: 10
    - (i) Cambridge University;
    - (ii) Harvard University;
    - (iii) Massachusetts Institute of Technology;
    - (iv) Cornell University; 15
    - (v) The University of Westminster;
    - (vi) Cranfield University;
    - (vii) École Polytechnique Fédérale de Lausanne (EPFL);
    - (viii) Technische Universiteit Eindhoven;
    - (ix) Technische Universität München; 20
    - (x) Danmarks Tekniske Universitet (DTU);
    - (xi) École Nationale Supérieure de Techniques Avancées;
    - (xii) École Nationale d'Ingénieurs de Saint-Étienne;
  - (e) a body currently categorised as a Category II institution under this Act and as an enumerated institution under the 2006 Act may apply for the status of Technological University if it fulfills the criteria laid out by the commission of academic experts; 25
  - (f) the Higher Education and Research Grants Committee will prepare a statement of financial fitness for the Minister for Education and Skills on the matter of the financial and fiscal dimensions of the application for Technological University. This will include the position of the Committee on pressures that the new Technological University shall place on the Exchequer. The Minister for Public Expenditure and Reform will include an additional note to the Minister for Education and Skills of the considered opinion of his Department or the application; 30 35
  - (g) the Minister for Education and Skills will not obligate an institution to relocate, merge or otherwise modify its physical location or administrative operations if it fulfils the essential academic criteria for a Technological University as laid out by the Commission and financial obligations as outlined by the Committee;

- (h) this Act provides the Minister for Education and Skills with the authority to create a Technological University by Statutory Instrument laid before both houses of the Oireachtas;
- (i) all Technological Universities shall be subject to the regulations and conditions laid out in this Act, the 1997 Act and the 2006 Act, as well as regulations that the Minister for Education and Skills see fit to publish from time-to-time. 5



## SCHEDULE 1

### Section 14(4)

#### RESTRICTIONS AND CONDITION OF MEMBERSHIP OF THE GOVERNING AUTHORITY

##### GOVERNING AUTHORITY

1. (1) As soon as practicable after its establishment, the governing authority of a higher education and research institution shall provide and retain in its possession a seal of the higher education and research institution. 5
- (2) The seal of a higher education and research institution shall be authenticated by the signature of the chairperson or a member of the governing authority, and by the signature of an employee of the higher education and research institution, authorised by the governing authority to act in that behalf. 10
- (3) Judicial notice shall be taken of the seal of a higher education and research institution, and every document purporting to be an instrument made by a higher education and research institution and to be sealed with the seal of the higher education and research institution (purporting to be authenticated in accordance with this Schedule) shall be received in evidence and shall, unless the contrary is shown, be deemed to be such instrument, without further proof. 15
2. (1) Each governing authority shall have a chairperson, as provided for in *section 16*, who may be designated by such title as the governing authority determines.
- (2) The chairperson may, at any time, resign from office as chairperson by letter addressed to the governing authority and the resignation shall take effect on the date on which the letter is received. 20
3. (1) A member of a governing authority may, for good and valid reason, be removed from office by resolution of the governing authority.
- (2) A member of a governing authority may, at any time, resign from office as a member by letter addressed to the chairperson and the resignation shall take effect on the date on which the letter is received. 25
- (3) A member of a governing authority who is absent from all meetings of the governing authority for a period of six consecutive months, unless the absence was due to illness or was approved by the governing authority, shall at the expiration of that period cease to be a member of the governing authority. 30
- (4) A member of a governing authority (including a chairperson appointed under *section 16(3)*) whose term of office expires by effluxion of time shall be eligible for re-appointment.
4. (1) Subject to this *Schedule* and to *section 20*, the term of office of a member of each succeeding governing authority, other than an *ex officio* member, shall be not less than three years and not more than five years as determined by the governing authority holding office immediately before the appointment of that member. 35
- (2) A member of a governing authority who is a student of the higher education and research institution shall hold office for such period, not exceeding one year, as the governing authority may determine but may be re-appointed for a further period or further periods, on each occasion not exceeding one year. 40
5. (1) If a member of a governing authority dies, resigns, is removed from office or for

any other reason ceases to hold office, the governing authority shall arrange for the filling of the casual vacancy so occasioned as soon as practicable.

- (2) A person who becomes a member of a governing authority to fill a casual vacancy shall, subject to this Schedule, hold office for the remainder of the term of office of the member whose death, resignation, removal from office or ceasing for other reasons to hold office occasioned the casual vacancy and shall, subject to *paragraph 3(4)*, be eligible for re-appointment. 5
6. (1) Each governing authority shall, from time to time as the occasion requires, appoint from amongst its members a member (other than the chief officer) to be its deputy-chairperson. 10
- (2) The deputy-chairperson shall, unless he or she sooner resigns as deputy-chairperson, hold office until he or she ceases to be a member of the governing authority.
7. (1) Where a member of a governing authority—
- (a) is adjudged bankrupt or makes, under the protection or procedure of a court, a composition or arrangement with creditors, 15
- (b) is sentenced to a term of imprisonment by a court of competent jurisdiction, or
- (c) ceases to be a member of the category of person, as provided for in *section 15*, to which he or she belonged at the time of becoming a member, 20
- he or she shall thereupon cease to be a member of the governing authority.
- (2) A person shall not be eligible to be a member of a governing authority if he or she—
- (a) is an undischarged bankrupt,
- (b) within the immediately preceding three years has, under the protection or procedure of a court, made a composition or arrangement with creditors, or 25
- (c) within the immediately preceding five years, has been sentenced to a term of imprisonment by a court of competent jurisdiction.
8. (1) A member of a governing authority who has an interest in—
- (a) a company (other than a public company of which he or she is not a director or otherwise involved in its management) or concern with which the higher education and research institution proposes to make a contract, or 30
- (b) a contract which the higher education and research institution proposes to make,
- shall disclose to the governing authority the fact of the interest and its nature and shall take no part in any deliberation or decision of the governing authority relating to the contract, and the disclosure shall be recorded in the minutes of the governing authority. 35
- (2) A member of a governing authority of a higher education and research institution who is related to a person who is a candidate for appointment by the governing 40

- authority as an employee of the higher education and research institution, shall disclose to the governing authority the fact of the relationship and its nature and shall, if the governing authority so decides, take no part in any deliberation or decision of the governing authority relating to the appointment, and the disclosure and decision shall be recorded in the minutes of the governing authority. 5
- (3) A member of a governing authority of a higher education and research institution shall at all times act, as a member, in the best interests of the higher education and research institution and shall not act as a representative of any special interest provided that nothing in this paragraph shall restrict a member from representing at meetings of the governing authority the views of those by whom he or she has been elected or to restrict the freedom of expression of that member. 10
9. The chairperson and members of a governing authority, other than an *ex officio* member who is an employee of the higher education and research institution, shall be paid out of funds at the disposal of the governing authority such allowances for expenses as the Minister, with the approval of the Minister for Finance, may decide. 15
10. (1) A governing authority shall hold such and so many meetings, and at such times, as the chairperson may determine.
- (2) The chairperson shall convene a meeting of the governing authority whenever requested to do so by not less than the number of members which constitute a quorum. 20
- (3) The quorum for a meeting of a governing authority shall be one third of the total number of members, rounded up to the nearest whole number, plus one.
11. At a meeting of a governing authority—
- (a) the chairperson shall, if present, be the chairperson of the meeting, or 25
- (b) if and so long as the chairperson is not present or the office of chairperson is vacant, the deputy-chairperson shall, if present, be the chairperson of the meeting,
- (c) if and so long as the chairperson is not present or the office of chairperson is vacant, and the deputy-chairperson is not present or the office of deputy-chairperson is vacant, the members of the governing authority who are present shall choose one of their number to preside at the meeting. 30
12. Every question at a meeting of a governing authority shall be determined by consensus, but where in the opinion of the chairperson or other person presiding consensus is not possible, the question shall be decided by a majority of the votes of members present and voting on the question and, in the case of an equal division of votes, the chairperson or other person presiding shall have a second or casting vote. 35
13. Subject to *paragraph 10(3)*, a governing authority may act notwithstanding one or more than one vacancy among its members or any deficiency in the election or appointment of a member which may subsequently be discovered. 40
14. Subject to this Act, a governing authority shall regulate, by standing orders or otherwise, its procedure and business.

15. Subject to this Act, the governing authority of a higher education and research institution may make, from time to time, such regulations as it thinks fit for the conduct of the affairs of the higher education and research institution.

## SCHEDULE 2

### Section 23(3)

#### RESTRICTIONS AND CONDITION OF OFFICE OF THE CHIEF OFFICER

##### CHIEF OFFICER

1. The chief officer of a higher education and research institution shall, subject to this Act, manage and direct the higher education and research institution in its academic, administrative, financial, personnel and other activities and for those purposes has such powers as are necessary or expedient. 5
2. In performing his or her functions the chief officer shall be subject to such policies as may be determined from time to time by the governing authority and shall be answerable to the governing authority for the efficient and effective management of the higher education and research institution and for the due performance of his or her functions. 10
3. (1) A chief officer may delegate any of his or her functions to an employee of the higher education and research institution, including any functions delegated to the chief officer in accordance with *section 24(2)*, unless they are so delegated to the chief officer subject to the condition that they shall not be sub-delegated, and the employee shall be answerable to the chief officer for the performance of those functions. 15  

(2) Notwithstanding any such delegation, the chief officer shall at all times remain answerable to the governing authority in respect of the functions so delegated.
4. A chief officer shall not hold any other office or position without the consent of the governing authority. 20
5. A chief officer shall be entitled to be a member of and preside over any and every committee appointed by the governing authority.

### SCHEDULE 3

Section 24(7)

#### MATTERS RELATED TO SUPERANNUATION

##### SUPERANNUATION

1. As soon as practicable after the commencement of *Part 3* a higher education and research institution shall, subject to *section 24*, prepare and submit to An tÚdarás a scheme or schemes for the granting of pensions, gratuities and other allowances to or in respect of each of its employees (including the chief officer) as it thinks fit consequent on their retirement or death as the case may be. 5
2. Every scheme shall fix the time and conditions of retirement of all persons to or in respect of whom pensions, gratuities or allowances are payable under the scheme and different times and conditions may be fixed in respect of different classes or persons. 10
3. A higher education and research institution may at any time prepare and submit to An tÚdarás a scheme amending a scheme previously submitted and approved under this Schedule. 15
4. A scheme or amended scheme submitted to An tÚdarás under this Schedule shall, if approved by An tÚdarás with the consent of the Minister and the Minister for Public Expenditure and Reform, be carried out by the higher education and research institution in accordance with its terms.
5. If a dispute arises as to the claim of any person to, or the amount of, any pension, gratuity or allowance payable in pursuance of a scheme under this Schedule, it shall be submitted to An tÚdarás for determination by An tÚdarás subject to the agreement of the Minister and the Minister for Finance. 20
6. No pension, gratuity, allowance or other payment shall be granted by a higher education and research institution nor shall any other arrangements be entered into by the higher education and research institution for the provision of a pension, gratuity, allowance or other payment to or in respect of an employee (including the chief officer) otherwise than in accordance with a scheme under this Schedule, or with the approval of An tÚdarás, given with the consent of the Minister and the Minister for Public Expenditure and Reform. 25
7. The Minister shall cause every scheme submitted and approved under this Schedule to be laid before each House of the Oireachtas as soon as practicable after it is so approved and if either House, within the next 21 days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done under the scheme. 30



An Bille Ardoideachais agus Taighde  
(Comhdhlúthú agus Feabhsú), 2014

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# BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht chun earnáil ardoideachais agus taighde na hÉireann a chomhdhlúthú d'fhonn struchtúr níos éifeachtúla, níos freagraí agus níos éifeachtaí a chinntiú le haghaidh acmhainní ardchaighdeáin oideachais, taighde agus eolais a sheachadadh ar mhuintir na hÉireann.

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*Na Seanadóirí Sean D. Barrett, Sean Ó Coróin,  
David Norris a thug isteach,*

*1 Aibreán, 2014*

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Higher Education and Research  
(Consolidation and Improvement) Bill 2014

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# BILL

*(as initiated)*

*entitled*

An Act to consolidate the Irish higher education and research sector so as to ensure a more efficient, responsible and effective structure for delivering quality education, research and knowledge resources to the Irish people.

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*Introduced by Senators Sean D. Barrett, John  
Crown, David Norris,*

*1st April, 2014*

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