

The University of Dublin

Trinity College

Minutes of Board Meeting, 8 December 2009

Present Provost (Dr J Hegarty), Vice-Provost/Chief Academic Officer (Dr P J Prendergast), Senior Lecturer (Dr A Douglas), Registrar (Dr J Barkhoff), Dr S P A Allwright, Ms G Clarke, Mr P G Connell, Mr A Cooke, Mr W J Dowling, Mr R Hodson, Dr E Mac Cárthaigh, Dr A McElligott, Dr J F McGilp, Dr K J McGinley, Ms P Murphy, Mr C Ó Broin, Dr E J O'Halpin, Dr D O'Neill, Dr A J Piesse, Dr H J Rice, Dr S M Ryan, Dr D M Singleton, Mr B Sweeney, Dr J K Vij.

Apologies Bursar (Dr M M O'Mahony), Mr C Cashman, Ms M A Coffey.

In attendance Ms S Mac Bride.

(ex officio) Secretary to the College, Treasurer.

(by invitation) Interim Chief Operating Officer.

Chair of the Audit Committee (for BD/09-10/080)

Internal Auditor (for BD/09-10/080)

Vice-Provost for Medical Affairs (for BD/09-10/081)

Director of Strategic Initiatives (for BD/09-10/078 and BD/09-10/082)

Dean of Arts, Humanities and Social Sciences (for BD/09-10/082)

BD/09-10/076 Minutes The minutes of the meeting held on 11 November 2009 were approved and signed subject to the following amendments:

- (i) Apologies were amended to include Ms Murphy and Dr Vij;
- (ii) **BD/09-10/051 Policy on Good Research Practice** The following sentence was inserted at the end of the minute "The Board noted Dr O'Neill's dissent";
- (iii) **BD/09-10/070 (ii) Postgraduate Travelling Scholarship in Surgery 2009-2010/Sheppard Memorial Prize/Edward Halloran Bennett Medal in Surgery** The name Mr James O'Brien was amended to read Mr James O'Riordan.

BD/09-10/077 Matters Arising from the Minutes A number of matters arising from the minutes were discussed and have been recorded below, (see minutes BD/09-10/078, and 079 below).

BD/09-10/078 Pension Matters (see minute BD/09-10/055 of 11 November 2009) The Director of Strategic Initiatives, present by invitation, advised Board that a meeting with the Department of Finance, the Department of Education and Science and the HEA had taken place regarding discretionary provisions in the Master Pension Scheme. He advised Board of the current position regarding:

- (i) **Retirement at age 60** - the Departments confirmed that the discretions provided for in the Scheme will rest with the Ministers for the foreseeable future and that there is no intention to discontinue or remove any discretion.

The development of a framework that will consider the future exercise and delegation of discretion will be considered by the Departments in due course;

- (ii) **Added years at age 65** - the Departments confirmed that they do not propose to seek to amend the discretionary added years awarded on retirement at normal pension age (65 years).

The Board noted that this was a formal undertaking given to the College by the Departments and that the delegation of discretions was also provided for in the Financial Measures (Miscellaneous Provisions) Act 2009. Noting the concerns raised by some Board members, the Board accepted that the alternative to transferring the assets and liabilities to the National Pension Reserve Fund was not a viable option and that the undertaking offered provides adequate protection of discretions under the Master Pension Scheme.

The Board accepted the undertakings provided, at the meeting of 18 November 2009, by the Department of Finance and the Department of Education and Science and the HEA relating to the exercise of discretion regarding retirement at age 60 and added years at age 65.

The Board noted Dr McGinley's, Ms Murphy's and Mr Connell's dissent.

BD/09-10/079 Statutes Review - Draft Ordinance - Procedure for Choosing Future Provosts - Interview Process (see minute BD/09-10/056 of 11 November 2009) The Provost advised Board that the draft ordinance for the Procedure for Choosing Future Provosts -Interview Process had received the assent of the Fellows and would now be sent to the Visitors for approval.

BD/09-10/080 Audit Committee Annual Report 2008-2009 The Provost welcomed Mr Collins, Chair of the Audit Committee, and the Internal Auditor to the meeting. Mr Collins invited Board's attention to the Audit Committee's Annual Report for 2009 which had been circulated, noting the following five areas.

1. Funding Mr Collins invited Board's attention to the challenges faced by the College due to the external economic crisis and how this will increase competition for decreased resources. The Board noted the increased public appetite for transparency in the use of public funds and the potential risks where such transparency does not exist. Mr Collins welcomed the steps taken by the Funding/Planning Committee in anticipation of reduced resources.

2. Risk Management The Audit Committee, noting the need for continued work in this area, welcomed the particular progress which has been achieved towards implementing a formal risk management process within general management procedures.

3. Reputational Risk Mr Collins stated that the reputational risk to the College was likely to increase due to the instability of the economy. The Board noted the Audit Committee's recommendation that the College undertake an exercise to facilitate more active management of this risk.

4. Code of Governance Mr Collins, noting Board's decision in June 2008 (minute BD/07-08/326 refers) to approve the Code of Governance, recognised the progress which the College has made in complying with the Code. The Board noted that inter-institutional ventures and Research Groups must now be aligned more closely with the Code.

5. E-Strategy Mr Collins invited Board's attention to the importance of the successful implementation of e-strategy and in particular to the introduction of a new Student

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Administration System (SAS). The Board noted the Audit Committee's recommendations to:

- (a) reconsider the balance between the introduction of an entirely new SAS and the option of replacing or updating part of the system taking into account the time constraints of the project;
- (b) develop a broader long-term vision for e-strategy;
- (c) shorten the current timetable given the risks inherent in the existing student administration system.

Noting the importance of the relationship between e-strategy and IS Services, the Audit Committee expressed concern that the position of Director of IS Services has not yet been filled. Mr Collins advised that e-strategy provided the College with an opportunity to embrace efficient financial systems which could provide savings to the College.

Noting the Audit Committee's concerns at the on-going unavailability of information from the Haughton Institute, the Provost advised Board that this matter had been resolved and that the Internal Auditor would receive outstanding data shortly.

In response to queries from Board members, Mr Collins, the Internal Auditor and the Interim Chief Operating Officer clarified a number of technical issues noting in particular that:

- (i) the Audit Committee uses a risk management process in order to identify a work programme for the year and to identify areas on which it will focus;
- (ii) the Audit Committee is willing to report to Board more than once a year should it be of assistance to the Board;
- (iii) it is hoped that the position of Director of IS Services will be filled before the end of the Academic year;
- (iv) a review of the governance of external research may address some aspects of reputational risk.

The Board thanked the Chairman and the Internal Auditor for the Annual Report and their significant work throughout the year, noting that a formal response to the Report will be prepared by Executive Officers for consideration by Board.

BD/09-10/081 Trinity Academic Medical Centre (TAMC) The Vice-Provost for Medical Affairs, present by invitation, invited Board's attention to a memorandum dated 2 December 2009 and a draft Collaborative Agreement which had been circulated. The Board noted that the proposed TAMC was based on the model of delegated authority to a board or committee, initially not involving incorporation but which may be incorporated at a later date.

The Vice-Provost for Medical Affairs advised Board that the proposal to establish Trinity Health combines the strengths of the College together with the expertise of the hospitals resulting in excellence in education, research and patient care. Noting that this is a College-led project, he advised Board that the College will have to be proactive in integrating a teaching and research strategy within a clinical environment as this has proved problematic in the past throughout the health care service. The Board noted that the College would have to capitalise on existing resources within the School of Medicine and the College to generate an academically driven service.

The Board examined the draft Collaborative Agreement and during the course of a long and detailed discussion a number of legal issues were identified which need to be addressed in the final agreement. In addition, issues in the following areas were identified as requiring further consideration:

1. Funding
2. Reporting arrangements
3. Governance

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4. Academic matters
5. Possible Partners

The Board approved the memorandum from the Vice-Provost for Medical Affairs as a basis for engaging with potential hospital partners and agreed that a revised legal Agreement, taking into account the points raised by Board members, would be presented to Board for approval in due course, together with clarification on financial and governance issues.

BD/09-10/082 External Relations - Economic and Social Research Institute The Dean of Arts, Humanities and Social Sciences and the Director of Strategic Initiatives, present by invitation, invited Board's attention to a memorandum, dated 1 December 2009, which had been circulated.

The Dean of Arts, Humanities and Social Sciences advised Board of the advantages which close links with the ESRI would bring to the College particularly in relation to research collaborations.

During the course of a discussion, the following issues were clarified by Dean of Arts, Humanities and Social Sciences and the Director of Strategic Initiatives:

- (i) any cost implications for the College will be subject to normal College procedures and will be considered by the Finance Committee and Board in the usual way;
- (ii) it is not expected that the proposed alliance will place an increased burden on the Library as the main requirement is for electronic access to the Library holdings;
- (iii) any additional cost to IS Services has yet to be assessed;
- (iv) the agreement creates a preferred partnership arrangement between the College and the ESRI;
- (v) the proposed alliance will not affect the independence of the ESRI or of the College;
- (vi) it is estimated that some fifty ESRI academic staff will be recognised as adjunct members of the College;
- (vii) it is expected that student supervision and occasional lectures would not be a cost to the College but that formal contributions to teaching programmes will be remunerated in the normal way.

In addition, Board members stated there is a need to ensure that the recognition of ERSI staff as adjunct staff of the College will be in accordance with College procedures and that the number of additional subscribers to electronic journals should be identified.

The Board agreed in principle to an alliance with the Economic and Social Research Institute noting that the formal terms and conditions of the alliance would be presented to Board for detailed consideration following the deliberations of the Steering Committee responsible for the implementation of the agreement. The proposed names of the College nominees to the Steering Committee will be presented to the next Board meeting.

BD/09-10/083 Provost's Report The Provost invited Board's attention to the following issues:

- (i) **Strategic Plan 2009-2014** - The Provost advised Board that the Strategic Plan had been launched on 23 November 2009. The Board noting the reasons why risk and cost factors were not associated with each action of the plan in the published version as previously agreed by Board, welcomed the Vice-Provost/Chief Academic Officer's proposal to present a progress report on the implementation of the plan every six months. The Board noted

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Dr O'Neill's comments in relation to School and Discipline governance which had been raised at the Board meeting held on 7 October 2009, and which will need to be addressed in the context of the Strategic Plan. Board noted that the Vice-Provost/Chief Academic Officer will present the first such report addressing risk factors and costs in Hilary Term. It was also agreed that any future deviation from Board decisions will be advised to Board at the first opportunity.

- (ii) **Plans for potential further industrial unrest** - The Provost, noting comments made by a number of Board members in relation to the National Day of Protest on 24 November 2009, advised that, while it is currently uncertain as to what form of industrial action might take place in the future, appropriate procedures would be put in place to address staff and student concerns.
- (iii) **Student services** - The Provost invited Board's attention to the concerns recently raised by the Students' Union regarding funding for the Library and other key services, noting that the IUA has been invited to attend the Oireachtas Joint Committee on Education and Science in January 2010 to discuss the disbursement of the student charge.
- (iv) **Graduate Network (see minute BD/09-10/007 of 16 September 2009)** - The Provost, noting that many graduates are now facing unemployment due to the economic crisis, advised Board of the introduction of the College's Graduate Network. The Board noted that the Dean of Graduate Studies, the Director of the Careers Advisory Service and Director of Alumni had received a large response to this initiative and that a six-week pilot programme of external mentoring will be launched at the end of January 2010.
- (v) **Ireland Academy of Dramatic Art (see minute BD/09-10/054 of 11 November 2009)** The Board noted that the Academy had been launched on 2 December 2009.

BD/09-10/084 TCD/UCD Alliance The Board noted the minute RS/09-10/05 of 6 October 2009 and the briefing document prepared by the Dean of Research, noting that all implementation aspects would be considered by the appropriate committees in College and by the Board in due course.

BD/09-10/085 Board Working Group on Staff Discipline The Registrar invited Board's attention to a memorandum, dated 1 December 2009, which had been circulated. He advised Board that the Working Group had been established by Board in January 2009 to develop proposals to ensure compliance with recent developments in legislation and best practice.

The Board noted that the Working Party had examined the implications of the Supreme Court judgement *Fanning -v- UCC* in which it is stated that, in order to comply with the Universities Act 1997, provisions relating to suspension and dismissal must be contained in a Statute. In light of the Supreme Court Judgement, the Working Party, after extensive consultation and having received expert legal advice, recommended the following:

- (i) the elevation of the current Schedule relating to academic staff discipline to a Statute substantially unchanged;
- (ii) the inclusion of disciplinary procedures relating to non-academic staff in a Statute.

The Board noted that the draft Statute containing the Working Party's recommendations would be presented to Board for approval at its next meeting.

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- BD/09-10/086 Review of Board's Operations - Results of self-evaluation of the Board** The Provost invited Board's attention to the results of the self-evaluation of the Board. Noting the areas which received low scores, the Board agreed that the Secretary would prepare a document outlining suggestions where improvements could be made.
- BD/09-10/087 Proposed Property Disposal** The Board approved the disposal of the freehold of a property on Pearse Street as proposed in a memorandum from the Director of Buildings, dated 27 November 2009, which had been circulated.
- BD/09-10/088 Student Case - Mental Health Statute - Outcome of Visitors' Hearing** The Secretary invited Board's attention to the outcome of a named student's appeals to the Visitor against Board decisions taken on 8 July 2009 and 16 September 2009 in which the Visitors stated that they are satisfied that the actions taken in suspending the student were appropriate and in accordance with the Statutes and that the appeals failed.
- BD/09-10/089 University Council** The Board confirmed the Acta of the University Council from its meeting held on 25 November 2009 subject to further comments covering CL/09-10/051, 056, 061, 062, 063 (Items from Section D in the Acta are set out in Section D of these minutes).
- BD/09-10/090 Grade Inflation in Irish Universities (see Actum CL/09-10/051 of 25 November 2009)** The Vice-Provost/Chief Academic Officer advised Board that due to an increase in the number of first class honours awarded, the Undergraduate Studies Committee will explore the introduction of grade point average scores as part of the existing degree classification system.
- BD/09-10/091 Irish Language Scheme Under Any Other Business** the Board noted an amendment to the Irish Language Scheme 2010-2012, prepared in accordance with Section 11 of the Official Languages Act 2003.

SECTION B

- BD/09-10/092 Audit Committee** The Board noted, and where a decision was required, approved proposals in the draft minutes of the Audit Committee from its meeting of 12 November 2009, with particular reference to:
- AD/09-10/18 Call-over** Dr McGilp advised Board of the concern at the delay in addressing the issues raised in the Internal Auditor's report on Inter-Institutional Agreements.
- AD/09-10/20 Consideration of Draft Trust Funds (Benefactions) Financial Statements for year to 30 June 2009** Dr McGilp advised Board of the Audit Committee's recommendation that the Trust Funds (Benefactions) Financial Statements should be approved and signed by Board.
- BD/09-10/093 Equality Committee** The Board noted, and where a decision was required, approved proposals in the draft minutes of the Equality Committee from its meeting of 18 November 2009, with particular reference to:

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Equal/09-10/03 Equality Committee Annual Report 2008-2009 Dr Ryan invited Board's attention to the highlights of the Equality Committee Annual report and the Equality Officer's Annual Report.

Equal/09-10/04 Equality Plan 2007-2009 Implementation Review Noting the HEA recommendation included in the Equality Plan 2007-2009, Dr Ryan advised Board of the Equality Committee's recommendation that mandatory equality training be provided to staff participating in interview panels.

Equal/09-10/07 Disability Act 2005 Dr Ryan advised Board that a second accessible entrance had been opened in Regent House and noted the preference for single accessible entrances in planning future developments.

BD/09-10/094 Finance Committee The Board noted, and where a decision was required, approved proposals in the draft minutes of the Finance Committee from its meeting of 4 November 2009, noting in particular:

FN/09-10 Draft Trust Funds (Benefactions) Financial Statements for year to 30 June 2009

- (a) Memorandum from the Treasurer, dated 2 December 2009;
- (b) Memorandum from the Treasurer, dated 1 December 2009
- (c) Draft Trust Funds (Benefactions) Financial Statements for year to 30 June 2009, together with Audit Opinion from KPMG;
- (d) Letter from the Provost to KPMG, dated 8 December 2009;
- (e) Memorandum from the Secretary to the Audit Committee, dated 18 November 2009.

BD/09-10/095 Personnel and Appointments Committee (see Actum CL/09-10/062 of 25 November 2009) The Board noted, and where a decision was required, approved proposals in the draft minutes of the Personnel and Appointments Committee from its meeting of 21 November 2009, noting in particular

PAC 2009-10/8 Senior Research Fellow/Research Lecturer In response to a query Dr Rice, Chair of the Personnel and Appointments Committee advised Board that work is scheduled to be undertaken in relation to Research Titles in conjunction with the Vice-Provost/Chief Academic Officer and the Staff Office.

BD/09-10/096 Student Services Committee (see Actum CL/09-10/056 of 25 November 2009) The Board noted, and where a decision was required, approved proposals in the draft minutes of the Student Services Committee from its meeting of 22 September 2009.

SECTION C

BD/09-10/097 Higher Degrees The Board noted Higher Degrees, approved by the sub-committee of Board and Council on 25 November 2009, as circulated.

BD/09-10/098 Proctors' Lists for Winter Commencements The Board noted that the Proctors' Lists were approved by the sub-committee of Board and Council on 1 December 2009.

BD/09-10/099 Regulations for Election to Board The Board noted and approved a memorandum from the Secretary to the College, circulated, dated 1 December 2009.

BD/09-10/100 Statutes Review: Time-table The Board noted and approved a memorandum from the Secretary to the College, circulated, dated 1 December 2009.

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BD/09-10/101 Bequests and Benefactions

- (i) **Estate of Dr Helen Watson McKelvie** The Board noted and approved a memorandum from the Treasurer, circulated, dated 24 November 2009;
- (ii) **Barbara Ryan Prize (and Calendar entry)** The Board noted and approved a memorandum from the Treasurer, circulated, dated 24 November 2009;
- (iii) **Technicon Research Fellowship - Amendment and New Calendar Entry** The Board noted and approved a memorandum from the Treasurer, circulated, dated 24 November 2009.

BD/09-10/102 Code of Governance - Directorships The Board noted that Professor P J Prendergast has been appointed a non-executive director of ClearStream Technologies, Moyne Upper, Enniscorthy, Co Wexford, in accordance with the College Code of Governance in relation to such appointments.

BD/09-10/103 Sealings The Board noted Sealings, as circulated, attached as an Appendix to these Minutes.

BD/09-10/104 Prizes and Other Awards - Awards 2009 The Board noted and approved a memorandum from the Senior Lecturer, circulated, dated 27 November 2009.

BD/09-10/105 Staff and Student Disciplinary Matters

- (i) **Panel of Enquiry and Disciplinary Panel** The Board noted a memorandum from the Secretary, circulated, dated 1 December 2009 and approved:
 - (a) **Deputy Chair of Panel of Enquiry** Ms Marguerite Bolger, SC (for three-years from 8 December 2009);
 - (b) **Secretary to Panel of Enquiry and Disciplinary Panel** Ms Monica Alcock, from 1 January 2010 (in place of Mr T Turpin).
- (ii) **Disciplinary Committee (Student) - Membership 2009-2010** The Board noted a memorandum from the Registrar, circulated, dated 2 December 2009, and approved the following nominations:

Chair

Registrar (Professor Jürgen Barkhoff)

Six members of the academic staff

Professor Cecily Begley

Dr Deirdre Connolly

Professor Linda Doyle

Dr Michael Manzke

Dr Breffni O'Rourke

Dr Micheál Ó Siochrú

Two members of the non-academic staff

Ms Olivia Lombard

Mr Frank O'Rourke

Six students of the College

Ms Sarah E Molan

Ms Orlaith Foley

Mr Alessio Frenda

Ms Chloe Kassis-Crowe

Mr Jason Devoy Keegan

Mr Cathal Reilly

BD/09-10/106 Callover of Board Decisions The Board noted a memorandum from the Secretary to the College, circulated, dated 1 December 2009.

BD/09-10/107 Annual Reports 2008 - Related Entity Financial Reporting The Board noted and approved a memorandum from the Treasurer, circulated, dated 1 December 2009 in respect of the following annual reports (Finance Committee minute FN/09-10/14 of 4 November 2009 refers):

- (i) Haughton Institute y/e 31 December 2008;
- (ii) Molecular Medicine Ireland - y/e 30 September 2008;
- (iii) HEAnet - y/e 31 December 2008.

BD/09-10/108 Campus Companies Venture Capital Fund Ltd Partnership - y/e 31 December 2008 (Finance Committee minute FN/09-10/15 of 4 November 2009 refers) The Board noted and approved a memorandum from the Treasurer, circulated, dated 1 December 2009 and audited Financial Statements of the Campus Company Venture Capital Fund Limited Partnership for the Year Ended 31 December 2008.

BD/09-10/109 NIBRT - IDA Supplemental Agreement The Board noted that this agreement had been signed on 30 October 2009.

SECTION D

In compliance with the Data Protection Acts this information is restricted.

Signed:

Date:.....

Sealings

6 July 2009

Conveyance of Phoenix House, South Leinster Street

The Seal of the College was put to a deed of conveyance and assignment for Phoenix House, South Leinster Street, between Friends First Life Assurance Company Limited and the Provost, Fellows and Scholars of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin.

19 August 2009

Biotechnology Institute

The Seal of the College was put in duplicate to a Licence Agreement for a unit at the north side of the second floor and also the GMP suite on the first floor of the Biotechnology Institute, between the Provost, Fellows and Scholars of the College of the Holy and Undivided Trinity of Queen Elizabeth Near Dublin and Merrion Pharmaceuticals Ireland Limited.

19 August 2009

Trinity Technology and Enterprise Campus - Unit 9A & B - Argutus Medical Ltd

The Seal of the College was put to a Licence Agreement for Units 9A & 9B in the Trinity Technology and Enterprise Campus between the Provost, Fellows and Scholars of the College of Holy and Undivided Trinity of Queen Elizabeth near Dublin and Argutus Medical Ltd.

2 October 2009

TILDA - Space licensed from UCC & CIT

The Seal of the College was put in triplicate to a Licence Agreement for space at Copley Court, Copley Street Cork for use by the TILDA research project between University College Cork and Cork Institute of Technology of the one part and the Provost, Fellows and Scholars of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin of the other part.

23 October 2009

NIBRT

The Seal of the College was put to a supplemental agreement between the Industrial Development Agency in the first part, University College Dublin, the Provost, Fellows and Scholars of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin, Dublin City University, the Institute of Technology Sligo in the second part and the National Institute for Bioprocessing Research and Training Limited in the third part

3 November 2009

Conveyance of 4/5 College Green - Anthony Duffy

The Seal of the College was put to a deed of conveyance in fee simple for 4/5 College Green between Antony Duffy and the Provost, Fellows and Scholars of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin.