

Incorporating any amendments approved at subsequent Board meetings

The University of Dublin

Trinity College

Minutes of Board Meeting, 27 February 2008

<i>Present</i>	Provost (Dr J Hegarty), Vice-Provost (Dr R M J Byrne), Registrar (Dr J Barkhoff), Bursar (Dr D C Williams), Senior Lecturer (Dr C Kearney), Dr A Butterfield, Mr A Byrne, Ms M A Coffey, Dr J F Donegan, Dr A C Donnelly, Mr A Frenda, Ms U Faulkner, Dr J M Kelly, Dr E Mac Cárthaigh, Dr K J McGinley, Mrs P E Murphy, Dr D P O'Donovan, Dr E J O'Halpin, Dr J A N Parnell, Dr A J Piesse, Mr B Rock, Mr M A Slevin, Mr B Sweeney, Dr J K Vij.
<i>Apologies In attendance</i>	Ms G M Clarke, Dr H J Rice, Dr S M Ryan.
<i>(ex officio)</i>	Secretary, Treasurer (Acting), Assistant Secretary.
<i>(by invitation)</i>	Director of Buildings (for BD/07-08/199, 203).

SECTION A

BD/07-08/187 Minutes The minutes of the meeting held on 30 January 2008 were approved and signed subject to the following amendments:

BD/07-08/157 Research Matters The last sentence of the fifth paragraph was amended to read 'He stated that the selection and prioritisation of the College's proposals will be overseen by the Provost, the Dean of Research, the three Faculty Deans, the Senior Lecturer and the Dean of Graduate Studies.'

BD/07-08/158 An Post Site Development Point (i) on the top of page 5 was amended to read:

- (i) postgraduate students in the Arts and Humanities areas, who will ultimately be provided with facilities in the Long Room Hub, will be provided with alternative accommodation if the 1937 Reading Room is refurbished for use by the Long Room Hub. If this should be the case postgraduate students in other disciplines will be provided with facilities in alternative locations;

BD/07-08/188 Matters Arising from the Minutes A number of matters arising from the minutes were discussed and have been recorded below, (see minutes BD/07-08/189/190/191/192).

BD/07-08/189 Provost's Report (see minute BD/07-08/154 of 30 January 2008) The Provost advised Board that he hoped to present a nomination for Bursar to Board for approval at the next meeting.

BD/07-08/190 Restructuring (see minute BD/07-08/155 of 30 January 2008) The Board approved the nomination of Mr David Allen from the University of Exeter as the External on the Interview Committee for the post of Chief Operating Officer to replace Mr Steve Cannon who had withdrawn.

BD/07-08/191 Senior Lecturer's Annual Report (see minute BD/07-08/159 of 30 January 2008)

- (i) The Senior Lecturer clarified the circumstances in which the Graduate Studies Committee had managed the approval process of the MSc Biomedical Sciences (Intercalated) and confirmed that, to date, no students had registered for the course.
- (ii) The Secretary invited the Board's attention to a memorandum which had been tabled outlining a schedule of Annual Reports from administrative and service areas. He advised Board that it has been the long-standing practice in a number of areas to submit Annual Reports to the relevant Principal Committee through which they have come to the attention of Board.

BD/07-08/192 Appeal to the Visitors (see minute BD/07-08/164 of 30 January 2008) The Board noted the following personal statement which Dr Vij requested to read to the meeting.

I have sought legal advice, which states that the Visitors' Judgment is a document in the public domain and I have therefore asked for it to be circulated to the Fellows.

The Judgment is very clear in saying that the Board can make policy decisions and appoint the COO, but it also implies that the duties which can be given to the COO should not overlap with the Statutory duties of the Annual Officers, Secretary and Treasurer.

If the Statutes are not modified to take account of any changes in responsibility, then there will be duplication of function, wage costs and the possibility of a further appeal.

In light of the Judgment, it would be irresponsible of the Board to make this appointment, without having approved in advance the duties of this post and, if necessary, taking steps to have the Statutes modified in consequence. The proposed duties should be notified to the Board for approval without delay. In the minutes of the Board meeting of June 26 2007, it is recorded that the 'Board requested that the job specification and procedure for the appointment of the COO would be presented to Board at the next meeting'. The search committee has been approved by the Board but to my knowledge job specification has not specifically been brought to the Board for approval.

BD/07-08/193 Provost's Report

- (i) **Strategic Innovation Fund Round 2 (SIF 2)** The Provost invited Board's attention to the successful outcome of the College's application to SIF 2, noting that decisions were awaited in relation to two major initiatives submitted for funding.
- (ii) **Emergency Response Plan** The Provost advised Board that a College-level Emergency Response Plan, coordinating the plans which are currently in place in individual areas, was being prepared and that it would be presented to Board in due course.

BD/07-08/194 Estimates of Income and Expenditure 2008 The Treasurer (Acting), introducing the topic, invited Board's attention to a memorandum dated 21 February 2007 which had been circulated containing:

- (a) HEA correspondence (Recurrent Grant Allocation Letter dated 24 January 2008 and accompanying tables);

- (b) basis of preparation of 2008 Estimates of Income and Expenditure and approved by Executive Officers on 8 February 2008 (minutes of Special Meeting of Executive Officers held on 8 February 2008 enclosed);
- (c) 2008 Estimates of Income and Expenditure Account with explanatory notes;
- (d) 2008 Estimates of Income and Expenditure set out in the HEA format;
- (e) 2009 High Level Estimates of Income and Expenditure including, and excluding, research;
- (f) draft letter for 2006/2007 from the Provost on behalf of the College to the HEA according to the Framework for Borrowing and Loan Guarantees;
- (g) draft letter to the HEA in accordance with S 37(5) of the Universities Act 1997.

The Board also noted minute FN/07-08/46 from the Finance Committee meeting held on 18 February 2008 which had been circulated. The Treasurer (Acting) advised Board that he had responded to a number of detailed queries from Board members in advance of the meeting.

The Treasurer (Acting) invited Board's attention to the current developments in relation to the Recurrent Grant Allocation Model (RGAM) which is now in its third and final year of implementation. He advised Board that the core grant for the sector in 2008 represented an increase of 3.2% over the outturn for 2007 with the 2008 grant allocation for the College being determined via the RGAM with a moderating mechanism of plus/minus one percent (compared to the plus/minus two percent of previous years). The Board noted that following the application of the RGAM and its moderating mechanism, the College had received a recurrent core grant for 2008 of €96.63m with a request from the HEA that the College present its plans to address the implied future reduction in the core grant.

He advised Board that the HEA had requested that the amount per student notified under the Skills Funding initiative be allocated to the appropriate Schools. The Board noted that, as this request from the HEA represents a departure from previous HEA guidance where the internal allocation of funds between teaching and research was a matter for each institution, the Finance Committee had requested the ARAM Task Force to consider the implications of this new requirement for the College's internal resource allocation as determined by the ARAM model.

The Board considered the 2008 Income and Expenditure Estimates as circulated, noting that notification of the funds received under SIF 2 had been received too late for inclusion. The Treasurer (Acting) invited Board's attention to the projected deficit of €3.4m after making provision for the Protection of Employees (Fixed Term Work) Act, 2003 (FTWA) and a Contingency Fund to meet possible unforeseen/unplanned expenditure requirements before the year-end. Executive Officers, having considered all related issues, had agreed that, pending the resolution of the negotiations with the HEA in relation the FTWA, the College should continue to make provision for this liability. The Board noted that Executive Officers had considered and approved the majority of the funding requests which it had received on a once-off basis (subject to some minor caveats).

The Treasurer (Acting) invited the Committee's attention to the High Level Estimated Outturn for 2009 which, having been based on certain assumptions in regard to projected income and pay and non-pay expenditure, identified a recurrent deficit in the order of €7.4m after provision for FTWA liabilities.

The Board noted the current position in respect of the current FTWA provision(s), incremental funding now available from an additional HEA Supplementary Grant received in December 2007, the release of certain provisions held at 30 September 2007 and the contingency fund provisions in the 2008 Estimates. The Provost advised Board that proposals for the allocation of these released funds would be presented to Board in due course.

The Board noted the draft letter for 2006/2007 from the Provost on behalf of the College to the HEA according to the Framework for Borrowing and Loan Guarantees and the draft letter to the HEA in accordance with S 37(5) of the Universities Act 1997.

In the course of discussion, the prudent management of the College's finances in recent years was deemed to have been the appropriate approach, but it was noted that there is an urgent need for the Government to resolve the issues in relation to the liabilities under the FTWA so that the College will be able to plan its finances in a more certain environment. It was also noted that the management of the College's finances would be greatly enhanced by well-developed Management Information Systems.

The Treasurer (Acting) clarified a number of technical issues in response to queries from Board members.

The Bursar invited Board's attention to the following on-going allocations which had been proposed, *inter alia*, as part of the Estimates process:

- additional once-off funding for administrative and service areas, including back-log maintenance, web development and the preparation of the College Calendar;
- essential activities in the provision of student services;
- a full-time Equality Officer to meet the College's compliance requirements.

The Board noted and where appropriate approved:

- (i) the reduction in grant of 2.7% over 2007 as determined by RGAM, without the moderating factor being applied and the Finance Committee's recommendation that the Board decision in June 2007 with regard to accelerating key elements of the College's Strategic Plan should form the basis of the response to the HEA in terms of how the College proposes to deal with the implied future reduction in the HEA's recurrent grant;
- (ii) the 2008 Estimates of Income and Expenditure;
- (iii) the high level outturn for 2009;
- (iv) the content of the draft letter to the HEA from the Provost under the Framework for Borrowing and Loan Guarantees for 2006/2007;
- (v) the content of the draft letter to the HEA in accordance with Section 37 (5) of the Universities Act, advising of the planned deficit for 2008.

The Provost thanked the Treasurer (Acting) and his staff for their very hard and thorough work within a very tight deadline.

BD/07-08/195 ARAM The Bursar invited Board's attention to a paper dated 26 February 2008 which had been circulated. He apologised for its late circulation. The Bursar noted the key issues which the Board had requested the ARAM Task Force to consider and he advised Board that since the last discussion on ARAM issues (minute BD/07-08/119 of 11 December 2007 refers) the ARAM Task Force had prepared the draft outcomes for 2006/2007 which would be circulated to the Heads of School during the following week.

The Bursar advised Board that the proposals which had been approved in June 2007 (minute BD/06-07/328 of 20 June 2008 refers) would address any financial instability for Schools and/or the College arising from the implementation of the HEA's RGAM. He stated that, in addition to implementing the policies to bring the College's finances into balance by 2010/2011, once the pension and FTWA provision issues were satisfactorily addressed, the College may have more disposable income available for strategic initiatives.

He invited Board's attention to the feasibility, and implications, of implementing ARAM at the 100% level, noting the negative financial implications this would have for some areas, particularly in the context of the approved annual strategic recruitment in Schools. The Board noted the Heads of School request to replace what is seen as a dual system of the historical cost-based budgetary model and the ARAM resource allocation mechanisms, with a simplified, transparent system. The Bursar invited Board's attention to the proposal that consideration be given to ARAM becoming an annual allocation mechanism. The Board noted the advantages for Schools and the College arising from this proposal, in particular the ability to plan strategically in the context of expected budgets which would be informed by annual monitoring of student and income targets.

He invited Board's attention to a number of simulations of 2005/2006 data to address concerns which had been raised at the ARAM Workshop and previous Board meetings. He stated that the operation of the three-Faculty structure within ARAM, and the role of Deans in allocating funds to Schools, had not yet been fully resolved.

In conclusion the Bursar invited Board's attention to the two options which were outlined in his paper, viz.

- (a) the ARAM Task Force should develop, with the use of additional internal and external resources, an ARAM model which would be an annual budget allocation mechanism. A new version of ARAM, including adjustments to the model such as the introduction of the Parnell Model, changes in ISS and premises costs and the use of a third research proxy would be developed and presented to Board for consideration by the end of this academic year;

or

- (b) the ARAM Task Force should restrict its attention to addressing the issues of the Parnell Model, research proxies and some indirect cost adjustments by using the previously circulated simulated data. The Board noted the decisions which it would have to take in relation to the extent to which ARAM would be implemented in 2008/2009 should this option be adopted.

A number of Board members expressed concern at the lack of time available to digest the complex ARAM issues and the requirement to make decisions in a timely manner.

In the course of a long and detailed discussion, the Bursar clarified a number of technical issues in relation to the operation of ARAM and the simulated data which had been presented. In response to a query, he advised Board that additional resources would be required to achieve option (a) as presented, noting the scale of resources which he estimated would be in the order of €10,000-€50,000 depending on the depth of analysis required. He also advised Board that previous decisions in relation to the operation of ARAM will be reflected in the 2005/2006 data being circulated to Schools.

The following issues were raised by Board members:

- (i) to date, the College has not been in a position to establish the Strategic Fund which had always been seen as a fundamental component of ARAM, thus hampering the College's ability to achieve its objectives;
- (ii) if ARAM was to become a predictive model, in the context of the annual uncertainty surrounding the HEA grant, Schools would be forced to adopt a very conservative approach to planning their finances;
- (iii) Schools should be given as much autonomy as possible in the management of their affairs ;
- (iv) there is a need to clarify the role, if any, of Deans in allocating budgets to Schools.

In the course of the discussion, a number of Board members proposed that, as the issues identified in option (b) would be addressed in the implementation of option (a), consideration should be given to adopting option (a) and thereby meeting the needs of Schools and offering the opportunity to align financial management with the achievement of the College's strategic objectives.

The Board approved the proposal as presented in (a) above. Dr Piesse abstained.

BD/07-08/196 Restructuring The Senior Lecturer advised Board that discussion documents on the following issues, which had been prepared under the auspices of the Restructuring Implementation Oversight Group (RIOG), would be circulated to Board, Council and the relevant Principal Committees for consideration at their next meetings:

- Annual Officers
- Revised Committee Structures
- Devolution of Strategic Staff Recruitment

These documents will also be circulated to Fellows and will be made available for consultation by the College community during March. The Senior Lecturer stated that the proposals in relation to Annual Officers had taken Statutory requirements into consideration.

The Senior Lecturer also advised Board that a paper on 'Devolved Budgetary Guidelines' was being prepared and that consultation with Schools and administrative and support areas was underway in relation to proposed changes in the structure to the Academic Year. He stated that Schools had been requested to address issues in relation to modularisation following which a paper would be prepared for wider consultation.

In response to a query, the Secretary advised Board that any matters arising from changes to long-established work practices, as a result of changing the Academic Year structure, would be handled through the normal staff representative channels. The Board noted that changes to the Academic Year structure will require Statutory change.

Board members expressed concern at the delay in reaching decisions on the future role of Annual Officers and the need for these roles to be coordinated with those of the Chief Academic Officer and the Chief Operating Officer. It was suggested that there should be sufficient flexibility in the roles of Annual Officers to ensure that the specific skills of individual holders of Office are used for the maximum benefit of the College.

The Provost advised Board that it was hoped to present a nomination for the post of Chief Operating Officer to the Board in May.

BD/07-08/197 Regulations for Election to Board The Secretary invited Board's attention to a memorandum, dated 20 February 2008, which had been circulated. He advised the Board that following the discussion at the previous meeting (BD/07-08/160 of 30 January 2008 refers) the Working Group had reconvened and considered the issues which had been raised. He invited Board's attention to the Working Group's proposals in relation to the following matters:

- (i) part-time staff and staff on contracts of employment with the College;
- (ii) staff who are associated with the College and not in receipt of remuneration from the College;
- (iii) arrangements for replacing Board members who resign during their terms of office;
- (iv) titles of constituencies.

The Board approved the proposals and the time-table for the conduct of the elections as presented (see Appendix 3 to this minute).

BD/07-08/198 Recommendations on Council Composition The Registrar invited Board's attention to a memorandum from the Working Party on Council Composition, dated 20 February 2008, which had been circulated. He advised Board that the recommendations had been developed for discussion by Board following consideration at the Council meeting held on 13 February 2008 (minute CL/07-08/097 refers).

The Registrar invited Board's attention to the following recommendations:

- (i) the inclusion of the Dean of Research as a member of Council, noting that this is a change from current practice;
- (ii) the possible inclusion of the Dean of Students as a member;
- (iii) the continuation of Faculty Deans as members of Council;
- (iv) to increase the number of Faculty representatives to four, two junior and two senior, and to retain roughly the same balance between elected and *ex officio* members on Council;
- (v) to elect one of the senior Faculty representatives from among the Heads of School and one from the other senior members of the Faculty;
- (vi) to retain the principle of rolling membership with annual elections, but to rotate the full membership of one Faculty per year, thereby creating a three-year term of office;
- (vii) to include the Secretary of the Scholars and one postgraduate student per Faculty as full members of Council, thereby bringing the total student membership to eight;
- (viii) the inclusion of the Secretary to the College and a further three heads of central administrative functions, as defined in a Schedule, as being in attendance at Council, noting the recommendation that, when appointed, the Chief Operating Officer should also be in attendance.

In discussing the proposals the following points were made by Board members:

- (a) the Senior Tutor, who is already a member of Council, can represent the student perspective without the need to include the Dean of Students as a member; the view was also expressed that as the functions of the Senior Tutor and the Deans of Students do not overlap, there is a role for the latter being a member of Council, noting that this had been a recommendation arising from the review of the Tutorial Service as well as the view expressed by Council;
- (b) the number of student members should be reduced to one undergraduate student per Faculty, the Secretary of the Scholars and one representative of the Graduate Students' Union; the contrary view was also expressed.

It was agreed that Board Members should send comments to the Registrar and that a further document would be presented for discussion and decision at the next Board meeting.

BD/07-08/199 An Post Site Development The Director of Buildings, present by invitation, attended for this item. The Treasurer (Acting) invited Board's attention to a joint memorandum, from the Director of Buildings and himself, outlining funding proposals for the An Post Site/Biosciences Development, dated 19 February 2008, and to the minute of a discussion at the Finance Committee held on 6 February 2008 (minute FN/07-08/38 refers).

The Treasurer (Acting) invited Board's attention to the background to the development and to the arrangements which have been entered into with the successful developer for the provision of retail/commercial space within the project, funded directly from rental income for a ten-year period, after which ownership reverts to College free of charge. The Board noted that the Site and Facilities

Committee had been fully briefed by the Director of Buildings with regard to the design, construction and total budgeted costs of the project (minute SF/07-08/81 of 12 February 2008 refers). The Treasurer (Acting) advised Board that while the funding for the academic space, budgeted at €75 million, had not yet been finalised, the College was optimistic that it would secure external funding from a number of sources to secure the project.

The Board noted that a Cost Benefit Analysis Report, as required by the Department of Finance Capital Appraisal Guidelines, had been prepared and submitted to the Department of Education and Science and the HEA for evaluation. The Treasurer (Acting) advised Board that, in accordance with the Capital Appraisal Guidelines, he and the Director of Buildings had held a preliminary meeting with representatives of the National Development Finance Agency (NDFA) who had acknowledged the current status of the project and had indicated areas where they could provide assistance. He stated that formal engagement with the NDFA will now follow.

In conclusion, the Treasurer (Acting) invited Board's attention to the proposal that, given the strategic importance to the College of proceeding with this development as discussed at the previous Board meeting, the College would borrow up to a maximum of €75 million to enable the project to proceed without delay. The Board noted the estimate of the Director of Buildings that the annual cost of inflation on the academic element of the project would be in the order of €3 million. In considering this proposal, the Board noted:

- (i) the cost per annum of financing various levels of borrowing on an 'interest only' basis and on a repayment basis over ten, twenty and thirty years at an indicative loan rate of 5%;
- (ii) the impact of not securing the funding and the options available to the Board in these circumstances;
- (iii) the advice of the College's Procurement Officer that there is no requirement to use an EU tendering process to obtain the required funding through borrowing;
- (iv) that the project and associated borrowing complies with the conditions set out in the sectoral borrowing framework and that prior consent of the HEA is not required;
- (v) that recurrent costs of the development will be borne by the occupants of the building.

The Provost invited Board's attention to discussions which have been taking place with various bodies with a view to securing funding for the project, noting that there are several options open to College in this regard. He also advised Board that an Bord Pleanála is expected to give its decision on the College's planning application for the development shortly.

In response to queries from Board members, the Treasurer (Acting) and the Director of Buildings clarified technical matters associated with the proposal and proposed securities and repayment requirements.

Dr McGinley, Chair of the Site and Facilities Committee, advised Board that the Committee had fully endorsed the proposal.

Following some further discussion on the value to the College of the development and the benefits of proceeding without further delay, the Board authorised the Treasurer (Acting) to procure a borrowing capacity for the development of the An Post Site/Biosciences Building up to a maximum of €75 million on the most economically advantageous terms for the College, utilising the asset as security, and to keep the Board informed of progress.

BD/07-08/200 Acta of the University Council The Board confirmed Acta of the University Council from its meeting held on 13 February 2008 subject to further comments covering

CL/07-08/096, CL/07-08/097, CL/07-08/099, CL/07-08/100, CL/07-08/101, CL/07-08/108, CL/07-08/109. (Items from Section D in the Acta are set out in Section D of these minutes.)

- BD/07-08/201 Review of the Tutorial Service (see Actum CL/07-08/096 of 13 February 2008)** The Senior Lecturer invited Board's attention to the very positive outcome of the review of the Tutorial Service. The Board noted, in particular, the recommendations in relation to staffing and space for the Service and the recommendation that the Service be extended to postgraduate and part-time students.
- BD/07-08/202 Council Composition (see Actum CL/07-08/097 of 13 February 2008)** The Senior Lecturer invited Board's attention to the Council recommendation that the Academic Secretary be named among those 'in attendance' at Council.
- BD/07-08/203 Naughton Institute** Under Other Business, the Board noted that the incident at the Naughton Institute the previous day which had caused very serious, and regrettable, delays to the traffic in the vicinity, had occurred when a contractor, carrying out repairs, was in control of the building.
- BD/07-08/204 Appointment of Pro-Chancellor(s)** Under Other Business, the Board, noting that Pro-Chancellor, Dr Eda Sagarra, will retire on 30 September 2008 and that there is one existing vacancy for a Pro-Chancellor, agreed that the Provost should request the Registrar to institute the Statutory procedures to appoint one Pro-Chancellor.
- BD/07-08/205 Senior Common Room** Under Other Business, in response to a query, the Secretary agreed to clarify the Senior Common Room's relationship with the College.

SECTION B

- BD/07-08/206 Finance Committee** The Board noted, and where appropriate, approved proposals in the draft minutes of the Finance Committee from its meetings of 6 February 2008 and 18 February 2008 with particular reference to:
- FN/07-08/38 An Post Site/Biosciences Development - Funding Proposal** See minute BD/07-08/199 above.
- FN/07-08/46 Recurrent Income and Expenditure Estimates** See BD/07-08/194 above.
- BD/07-08/207 Heads of School Committee (see Actum CL/07-08/099 of 13 February 2008)** The Board noted, and where appropriate, approved proposals in the draft minutes of the Heads' Committee from its meeting of 13 February 2008 with particular reference to:
- HC/07-08/35 Inclusion of part-time staff in the Electoral Register for Heads of School and Heads of Discipline** The Senior Lecturer invited Board's attention to the decision to include the same categories of staff in the elections for Heads of School and Heads of Discipline as had been used in the election of Faculty Deans and that the definition of part-time staff used in defining the electorates would be based on the relevant legislation.
- BD/07-08/208 Information Policy Committee (see Actum CL/-7-08/100 of 29 January 2008)** The Board noted, and where appropriate, approved proposals in the draft minutes of the

Information Policy Committee from its meetings of 29 January 2008 with particular reference to:

IPC/07-08/21 Disability Act 2005: Accessible Information Dr Butterfield advised Board that the concerns he had raised previously in relation to the potential for PDF documents to be universally accessible had been clarified, noting that, as advised in the minute, this format cannot be considered an accessible format within the terms of the Disability Act.

BD/07-08/209 Site and Facilities Committee The Board noted, and where appropriate, approved proposals in the draft minutes of the Site and Facilities Committee from its meeting of 12 February 2008, with particular reference to:

SF/07-08/81 An Post Site/Biosciences Development See BD/07-08/199 above.

BD/07-08/210 Student Services Committee (see Actum CL/07-08/101 of 13 February 2008) The Board noted, and where appropriate, approved proposals in the draft minutes of the Student Services Committee from its meeting of 8 January 2008.

SECTION C

BD/07-08/211 Higher Degrees The Board noted Higher Degrees, approved by the sub-committee of Board and Council on 29 January 2008, as circulated.

BD/07-08/212 Proctors' Lists for Spring Commencements The Board noted that the Proctors' Lists were approved by the sub-committee of Board and Council on 12 February 2008.

BD/07-08/213 Sealing The Board noted:

Centre for Deaf Studies - Letting Agreement for 40 Lower Drumcondra Road - Renewal (Re-sealing of document originally sealed on 30 August 2007) The Seal of the College was put in duplicate to the renewal of Letting Agreement for 11 months from 1 September 2007 between the Catholic Institute for the Dean and the Provost, Fellows and Scholars of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin for accommodation for the Centre for Deaf Studies in 40 Lower Drumcondra Road. [8/2/08]

BD/07-08/214 Calendar Entry - S J Berwin Commercial Law Essay The Board noted and approved a memorandum from the Treasurer (Acting), circulated dated 14 February 2008.

BD/07-08/215 Prizes and Other Awards

- (i) **Faculty of Health Sciences - Studentships 2007-2008** The Board noted and approved a memorandum from the Administrative Officer, Faculty of Health Sciences, circulated dated 24 January 2008.
- (ii) **Visual and Performing Arts Funds** The Board noted and approved a memorandum from the Provost, circulated dated 30 January 2008.
- (iii) **Bradshaw Exhibition** The Board noted and approved the recommendation of the School of Religions, Theology and Ecumenics, that the Bradshaw Exhibition for 2007-2008 should be awarded to Ms A Brzozowicz (041100358), value €1,100.
- (iv) **Entrance Exhibitions - Additional Award** The Board noted and approved the recommendation of the Senior Lecturer that Ms D English (07920491) should be awarded an Entrance Exhibition on account of an upgrade in points.

BD/07-08/216 Headship of the School of Social Sciences and Philosophy The Board noted that Dr J J R Wickham has been elected to the Headship of the School of Social Sciences and Philosophy for the period 28 January 2008 to 12 July 2011.

BD/07-08/217 Representation - HEAnet The Board noted and approved the nomination of Mr John Murphy, Acting Director, Information Systems to replace Ms G M Dempsey as a member of HEAnet.

BD/07-08/218 Principal Committees - Deans The Board noted that following the establishment of the three-Faculty structure the Deans will serve on Principal Committees as follows:
(i) **Finance Committee** Dean of Arts, Humanities and Social Sciences (Professor M Marsh) (Professor Williams will continue on the committee as Acting Bursar);
(ii) **Information Policy Committee** Dean of Engineering, Mathematics and Science (Professor D C Williams);
(iii) **Personnel and Appointments Committee** Dean of Arts, Humanities and Social Sciences (Professor M Marsh);
(v) **Student Services Committee** Dean of Graduate Studies (Professor C O’Sullivan).

BD/07-08/219 Trinity Academic Medical Centre - Memorandum of Understanding The Board noted the signed Memorandum of Understanding between the University of Dublin (Trinity College), Adelaide and Meath Hospital, Dublin incorporating the National Children’s Hospital, Tallaght and St James’s Hospital, Dublin, circulated dated January 2008.

BD/07-08/220 School of Natural Sciences - Curatorship of the Zoology Museum The Board noted and approved the request of the Head of School that the honorary position of ‘Curator of the Zoology Museum’ should be created and to approved the appointment of Dr M Linnie (Chief Technician in Zoology) as the first incumbent of the position.

The following items of business on the agenda were deferred:

- Capital Projects Report - February 2008
- Director of Buildings Office - Annual Report to Board

SECTION D

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

Signed:

Date:

Appendix 3 to Minute BD/07-08/197

MEMORANDUM

To: Board
From: Secretary to the College
Date: 20 February 2008
Re: *Regulations for Election to Board*

Further to the discussion at the Board meeting held on 30 January 2008, the Working Group¹ met to review the points raised by Board members and to prepare amended Regulations for consideration and decision by Board. The Staff Secretary and Ms P Daly, Staff Office, also attended the meeting in an advisory capacity.

1. Treatment of part-time staff and staff on contracts of employment with the College. (Sections 7 and 8)

- 1.1 The Working Group proposes that part-time staff be defined in accordance with the Protection of Employees (Part-Time Work) Act, 2001, viz. *'part-time employee' means an employee whose normal hours of work are less than the normal hours of work of an employee who is a comparable employee in relation to him or her.'* The Staff Office will review all part-time contracts and categorise staff according to their comparability with full-time staff and only those with comparable employments to full-time staff will be included in the electorates.
- 1.2 There is a category of part-time Health Sciences staff whose contracts of employment are with their respective hospitals and whose duties for the College are solely clinical teaching of students and who receive remuneration from the College for historical reasons. These part-time staff, while performing a very important function for the College, do not meet the 'comparability' criterion specified in 1.1 above. The number of part-time staff involved is approximately 10 and it is proposed that because of precedent these part-time staff members be included in the Academic Staff (Non-Fellow) constituency as heretofore.

2. Inclusion of staff who are not in receipt of remuneration from the College

- 2.1 There is a limited number of staff, mainly in the Health Sciences area, who have been recruited through the College's procedures, have full academic status and meet all other criteria defined in the proposed Regulations but are not in receipt of remuneration from the College. This situation can arise when funding for an academic position is from an external source (e.g. HSE) and for contractual and related purposes the person so appointed is on the funder's payroll.

¹ Professor H Rice
Dr E Mac Cárthaigh
Ms M Leahy

- 2.2 There is a second category of part-time staff, again mainly in the Health Sciences area, who meet the comparability criteria with full-time staff and who do not receive remuneration from the College. These staff have been appointed to their academic grades following their participation in the College's promotion procedures. The number of such staff is in the order of 70.

It is proposed that the staff identified in 2.1 and 2.2 above be included in the Board electorates.

3. *The arrangements for replacing Board members who resign during their terms of office, including the possibility of holding by-elections to fill the consequent vacancies. (Section 29)*

Having reviewed the options for filling casual vacancies the Working Group proposes that such vacancies should continue to be filled by candidates who achieved the highest number of votes in the most recent Board election, without being elected, subject normally to overall constraints of gender and grade being met and subject to that person having received total votes equivalent to at least one-third of the quota for that constituency.

If there had been no election held in that specific constituency in the most recent Board election or if there is no unsuccessful candidate available to replace the resigning Board member, or if gender and grade constraints are not met, or if no unsuccessful candidate received the required number of votes, the Working Group proposes that the Board should determine whether the casual vacancy should be filled by co-option or by holding a by-election.

4. Titles of constituencies

The Working Group proposes the following changes to the names of constituencies:

- Non-Fellow Academic Staff *to* Academic Staff (Non Fellow)
- Non-Academic Staff *to* Technical, Administrative and Support Staff

Subject to Board approval of the Regulations, I present for Board's approval a proposed timetable for the conduct of the 2008 Elections as follows.

Publication of Provisional Register of Electors	21 April 2008
(Election of Fellows on Trinity Monday	12 May 2008)
Deadline for queries on Registers of Electors	13 May 2008
Closing of Register of Electors	20 May 2008
Posting of Nomination Forms to all staff	23 May 2008
Deadline for receipt of Nominations	12 noon on 4 June 2008
Publication of Nominations	5 June 2008
Circulation of voting papers to the electorate	11 June 2008
Closing date for receipt of votes by post	5.00pm on 2 July 2008
Counting of papers	3 July 2008

A Board Elections web page will be launched on 21 April 2008.

Michael Gleeson
Secretary to the College

Regulations relating to the election of staff members to the Board of Trinity College Dublin

1. These Regulations relating to the election of Trinity College Dublin staff members to the Board of Trinity College Dublin were adopted by the Board of Trinity College Dublin in accordance with the following legislation:

- 1.1 The Trinity College Dublin (Charters and Letters Patent Amendment) Act, 2000, viz:

'The Board shall comprise:

- (a) *The Provost, Vice-Provost, Senior Lecturer, Registrar and Bursar;*
 - (b) *Six Fellows;*
 - (c) *Five members of the academic staff who are not Fellows at least three of whom must be of a rank not higher than senior lecturer;*
 - (d) *Two members of the academic staff of the rank of professor;*
 - (e) *Three members of the non-academic staff²;*
 - (f) *Four students of the College at least one of whom shall be a post-graduate student;*
 - (g) *One member not being an employee or student of the College chosen by a committee of the Board which shall comprise the Provost and two members of the Board from among nominations made by such organisations as are representative of such business or professional interest as the Board considers appropriate;*
 - (h) *One member appointed by the Board on the nomination of the Minister for Education and Science following consultation with the Provost.' [Section 3, (2)]:*

- 1.2 The Universities Act 1997, viz:

'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. [Section 16, (11)]:

'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 or not more than five, as determined by the governing authority holding office immediately before the appointment of that member.' [Schedule 3, Section 4]

'A governing authority shall ensure that each sex is represented on the governing authority in accordance with such balance as may from time to time be determined or approved by the Minister'. [Section 16 (10)].

2. For the purposes of the election to Board:

- 2.1 the six Fellows and two members of the academic staff of the rank of Professor as specified in Section 1.1 (b) and (d) shall comprise one constituency.
 - 2.2 the Academic Staff (Non-Fellow) shall form a single constituency.
 - 2.3 the Technical, Administrative and Support Staff shall form a single constituency.

² Denoted as Technical, Administrative and Support staff

(See Sections 5 and 8.)

3. All members of the Board to be appointed under these procedures, (with the exception of Annual Officers and student members), shall be elected for a period of four years. Members shall be excluded from holding membership for more than two consecutive terms irrespective of the duration of their first term; they shall not be eligible to stand for re-election for four years thereafter.
4. The following shall be *ex officio* members of the Board:
 - 4.1 Provost, Vice-Provost, Senior Lecturer, Registrar, Bursar.
 - 4.2 The President, Education Officer and the Welfare Officer of the Students' Union and the President of the Graduate Students' Union.
 - 4.3 Two members, one not being an employee or student of the College chosen by a committee of the Board and one appointed by the Board on the nomination of the Minister for Education and Science, as defined in Section 3 (2), (g) and (h) of The Trinity College Dublin (Charters and Letters Patent Amendment) Act, 2000.
5. The Fellows and Fellow Professors constituency, from which eight Board members shall be elected, at least two of whom must be Professors, comprises all Fellows and Fellow Professors; at least two men and at least two women must be elected from this constituency.
6. The Secretary, the Treasurer, the Academic Secretary, the Director of Buildings, the Staff Secretary, the Director of Accommodation and Catering, the Assistant Secretary and the Deputy Treasurer shall not be eligible to stand for election or to nominate candidates for election while they hold these positions; they shall be eligible to vote in the Technical, Administrative and Support Staff constituency.
7. Part-time staff in the Academic Staff (Non-Fellow) constituency and part-time staff in the Technical, Administrative and Support Staff constituency are defined in accordance with the terms of the Protection of Employees (Part-Time Work) Act, 2001, viz.

'part-time employee' means an employee whose normal hours of work are less than the normal hours of work of an employee who is a comparable employee in relation to him or her.
8. Subject to the exclusions in Section 6 and the definition of part-time staff in Section 7, and excluding those paid from the casual pay-roll and excluding those who are in receipt of a College pension, those staff who are either (a) full-time or part-time Academic Staff (Non-Fellow) or (b) full-time or part-time Technical, Administrative and Support Staff and who:
 - (a) have a contract of employment with the College of at least twelve months' duration
 - or
 - (b) have completed continuous employment with the College of twelve months' duration
 - or
 - (c) have recognised academic status in the College due to decisions made through the College's appointments and/or promotions procedures, while not necessarily being in receipt of remuneration from the College³

³ These staff are generally in the Health Sciences area and either (a) have contracts of employment with the College and due to the financial arrangements for their posts receive their remuneration from sources external to the College, or (b) have been given academic recognition through the College's promotional procedures (e.g. Clinical Professors, Associate Professors)

on the date the electoral register closes (apart from academic staff in the Dental School as defined in Section 8.1), are eligible for nomination and voting in the one constituency of which they are deemed to be members according to the criteria in Sections 8.1 and 8.2.

8.1 Subject to the conditions outlined in Section 8, the Academic Staff (Non-Fellow) constituency, (which shall include all full-time and part-time academic staff who are not Fellows in the Dental School), from which five Board members shall be elected, at least three of whom must be of a rank not higher than Senior Lecturer, comprises:

- Professors who are not Fellows
- Associate Professors who are not Fellows
- Senior Lecturers who are not Fellows
- Lecturers who are not Fellows
- Research Fellows⁴
- Research Assistants⁵

at least one man and at least one woman must be elected from this constituency.

8.2 Subject to the conditions outlined in Section 8, the Technical, Administrative and Support Staff constituency, from which three Board members shall be elected, comprises the following staff categories from each of which one Board member shall be elected:

- Weekly-paid staff
- Library Assistants, Senior Executive, Executive and Secretarial staff
- Administrative, Professional Library and Technical staff;

at least one man and at least one woman must be elected from this constituency.

9. The Secretary to the College shall be the Returning Officer for the conduct of the elections to be carried out in accordance with these regulations.
10. The Secretary to the College shall, on a date determined by the Board, prepare and send a Nomination Paper by post to each eligible voter's College address.
11. To be eligible for nomination, a candidate must be a member of an eligible staff category and not be subject to the exclusions specified in Section 6. A candidate must be nominated by a Nomination Paper signed by two members of the relevant staff category. The Nomination Paper must be received by the Secretary by a date and time determined by the Board.
12. The Nomination Paper shall state: the full name of the candidate, his/her staff category and gender; the full name of each of the two nominators and shall include a statement signed by the person nominated that he/she consents to being nominated and is willing to act as a member of the Board. Not more than one Nomination Paper shall be accepted in respect of any one candidate; in the event of more than one Nomination Paper being received, the first only such paper shall be accepted.

⁴ *Research Fellows* are full-time and, part-time staff as defined in Section 7, engaged on research projects and who are supported by externally-funded research grants and have been approved by the University Council and Board, and whose current contracts with the College are of at least twelve months' duration or who have completed continuous employment of twelve months with the College on the date the electoral register closes

⁵ *Research Assistants* are full-time and, part-time staff as defined in Section 7, not of post-doctoral standing who are engaged on research projects and who are supported by externally-funded research grants and whose current contracts with the College are of at least twelve months' duration or who have completed continuous employment of twelve months with the College on the date the electoral register closes. *Sponsored postgraduate students registered for higher degrees are not included in this category.*

13. A nomination which fails to satisfy any or all of the conditions specified in Sections 11 and 12 shall be invalid and null, and the candidate concerned shall be deemed not to have been duly nominated.
14. There shall be at least one man and one woman nominated for election in each of the constituencies apart from the Fellows and Fellow Professors constituency in which there shall be at least two men and two women nominated for election.
15. In the event of prescribed quotas not being met in the nominations for election in any one constituency, nominations shall remain open until the required conditions are met, but not more than three days prior to the circulation of the voting papers to the electorate. If after this time nominations have not been received to fulfil the prescribed quotas the ensuing vacancy shall be filled by co-option by the newly-elected Board.
16. If, at the expiration of the period for nominations, the number of candidates in a particular constituency, validly nominated for election, does not exceed the number of persons which that constituency is entitled to elect, and the requirements specified in Sections 5, 8, 8.1 and 8.2, regarding gender and grade criteria are complied with, all the candidates so nominated shall be deemed by the Secretary to the College to have been elected following the counting of votes in the remaining constituencies.
17. If, at the expiration of the period for nominations, the number of candidates in a particular constituency, validly nominated for election, shall exceed the number of persons which that constituency is entitled to elect, there shall be an election, which shall be conducted in accordance with the provisions hereinafter set forth.
18. There shall be a one-hour period following the closing date and time for the receipt of nominations during which clarifications in relation to nominations received may be requested by the Secretary to the College and during which nominated candidates may withdraw their nominations. No new nominations will be accepted during this period. One hour after the expiration of the period for nominations the Secretary to the College will publish the list of those nominated for election in each constituency.
19. The election shall be by Single Transferable Vote and the counting of votes shall be in accordance with the Seanad Electoral (Panel Members) Act 1954 with specific provisions that the count be conducted on a basis that ensures that in each constituency the gender and grade criteria are met. With appropriate variations the following process shall apply:
 - 19.1 If the elimination of male candidate(s) would mean that the requisite number of male candidates could not be elected, then the remaining male candidate(s) shall be deemed to be elected without reaching the quota.
 - 19.2 If the elimination of female candidate(s) would mean that the requisite number of female candidates could not be elected, then the remaining female candidate(s) shall be deemed to be elected without reaching the quota.
 - 19.3 If the elimination of Professor(s) in the Fellow/Professor constituency would mean that two Professors could not be elected, the remaining Professor(s) shall be deemed to be elected without reaching the quota.
 - 19.4 If the elimination of candidate(s) in the Academic Staff (Non Fellow) Constituency would mean that three candidates on a grade not higher than Senior Lecturer could not be elected, then the remaining candidate(s) fulfilling that criterion shall be deemed to be elected.
 - 19.5 If the elimination of candidate(s) in the Technical, Administrative and Support Staff Constituency would mean that one candidate in each of the specified staff categories would not be elected, then the remaining candidate(s) fulfilling that criterion shall be deemed to be elected.

Following the election of candidate(s) under 19.1 to 19.5 above, the count shall continue in the normal way to fill any vacant positions.

20. For the purposes of such an election, the Secretary to the College shall, on a date to be determined by the Board, prepare and send by post to each eligible voter's College address a Voting Paper⁶ in the form laid out in Appendix 1 to these Regulations, which shall contain in alphabetical order the names of all candidates validly nominated for election, indicating their gender and staff category.
21. The Voting Paper shall be accompanied by an envelope bearing on the outside the words 'Voting Paper', a list of the names of the nominators of each candidate, and a paper of instruction containing the following:
 - (a) A statement of the number of candidates for whom the Voter is entitled to vote and the requirements as to the number of men and women and specific staff categories who may be elected.
 - (b) A direction to the Voter to mark in '1, 2, 3 etc.' opposite the name(s) of each candidate for whom he/she votes.
 - (c) A warning that the inclusion in the envelope marked 'Voting Paper' of any other paper except the Voting Paper shall invalidate the vote.
 - (d) A direction that the Voter shall either post or deliver the envelope marked 'Voting Paper' (containing the duly marked Voting Paper) to the Secretary to the College by a date specified by the Board.
22. The Board shall also direct that any other necessary arrangements be made in regard to the conduct of the election.
23. The Secretary to the College shall appoint at least twelve people to count the votes cast in the election. All persons engaged in the conduct of the election shall undertake to preserve secrecy.
24. The Secretary to the College shall reject as invalid any Voting Paper which:

is not the original Voting Paper issued to the voter and duly completed by him/her
or

contains any writing by which the identity of the voter can be ascertained.
25. The Secretary to the College shall, in consultation with the candidates and/or their agents, determine any case of doubt as to the validity of a vote.
26. Each candidate and/or his/her nominee may observe the counting of votes for that candidate's constituency.
27. The Secretary to the College shall declare the candidates who have obtained the greatest number of valid votes, subject to Sections 6 and 8, duly elected as members of the Board.
28. If a staff member no longer fulfils the conditions under which he/she was elected to Board that staff member shall resign from Board forthwith.
29. If an elected Board member is unable, for whatever reason, to complete his/her term of office, he/she shall be replaced by the person, from his/her constituency, who achieved the highest number of votes in the most recent Board election, without being elected, subject

⁶ An Irish language form of the Voting Paper will be available on request.

normally to overall constraints of gender and grade being met and subject to that person having received total votes equivalent to at least one-third of the quota for that constituency.

30. If there had been no election held in that specific constituency in the most recent Board election or if there is no unsuccessful candidate available to replace the resigning Board member, or if gender and grade constraints are not met, or if no unsuccessful candidate received the required number of votes as specified in paragraph 29 above, the Board shall determine whether the casual vacancy shall be filled by co-option or by holding a by-election.
31. The person replacing the resigning Board member shall serve only the remaining term of office of the out-going member. This period of replacement will be counted as one term of office (see Section 3).
32. A member of the Board who is absent from all Board meetings for a period of six consecutive months, unless the absence was due to illness or was approved by the Board, shall at the expiration of that period cease to be a member of the Board. [ref. Third Schedule, Part 3 of the Universities Act 1997].



APPENDIX 1
The University of Dublin
Trinity College

Election of [] Constituency to the Board of Trinity College, Dublin, 2008

VOTING PAPER

- [Definition of constituency].
- [Number of Board members to be elected]
- Please vote in order of preference by inserting 1, 2, 3, etc. opposite the candidate of your choice. Voters may use as many preferences as there are candidates.
- Write the figure 1 beside the name of the candidate of your first choice, the figure 2 beside your second choice, and so on. Do not give your first preference to more than one candidate on this Voting Paper. Do not give your second preference to more than one candidate on this Voting Paper etc. You may vote for everybody on this voting paper.

Mark order of preference in space below	Candidate	Gender	Staff Category

INSTRUCTIONS TO THE VOTER

1. Complete your Voting Paper by writing the figure 1 beside the name of the candidate of your first choice, the figure 2 beside your second choice, and so on. Do not give your first preference to more than one candidate. Do not give your second preference to more than one candidate on this Voting Paper etc.
2. Immediately after voting place the marked Voting Paper in the enclosed small envelope on which are printed the words 'Voting Paper Envelope', and seal the envelope which is addressed to the Secretary to the College.
3. The inclusion in the envelope marked 'Voting Paper' of any other paper except the Voting Paper shall invalidate the vote.
4. Once you have sealed the return envelope addressed to the Secretary you should either deliver it in person to the Secretary's Office, West Theatre or post it so that in either event it reaches his office no later than [DATE].