

## **Extract from Higher Education Authority Bill, 2022: Your Questions Answered, see page 14/27**

<https://www.gov.ie/en/publication/0da13-higher-education-authority-bill-your-questions-answered/>

### **How many people will sit on Governing Bodies of HEIs**

....In recognition of the distinct legal basis of Trinity and particularly the distinct role played by Fellows within the Trinity community, including within governance of the College, the Trinity College governing authority may comprise of up to an additional 5 Fellows to have a 22 member board (9 external, 2 students and 11 internal members). This will be balanced by the provision in the legislation which will permit the HEA to refer an item of serious concern to the Trinity College Visitors for their examination if they deem it appropriate.

Trinity completed its own governance review last year which identified a benefit to additional external membership of its governing authority. This review envisaged that up to 40% of the governing authority might be external. This is consistent with the provisions proposed in the Bill.

### **Exemptions for Trinity College Dublin**

It is recognised that Trinity College, Dublin has a distinct legal basis with a Body Corporate comprised of the Provost, Fellows and Scholars together with those additional members of the Governing Body who, not being Fellows or Scholars are for the time being members of the Governing Body.

At present certain sections of the Universities Act 1997, including sections relating to the composition of the governing authority do not apply to Trinity College. This was provided for through an exemption in the Universities Act that enabled a Private Act to be passed amending the charters and letters patent of Trinity College in a manner consistent with the exempt sections. The Trinity College Board (governing authority) is currently therefore governed by a Private Act, the Trinity College, Dublin (Charters and Letters Patent Amendment) Act, 2000, which amends the Trinity College Letters Patent, 1911.

It is considered important to align the provisions in relation to the Trinity College Board with the overall reform of university governing authorities through the amendment of the Universities Act 1997. The Bill provides for the amendment of the Universities Act 1997 such that the exemption from particular provisions in that Act including the provisions in relation to governing authorities of universities no longer applies to Trinity College. The legislation also expressly includes the relevant amendments required

to the Trinity College Letters Patent 1911 as amended by the Trinity College Dublin (Charters and Letters Patent Amendment) Act 2000 to complete this statutory provision.

An additional provision is included in the Universities Act to provide that in recognition of the distinct legal basis of Trinity and particularly the distinct role played by Fellows within the Trinity community, including within governance of the College, the Trinity College governing authority may comprise of up to an additional 5 Fellows to have a 22 member board (9 external, 2 students and 11 internal members).

Trinity completed its own governance review last year which identified a benefit to additional external membership of its governing authority. This review envisaged that up to 40% of the governing authority might be external. This is consistent with the provisions proposed in the Bill.

The legislation also provides that if the HEA has a concern regarding a matter relating to the governance of Trinity College or the performance by Trinity College of its functions or compliance by it with its obligations it may request the Visitors of Trinity College to conduct a General Visitation in accordance with the statutes of Trinity College in relation to the matter. The Visitors of Trinity College shall conduct a General Visitation if they are satisfied that there are reasonable grounds for a General Visitation and that it is appropriate to do so. The Visitors of Trinity College shall report in writing to the HEA and furnish a copy of the report to the governing authority of Trinity College.