

*Report of the Working Party of the Governing Authority
to recommend, in accordance with the provisions of
the Universities Act, 1997 on the duration and
composition of the Fourth Governing Authority and on
regulations for election to it*

June 2008

The Working Party was requested to report to the meeting of the Governing Authority on 17 June 2008.

Its members were:

Mr Kieran McGowan (Convenor and Chair)
Ms Catherine Baulch
Dr Joe Brady
Mr Barry Colfer
Cllr David Daniels
Mr Mark Redmond
Professor Pat Shannon

Administrative Assistant: Mr Paul Kelly.

The Working Party held one meeting, at which the Corporate and Legal Affairs Secretary, Mr John Coman, was in attendance. The Working Party is grateful to Mr Kelly and to Mr Coman for the expertise and advice they provided.

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1. DURATION

The Working Party noted that the current Governing Authority and its predecessor had each held office for four years, and that this duration had become common in other Irish universities also.

However, given that the current Chief Officer/President is scheduled to leave office on 31 December 2013, the Working Party felt obliged to reconsider the issue of the duration of the Fourth Governing Authority in the context of the appointment cycle for the next Chief Officer/President of University College Dublin.

Under the terms of Statute 6 (Chapter 4, paragraph 1), the Authority must determine the arrangements for the appointment of the next President. These arrangements require the Authority to appoint a Search Committee and a Selection Committee. The Working Party agreed that the maximum degree of continuity should apply to the Authority's role in these crucial matters.

Following careful consideration of the options for duration permitted by the Universities Act, 1997 (namely, terms of office of between three and five years), the Working Party was strongly of the opinion that a five-year term of office would be the most appropriate.

It considered that a three-year term (01 February 2009 to 31 January 2012) would represent too short a duration under any circumstances, and that a four-year term (01 February 2009 to 31 January 2013) would compromise the continuity of the Authority's role in the appointment cycle and procedures. In particular, an Authority appointed for four years would be responsible for approving procedures for the appointment of the next Chief Officer/President, and for the implementation of these, up to 31 January 2013 only. Thus, the election of a new (Fifth) Authority to take office on 01 February 2013 could result in a situation whereby members elected or appointed to the Search Committee and to the Selection Committee in May 2012 might no longer be members of the Governing Authority. The Working Party deemed such a possibility wholly undesirable.

In contrast, a five-year term of office (01 February 2009 to 31 January 2014) would confer on the Fourth Governing Authority responsibility for approving procedures for the appointment of the next Chief Officer/President, and for the implementation of these, in full, with the new Chief Officer/President scheduled to commence office on 01 January 2014. Although it is not ideal that the new President would have effectively no opportunity to work with the Authority by which he/she was appointed, the Working Party believes that the five-year option is, on balance, the best available on this occasion.

R.1 The Working Party recommends that the Fourth Governing Authority [31st Governing Body] should be of five years' duration, *i.e.* for the period 01 February 2009 – 31 January 2014.

2. COMPOSITION

a) *Balance of Constituencies*

R.2 The Working Party recommends that there be no changes in the composition of the Fourth Governing Authority and that the balance of constituencies for staff and student elections should remain unaltered, namely:

six Professors or Associate Professors elected by such staff;

five permanent or full-time members of the other academic staff elected by such staff;

three permanent or full-time employees who are not members of the academic staff elected by the non-academic staff;

three students of the university who are elected officers of the Students Union;

one post-graduate student elected by the post-graduate students.

b) *Nominated Members*

The Universities Act, 1997 stipulates that a chairperson of the Governing Authority other than the Chief Officer shall be a member of the Authority, but not until the said person has been appointed as chair by a majority vote of not less than two-thirds of the members. Furthermore, such a chairperson shall not be an employee of the university.

In anticipation of a person other than the Chief Officer being appointed to chair the Third Governing Authority in February 2005, and because the Second Governing Authority had determined that all the elected panels should be filled to the maximum levels permitted by legislation, it was necessary to leave one vacancy from among the other categories of representation.

In practice, this meant that only two of the three 'Nominations from Organisations' were sought initially; a third was requested to coincide with the appointment of Mr Kieran McGowan as chairperson of the Authority. (See extract from the Universities Act, 1997 - Section 16(3) (a) - in the Appendix to this report.)

The situation on this occasion is broadly similar. Once again, it is anticipated that a person other than the Chief Officer will be proposed for appointment to chair the incoming Governing Authority in February 2009, and, if recommendation R.2 above is accepted, all the elected panels will be filled to the maximum levels permitted by legislation.

R.3 The Working Party sees merit in repeating the procedure employed four years ago, and recommends that the route of entry to the Governing Authority for an incoming chairperson should be via the category 'Nominations from Organisations'.

R.4 It recommends that IBEC and ICTU be asked to nominate one member each. The body asked to nominate the third member under this category should be 'chosen by a committee of the governing authority comprising the Chief Officer and two other members', as provided for under Section 16 (3) (a). The selection of the 'two other members' of the committee should again be at the discretion of the President, acting in the best interests of the university.

c) *Graduate Members*

R.5 The Working Party recommends that the number of graduate members should continue to be three, at least one of whom shall be a man and at least one of whom shall be a woman.

R.6 It recommends also that the restriction that such members should not be an employee or a student of the university should continue to be waived.

d) *Gender Balance*

R.7 The Working Party recommends that the existing provisions on gender balance be continued, and that the Association of County and City Councils (formerly known as the General Council of County Councils) and other nominating bodies be requested to promote gender balance in their selection procedures.

3. ELECTIONS

R.8 The Working Party recommends that the electoral procedures adopted in 2000 and 2004 be continued, namely:

- Multiple non-transferable voting in the two academic staff constituencies and in the Graduate Panel
- Proportional Representation in the non-academic staff constituency, using the system provided for in the Seanad Eireann (Electoral Panel Members) Acts, 1946 and 1954.

The Working Party believes that no compelling case exists for extending the Proportional Representation system of voting to any other constituency. The incoming Authority may wish to consider this matter further.

4. OTHER ELECTORAL ISSUES

a) *Casual Vacancies*

R.9 In the case of vacancies in the following 3 constituencies – Professors/Associate Professors; other academic staff; non-academic staff – the Working Party recommends that these should be filled by means of a by-election.

R.10 In the case of the Graduate Panel, where a by-election is prohibitively expensive and logistically cumbersome, the Working Party recommends that vacancies be filled by co-option of the Governing Authority.

b) *Timing of Elections*

R.11 The graduate elections should be held as early as is legally possible and administratively feasible.

c) *Composition of electorate for graduate election*

R.12 The electorate should consist of:
All graduates of UCD who voted in the election of 2004
All graduates of UCD who apply for a ballot paper
All graduates of UCD who verify their postal address with the Registrar's Office
All who graduated from UCD since the last election.

R.13 To ensure the widest possible participation in the graduate election, the process of applying for a ballot paper, including electronic applications, should be made as easy as possible.

d) Method of Voting

R.14 Being satisfied that postal voting has proved itself the most efficient method for all constituencies except the student constituencies, the Working Party recommends that procedures be adopted to conduct elections to the next Governing Authority in the academic, administrative and graduate constituencies by this method only.

R.15 The Working Party, having received advice from UCD I.T. Services, recommends that no initiative should be pursued to introduce electronic voting in elections to the Governing Authority.

5. OTHER ISSUES

a) Contract Staff

The Working Party is satisfied that the recommendation in this respect approved by the Governing Authority in June 2004, and which applied in the election to the Third Authority and in subsequent by-elections, has proved satisfactory and should be repeated.

R.16. In these circumstances, it recommends that the *status quo* should be retained for the forthcoming election, namely, that only staff on contracts of employment of at least three years' duration should be included in the definition of 'permanent or full-time' staff.

b) Publication of results

The Working Party is satisfied that the practice in recent by-elections to the Authority of publishing results in full on the UCD website is consistent with the need for openness and transparency.

R.17. The results of elections to the Fourth Governing Authority, and of any elections that may arise to fill casual vacancies during the lifetime of the Authority, should be published in full on the UCD website.

c) Methods of communication by candidates

The Working Party notes concerns that UCD personnel in the three staff constituencies should not be inundated with e-mail messages issued by candidates for election. It recognises, however, that e-mail lists were used during a recent by-election, and that candidates may have access to such lists as part of their employment in the university, or may quite easily create lists of their own. In these circumstances, it is essential that no candidate should be disadvantaged *vis-à-vis* any other. The Working Party is confident, moreover, that candidates will appreciate that it is in their own interests to exercise discernment in their use of this form of communication.

R.18. Candidates for election in UCD's three staff panels should be provided with e-mail lists of members of the elective body to which they belong, and should be requested to use the list responsibly and to destroy it immediately after the election. Postal address labels should also be made available, if required.

d) Funding and expenses

The Working Party is advised that no university funding exists to assist candidates with campaign expenses. It wishes to endorse the current practice and to recommend its continuation.

R.19. Candidates for election to the Governing Authority shall be responsible for all expenditure incurred in the course of their campaign.

e) *Public Representatives on the Authority*

The Universities Act, 1997 states that, in the case of the National University of Ireland, Dublin, the membership of the Governing Authority shall include 'eight persons elected by the members of the General Council of County Councils'.

The Working Party notes, however, that in the case of NUI, Cork, the Act specifies the councils of six administrative Counties - Cork, Waterford, Kerry, Limerick, Tipperary (North Riding) and Tipperary (South Riding) - from which five persons shall be elected to membership of that university's Governing Authority.

Likewise, in the case of NUI, Galway, the Act specifies that seven persons elected by the members of the County Borough of Galway and the councils of the administrative Counties of Galway, Mayo, Sligo, Clare, Leitrim and Roscommon shall be members of that university's Governing Authority.

R.20. To ensure that public representation on the Fourth Governing Authority is reflective of the areas in Ireland from which the UCD student population is generally drawn, the Working Party recommends that the current Authority should request the Association of County and City Councils (formerly known as the General Council of County Councils) to have regard for the potential catchment area of UCD when selecting its representatives to serve on the next Governing Authority.

APPENDIX –

GOVERNING AUTHORITY MEMBERSHIP

The Governing Authority must comprise not less than twenty members and not more than forty.
The number of members of the current Governing Authority is forty as follows:

The Act, Section 16 Sub-Section		Proposed with effect from 1/2/2009
(2) (a)	President	1
(2) (b)	Chairperson	1
(2) (c)	Senior officer	1
(2) (d) (i)	Professors/Associate Professors	6
(2) (d) (ii)	Other academic staff	5
(2) (d) (iii)	Non-academic staff	3
(2) (d) (iv)	Student representatives	3
(2) (d) (v)	Postgraduate student	1
(3) (a)	Nominations from organisations (At least one representative of Business/Industry)	(including Chair of Governing Authority counted above) 2
(3) (b)	Regional Education Board	0
(3) (c)	Minister's nominees	3
(4) (a)	Artistic/cultural	0
(4) (b)	NUI graduates	3
(5) (c) (i)	Lord Mayor of Dublin	1
(5) (c) (ii)	National University of Ireland	2
(5) (c) (iii)	Association of County and City Councils (formerly known as the General Council of County Councils)	8
	Total:	40

Extract from the Universities Act 1997 – Section 16 (3) (a)

Composition of
governing
authority.

16 (3)

Subject to subsection (7), in addition to the persons chosen and appointed pursuant to subsection (2), but included in the maximum number of members specified in subsection (1), there shall be—

(a) at least one but not more than four persons, chosen by a committee of the governing authority comprising the Chief Officer and two other members, from among nominations made by such organisations as are representative of employers, trade unions, agriculture, fisheries, community organisations, Irish language and Gaeltacht organisations, the professions, business and industry as the governing authority considers appropriate, of whom at least one shall be chosen from those nominated by organisations representative of business or industry,