

Irish Federation of University Teachers

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Cónaidhm Éireannach na Múinteoirí Ollscoile

ifut 2004

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Annual Conference, Dublin, 26 June 2004

IRISH FEDERATION OF UNIVERSITY TEACHERS

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CÓNAIDHM ÉIREANNACH NA MÚINTEOIRÍ OLLSCOILE

A. FRATERNAL DELEGATES & GREETINGS AT 2004 ADC

FRATERNAL DELEGATES

Paddy Healy, President, Teachers' Union of Ireland

Pat Cahill, President, Association of Secondary Teachers, Ireland

Austin Corcoran, President, Irish National Teachers' Organisation

Richie Carruthers, Regional Support Officer, Association of University Teachers (NIAC) *

Dr Wesley McCann, Regional Secretary, National Association of Teachers in Further & Higher Ed (NI)

FRATERNAL GREETINGS

Irish Congress of Trade Unions (ICTU)

David Begg, General Secretary.

Union of Students in Ireland (USI)

"IFUT and USI have a longstanding relationship and on behalf of 250,000 students on the island of Ireland I wish to pass good wishes and good luck for your conference. I would also hope that USI and IFUT can work together to safeguard the future of third-level education, during these challenging times.

Gareth Keogh, Deputy President.

Opetusalan Ammattijärjestö (OAJ) [University Teachers Union – Finland]

"Thank you very much for the invitation to participate as a fraternal delegate to IFUT's Annual Delegate Conference on 26 June 2004 in Dublin.

"On behalf of OAJ and its' membership I send our warmest greetings and good wishes for a successful Annual Conference."

Erkki Kangasniemi, President

* NIAC - Northern Ireland Advisory Committee

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I. EDUCATION & RESEARCH

1. OECD Review of HE In Ireland

During the session, an OECD Team was commissioned by the Minister for Education and Science to carry out a Review of Higher Education in Ireland.

The NUIM Branch of IFUT took a worthy initiative in drawing up a submission for the Team and this was endorsed by IFUT nationally in January 2004. It was as follows.

“ROLE OF HIGHER EDUCATION

“The need for imagination, a sense of truth and a feeling of responsibility - these are the three forces which are the very nerve of education.” (Rudolf Steiner).

[Superscript references in this document are on p 9.]

“The core mission of a university is to create, preserve and communicate knowledge and contribute to the cultural, social and economic well-being of society through education, research and scholarship. The values that enable this mission are freedom of thought and expression and freedom from discrimination. This is qualified in practical terms by the Skilbeck report^a and can be summarised as follows:

- “ -To reach out in a practical way to the community
- “ - To establish partnerships with industry
- “ - To provide genuine access to the poorer sections of society
- “ - To be more accountable to the public
- “ - To demonstrate our efficiency
- “ - To reflect the wider society.

“The record of NUI Maynooth is excellent in terms of addressing each of these missions. Our university has achieved the highest proportion of students from working class backgrounds in Ireland, the group historically underrepresented at third-level. This achievement has been possible through the efforts of lecturing personnel who have introduced new methods and approaches to learning combined with effective outreach policies. 24.9% of our student intake comes from the skilled manual, semi-skilled and unskilled socio-economic groups.^{b-d} Academic staff have enabled NUI Maynooth to become a more satisfactory reflection of the wider community in terms of our mix of mature students, life long learners, students from diverse ethnic backgrounds, and students with disabilities. The changing gender balance of the academic staff is also an improving reflection of wider society.

“The success of NUIM and other universities in attracting a wider range of students draws attention to the efforts required to enable students generally

to make the transition from second-level education to third-level education. In second-level schools students have learned that success can be measured by their ability to reproduce ‘correct’ responses to examination questions. The educational mission of the university is more ambitious and puts more emphasis on enabling students to think for themselves and acquire more knowledge on their own. To the extent that the groundwork for achieving this is imperfectly laid at the earlier stage in students’ education there are two implications. First, any review of the role of higher education should lead to proposals for changes in second-level education. Second, to the extent that students are not adequately prepared for a different kind of education at the third level the challenges, and indeed the workload, facing third level academic teaching staff is increased.

“It would be incorrect to see Irish universities as being inert in response to the wider community; rather universities, and the academic staff at NUIM in particular, are at the forefront of the agenda for social inclusion and Irish development. This is further evidenced by the contribution of academics from NUIM to Irish society. It is important in this context to acknowledge that ‘Irish society’ and the ‘Irish economy’ are not synonymous. Academics from all disciplines contribute to the diverse aspects of Irish civil conduct that allow us to be a developed and civilised society. It is not only the business and technology oriented faculties that enhance modern Ireland, the study of ancient classics, modern continental languages, history, philosophy, the Irish language,^e music - indeed all the disciplines in the humanities - also add to our quality of life, cultural and economic, as well as maintaining that crucial link with the great tradition of European learning which it is the business of the universities to preserve and enhance. We do not see this appreciation reflected in the terms of reference of the OECD review; a focus on the purely utilitarian ignores a major aspect of the role of the university in Irish Society.

“Nevertheless, NUIM has an admirable and diverse array of interactions with commercial and industrial partners. These range from very large scale partnerships with IT, BioPharma and engineering industries to commercial interactions with companies and agencies in the social, economic and educational arenas. One danger to future growth of this interaction is that a ‘one size fits all’ approach is adopted for university development in Ireland. This could arise from attempts to alter existing successful universities into teaching or research-only institutions. It is clear to our membership that any such approach would destroy existing successful partnerships, reduce the vibrant diversity of commercial interaction with universities in Ireland and be disastrous for the development of the knowledge based economy. It would also likely prompt a flight of en-

trepreneurial talent from the Irish university sector to competitors in neighbouring countries. We recommend that the OECD acknowledges the diversity of approach in Ireland and resist any attempt to undermine or confine the university sector to single-track institutions.

“It must be acknowledged that the attempts to meet these challenges have not been cost neutral. For example, it is invidious to demand a broader role from the universities and the academic staff in particular while simultaneously limiting access to funding. Our perception is that the Irish university sector is inadequately funded relative to most European countries. Underfunding means that NUIM academic staff (and non-academic staff) have neither the resources nor the support staff that would be regarded as good practice elsewhere. We urge the OECD review to recommend that the universities be immediately funded at a more sustainable level and that any broadening or change in role be accompanied by full funding from the exchequer.

“MANAGEMENT STRUCTURE

“The governance of Irish universities has changed dramatically in the last ten years. Our recommendation is to build on the emerging structures and work patterns that have evolved, rather than to make large scale and disruptive changes. The modern member of the academy occupies two roles: one role is that of the scholar/scientist oriented to his/her academic peers, and the other is that of a civic intellectual, addressing the citizenry-at-large, or some more specific social audience, or the public. We recommend that universities be empowered to encourage and support a greater integration between these two roles, so that academics communicate more effectively with their broader constituencies. There should be a greater fluidity between rather than fixity of these two roles. Through a variety of initiatives, the academic community at NUI Maynooth builds bridges to a broader public. Such initiatives should be valued, supported and expanded where possible. Furthermore we recognise and value the evolving patterns of work that have grown up in the university sector. Discussions with regard to strategic management seem to presuppose that academics work a normal 40-50 hour week; our experience is that academics tend to become immersed in their work, often exceeding that figure by many hours. In particular it should be recognised that different patterns of working have developed in response to different requirements imposed by experimental and non-experimental disciplines. Any attempt to impose a single pattern of working practice to the academic life is unlikely to succeed, as no single pattern accommodates the great variety of different disciplines. We suggest to the review panel that the finest indicator of managerial performance within the universities is the quality

of the measurable outputs. Furthermore we believe that government initiatives in the area of work/life balance and family friendly work practices can be elaborated and extended through the university sector and that such policies should be integrated into any review.

“EDUCATION/LEARNING & RESEARCH/DEVELOPMENT

“For the reasons given above, we do not believe that education and research can be separated or isolated within the university sector. Indeed if quality is central to the universities’ role in modern Ireland, then it is essential that neither aspect be viewed in isolation. We need to be cognisant of the changing social location of the university and the current wider change from societies with respect for knowledge to societies chasing information. Knowledge connotes experience, is rooted in practice by immersion, by apprenticeship or by scholarly or scientific training. Information on the other hand, can be gathered by anyone. Universities have become increasingly dependent on their attractiveness as investment objects and on their capacity to deliver profitable knowledge or information. Constant institutionalised information gathering indicates, however, that the only competitive advantage of academia resides in its capacity to produce knowledge, and not just information.^f

“As academic life in NUI Maynooth and all the Irish universities has become more complex, we have been required to adapt to new systems of administration and delivery of programmes. It is essential that the link between teaching and research be maintained. This does not need to conflict with new initiatives in the research experience of the third-level institutions. For example, the HEA programme for research in third level institutions (PRTLII) explicitly connected research and education, making provision for enrichment of undergraduate courses and funding for postgraduate and postdoctoral development. Indeed we consider that this and other recent investment in the educational/research infrastructure needs to be put on a sustainable footing. It is imperative that funding be provided such that contract researchers and lecturers, common in some areas, are brought into the mainstream tenured faculty and that students benefit from the educational opportunities that these staff represent. We draw the review panel’s attention to the tertiary graduation rates of 2000, and in particular the ratio of number of PhD graduates to the population at the typical age of graduation. This survey finds that Ireland’s performance is 20% below the OECD mean and positions Ireland in the lower half of countries surveyed. It is almost impossible for contract researchers and lecturers to accept a supervisory role for a PhD student that extends beyond the length of their own contract. Indeed many funding agencies specifically forbid such staff from accepting this role. We believe that

the failure to build a secure career structure for contract academics is a contributory factor to Ireland's poor performance in this area and recommend that contract researchers and lecturers be brought into the mainstream tenured faculty. Furthermore, the existing HEA investment and initiatives need to be supported by matching investment in the technical and support staff that will become central to the sustainable success of these initiatives. Our experience as researchers is that research enlivens teaching, and teaching provides a crucial link with the student body and is a mechanism through which we can develop and elaborate our stock of knowledge. We strongly endorse the NUI Maynooth statement that 'knowledge and research in basic science and in the social sciences and humanities is no less vital for the development of an innovative, outward-looking and creative society than is research more immediately oriented to product and business development' (Strategic Plan, NUIM 2000-2005).⁹ We believe that this idea of the university, in which knowledge production is to the fore, must be the basis for the making of all strategic decisions in relation to the sector in the future.

"COMPETITIVENESS

"It must be recognised that competition already exists in the third-level sector in Ireland. Universities and ITs (and the courses provided) have to compete annually for students, and to recruit and retain key personnel. Increasingly this competition is in an international context. The current level of Irish achievement has grown out of partnership between the HEA and the third-level institutes. Strategic planning combined with existing structures for competition has resulted in a student-oriented system, which facilitates an increasing variety and flexibility of provision at NUI Maynooth. This approach has delivered more part-time, and mature students. Ireland's improvement in OECD indicator surveys in the period 1980-2001 suggests that the existing model of third-level competition, linked to strategic planning in the universities and the HEA, will continue to deliver sustainable growth^{b-d}.

"An alternative model seeks to create false competition between universities and ITs. Inevitably this approach will result in duplication of effort within the different institutions leading to an unjustifiable waste of resources within the sector, and poor value for money from the exchequer. It is likely that increased 'competition' based on an artificially created market will tend to produce short term or knee jerk responses to employment or market activity rather than sustainable and planned development of the national resources. It is easy to foresee in a small country like Ireland that this approach will also be inflationary in terms of costs within the sector. By creating a false market between education providers, inevitably a market in educators and research leaders will emerge. This will require the

institutions to find remunerative packages to ensure market eminence. In other words, the educational provision will not change, merely be redistributed at increasing sectoral cost. The 'losers' in such a system will be determined by the financial resources of the institution and not by the economic or social needs of the country, or indeed the educational requirements of the students. There is also a clear danger that such a system will lead to distortions in educational provision especially in the humanities. Finally, such artificially imposed markets are by nature reactive to market forces rather than pro-active or sensitive to the strategic planning of the nation's future. An obvious example of this is the British experience arising out of the created market in electricity generation. The Irish education system at third-level has repositioned itself in a very short period to achieve notable improvement in undergraduate OECD indicators.^{c,d} Our recommendation is that existing structures and strategies will provide sufficient flexibility to meet future challenges, if adequately funded. The importation of so called market driven models of development or the adoption of systems from larger economies are not appropriate to the scale of the Irish system, may undermine flourishing and vibrant institutions, and fail to deliver the knowledgeable citizenry that is the key to a socially, as well as economically developed Ireland.

^a Skilbeck, Martin, *The University Challenged, A Review of International Trends and Issues with Particular Reference to Ireland*, Higher Education Authority, 2001.

^b Clancy P and J Wall, *The social background of higher education entrants*, Higher Education Authority, 2000 (Table A6, appendix).

^c *OECD Education at a Glance: OECD Indicators*, OECD, 2002

^d Clancy, Patrick, *College Entry in Focus: A Fourth National Survey of Access to Higher Education*, Higher Education Authority, 2001.

^e The Universities Act (1997) states that one of the 'objects' of the university sector is 'to promote the official languages of the State, with special regard to the preservation, promotion and use of the Irish language and the preservation and promotion of the distinctive cultures of Ireland.'

^f Therborn, Goran, Director of the Swedish Collegium for Advanced Study in the Social Sciences, Uppsala. From 'The first century of sociology and the next' in S Svallfors and T J Boje (eds), *The New Millennium: essays on the current state of sociology*, Umea University, Sweden, 2000, pp. 9-40).

^g *National University of Ireland, Maynooth, Strategic Plan, 2000-2005*, NUIM, 2000."

Additional comments were also supplied to the Team as set out below.

“(1) The OECD Terms of Reference recognize that developing students to their full potential and pursuing knowledge for its own sake are the ‘transcending roles’ of higher education (HE). IFUT welcomes this explicit recognition, and urges the Review Team to ensure that more than lip-service is paid to it; otherwise, the empirical character of the considerations in the remainder of the document will certainly render it a dead letter. To avoid such a tendency, we would point to the need, before the Review is finalized, to vet each potential recommendation emerging therefrom for possible conflict with the Transcending Roles, and to explain the outcome in each case.

“(2) We would suggest that the seeds of possible conflict (as described in [1]) are already apparent in the Terms of Reference themselves, simply by virtue of the number of (supposedly subsidiary) roles that the HE sector is being asked to play. The review Team might ask itself whether it is reasonable and appropriate to expect the sector to be able to shoulder all these diverse responsibilities without a fatal loss of focus. After all, the Defence Forces are not assigned agricultural responsibilities, and the Central Bank is not assigned environmental responsibilities; what reason is there to assume that it is any more fitting for the HE sector to be assigned economic responsibilities, as the Terms assume in the second paragraph?

“(3) Whatever may be meant by the various considerations in the section on Strategic Management and Structure, we would ask the Review Team to be aware of the tendency (all too evident here and abroad, and in other areas such as Health as well as in HE) for management structures, functions and processes (including evaluation processes) rapidly to become an end in themselves. This is accompanied by a never-ceasing and largely self-driven growth in the army of professional administrators which, though immensely costly, tends not itself to be subjected to rigorous financial control. Furthermore, the proponents of professional managerialism as a means to increased efficiency tend to be professional managers themselves; academics in HE, like nurses and doctors in the health sector, know from experience how the strengthening of formal administrative and reporting structures has the effect of adding to, rather than reducing, the administrative burden they have to carry themselves. We would submit that this is a ubiquitous and dangerous tail-wagging-the-dog syndrome of which the Review Team should be fully aware in drawing up its recommendations.” (A Harvey, RIA.)

“The undergraduate education system in the Irish universities is first class. It is superior to that offered in many other countries, both in terms of the intellectual challenge offered to students, the care

that such students receive and the facilities and support services which are available to them. This statement is based on personal experience and on the reaction of students on Erasmus programmes here (in UCD) and on other exchange students from North America.

“By some international standards, the level of research activity in Irish universities is low. It may be argued that this situation is not inappropriate for a small country such as Ireland in the shadow of much larger economic groupings - the US and the UK - but the defect, if such it is, is being remedied through the provision of much improved resources and in internal incentives to academic staff to switch much of their efforts from teaching to research.

“The danger, I see, in this development is that the undoubted quality of the undergraduate education system could be harmed. Our present excellence in this area is not some magical outcome of our history as the land of saints and scholars. It derives from the efforts and resources that have been invested in our teaching programmes over the years and our overriding concern with high academic standards. In a country which is still relatively poor compared with some of those on which we might model ourselves, resources are finite. Resources of time and money which are given to one area must be taken away from another. The Harvard model is fine for an institution with an endowment of \$20 billion!” (P O’Flynn, UCD.)

In addition, a copy of the IFUT Submission to the Public Service Benchmarking Body was sent to the Team as containing much information of relevance to its exercise.

On 20 February 2004, the President and General Secretary met the OECD Team along with other unions involved in third-level.

A minute from the Council meeting of 27 March 2004 sums up this encounter.

“The General Secretary said that the President and he had met the OECD Team on 20 February 2004. The other bodies represented on the union side of the table were Amicus, SIPTU, and ICTU as well as the TUI. Council members had been advised about the accessibility of all of the submissions to the OECD Team through the internet [DES site]. The President reported that it was a two-hour meeting and he referred to some of the points that he had made concerning academics: too much administrative duties, the inadequate quality of students coming in, the lack of preparation at secondary level, and the undesirability of the American practice of some Professors being research-only. It was also evident that the Team was favourable to the reintroduction of fees for undergraduate courses, with adult education being dealt with on a no-fee basis. With regard to privatisation of universities, Anthony Harvey [RIA] mentioned that references to the United States in this connection did

not take sufficient account of the fact that the bulk of monies came from the defence industries. It was decided that, as soon as the OECD Report was issued, the Executive would meet to discuss it and an Emergency Meeting of Council called, if need be.”

It is expected that the Report of the OECD Team will be forthcoming quite shortly.

2. University Cutbacks

The position of a 10% cut in funding for the universities, instituted by the Minister for Education and Science, was the subject of local and central attention during the session.

On 19 December 2003, the following letter was sent by IFUT to the Editors of newspapers.

“The Executive of the Irish Federation of University Teachers (the main representative body for university lecturers and professors) is appalled at the severity of the cuts that the Minister for Education and Science, Noel Dempsey, has visited on the universities. The motivation for this action is hard to comprehend and it appears that the universities have been singled out for this level of treatment. What is *not* hard to comprehend, however, is the devastating impact that these cuts will, if implemented, have on the quality of service that the universities can offer to the student community.

“In recent years, despite modest levels of resources in international terms, Irish universities have made a huge commitment to quality in both research, and teaching and learning. They aspire to reach and maintain the highest international standards, and these goals have been accepted by Government as appropriate to an information society. Last year, the ability of the universities to pursue their research goals was severely hampered by a Government ‘pause’ on funding. The resultant and understandable outcry from many sectors of the economy produced a welcome improvement in funding this year. But, this improvement in research funding appears to be entirely at the expense of the other core aspect of a university’s business, that of teaching and learning.

“The universities will not have enough money next year to run existing programmes. The cuts are so deep that vacancies may have to remain unfilled, contracts may not be renewed and library services may be curtailed or cancelled. Many of the labour-intensive components of teaching and learning - small-group teaching, seminars, field courses - will have to be dropped in the absence of people to provide them. Similarly, universities have made great strides in improving access to higher education for a variety of less advantaged groups. It is hard to see how these services can be sustained in this changed climate. The list of what will *not* be available in the future is potentially a long one.

“In short, the cuts are an assault on the quality of the educational experience that the universities can offer. It is a bizarre position for a Minister to

take, given the emphasis in ‘Sustaining Progress’ on improvements in service and service delivery. The modest increases awarded to staff under benchmarking are predicated on such improvements. Yet, progress will not be sustained unless these cuts are reversed. Indeed, ten years of progress are at stake. It makes no sense to squander what has been achieved in such a cavalier manner.”

Also, during the year, an IFUT Working Group was set up, under the Convenorship of Anthony Harvey of the RIA, to look into the matter. Its remit was later broadened to take into account the work of the OECD Team and talk about privatisation of universities. At the meeting of Council on 22 May 2004, it was agreed that the Group should be transformed into a Standing Committee under the Rules and that its remit would be reviewed from time to time.

In a related area of Fees for Third-Level Education and the possibility of the OECD Review Team revisiting the issue, a document was put together for Council indicating how IFUT had addressed this matter over the decades. This is available from Head Office as need be.

3. Possible Restructuring in Universities

During the session, publicity was given to proposals for restructuring in both TCD and UCD.

Most detail was forthcoming in the case of Trinity and is reflected in a minute of Council meeting of 22 May 2004.

“Hugh Gibbons of TCD said that what was basically being proposed was that 61 Departments be reorganised as 18 Schools within 3 Faculties. To some extent, this was seen as a reaction to the 10% cut in funding and Government pressure. Paddy O’Flynn of UCD asked about the academic justification for the changes. Val Rice of TCD said that what was also envisaged was the appointment of three Executive Vice-Presidents. Hugh Gibbons said that the Board of Trinity College would examine the situation in July 2004 to see whether or not to go ahead with the proposals and, if they were adopted, they were to be implemented within one year. The IFUT Branch had yet to respond to the relevant document. There was also the question of Departmental responses. Léan Ní Chuilleanáin of the RIA said that she found the document that had been distributed entitled *Reforming Universities: How to Lose the Plot* by Professor Gordon Graham to be quite interesting in regard to the management dimension and wondered if IFUT would be reacting to same. Pat Burke of SPCD said that the TCD proposal should be compared with changes in DCU. Val Rice protested in particular against the time-scale envisaged in the exercise. Richard Moloney of UCC expressed concern at administrators, who had little idea of what a university was about, being appointed to senior positions of management.”

4. Hibernia College

This was the subject of much discussion and concern during the year. As a consequence, motions were passed as follows.

(1) "IFUT urges that no member be involved in the proposed course for Teacher Education in Hibernia College."

(2) "IFUT urges that no member be involved in any proposed course in Hibernia College."

(3) "IFUT urges that no member should be involved in the preparation, delivery, grading, or external examining of any proposed course in Hibernia College."

IFUT also wrote directly to the Minister for Education and Science on 11 December 2003 as follows.

"The Executive of the Irish Federation of University Teachers, at its meeting on 17 December 2003, resolved that, in the light of the large number of applicants, you should be asked to reconsider the decision to halve the intake to the graduate diploma course in the Colleges of Education. Moreover, the Executive wishes to know if it is still your intention that the Colleges of Education should offer a graduate diploma in education by distance learning or in a modular fashion."

A comprehensive statement was also issued as set out below.

"The Council of the Irish Federation of University Teachers has extended its censure of the online teaching institution, Hibernia College, by urging its members not only to refrain from writing or teaching on its programmes, but also to refuse to serve as external examiners on its courses.

"IFUT's objections are centred on the online graduate diploma in primary education offered by Hibernia College. In the first instance, IFUT opposed this course on professional grounds, arguing that internet-based learning was an inappropriate way to provide initial teacher education. IFUT is also concerned at the way in which this course has been accredited by the Higher Education and Training Awards Council (HETAC), particularly the absence from the board of assessors of any internationally recognised educational experts. Nor does HETAC appear to have taken into consideration the conclusions of the Kelleghan Report (2002), a study funded by the Department of Education and Science, which advised that the duration of the existing teacher education courses be significantly extended.

"IFUT is also concerned at the lack of transparency in the accreditation of the Hibernia College diploma. In the first instance, the HETAC process does not come under the workings of the Freedom of Information Act (1997), while it is also clear that the decision of the Minister for Education and Science to sanction this course was made without regard to educational policy. On the contrary, the sanction flies in the face of policy and practice, and

appears to be based upon financial considerations and represents the privatisation of an education provision. The Minister has effectively granted Hibernia College a lucrative franchise to 'train' primary teachers, while at the same time significantly reducing the number of graduate entrants to the state-funded Colleges of Education, which had demonstrated considerable flexibility and had increased student numbers in order to alleviate teacher shortages.

"In addition to IFUT's worries about quality and standards, the union is also concerned that the Department of Education and Science has placed no limit on the numbers of students this internet company may enrol in its programmes. This failure will have significant implications for teacher supply and the status and conditions of primary school teachers in Ireland.

"These are the reasons why IFUT has extended its censure of Hibernia College and this echoes the call of the INTO that all further intake of students to the internet course be suspended pending a thorough and transparent assessment of this online programme and the process through which it was sanctioned."

5. NQAI

In regard to the National Qualifications Authority of Ireland (NQAI), Colum Ó Cléirigh of SPCD and Maureen Killeavy of UCD kept this area under review for the union. Particular events in this connection were the Launch Conference for the National Framework of Qualifications on 18 October 2003 and a conference entitled Towards 2010 - Common Themes and Approaches Across Higher Education and Vocational Training in Europe of 8 March 2004.

In the related matter of the Bologna Process, it was decided that the General Secretary would write a letter to the Editor as follows.

"Recently, concerning European Student Exchange Programmes, there has been correspondence in your columns between Professor John Kelly and Dr Garret FitzGerald pursuant to the latter's article on this subject in your edition of 20 September 2003.

"Among other things, these items have referred to the need to bring together national organisations of academics in Europe in the light of what has been called the Bologna Process, last manifest in a meeting of Ministers with responsibility for higher education in Berlin from 18 to 19 September 2003.

"In fact, there is already a body called the Higher Education and Research Standing Committee (HERSC) of the Education International Europe, which is usually attended by delegates from 14 countries from all parts of the European Continent including Ireland in the shape of IFUT. This body has been closely monitoring the Bologna process and has consistently lobbied for participation by academic unions in it as well as protesting at the

refusal to accede to this request. Individual unions have also been refused participation by their national governments in the conferences concerned, such as on the last occasion in the case of IFUT and the Berlin Ministerial Meeting.

“Nonetheless, in April of this year, and also in Berlin, academic unions, again including IFUT, gathered to prepare their position for the Ministerial Conference and a number of documents issued therefrom. Two were prepared by IFUT. Moreover, some unions, including IFUT, were participants in the Graz Conference of European Rectors at the end of May and beginning of June, which also was a foreshadow of the Ministerial Conference.

“Despite lack of success after all these efforts, we agree with Dr Garret FitzGerald that it is a matter for continuing regret that unions of academics, unlike those of students, have not been fully involved in the Bologna process. However, work will continue to be undertaken to ensure that this defect and anomaly is rectified.”

In a related area, Paddy O’Flynn of UCD participated in the Irish Socrates Advisory Committee and kept Council advised of developments accordingly.

6. Internationalisation of Irish Education Services

In response to a communication from the Department of Education and Science, IFUT drew up a response on this subject as a result of the activity of a Working Group convened by Pat Burke of SPCD with Gerald Mills of UCD being Rapporteur and Drafter. The Report in question was adopted at the Council meeting of 22 May 2004 and is set out below.

“Our response to the document on the development and expansion of the internationalisation of Irish Education Services (IIES) is both general and specific. The IIES proposes that Irish education is a service that can be sold to a market located chiefly in the developing world outside of the EU - much in the same way that tourists are encouraged to visit Ireland by Bord Fáilte. We do not have any objections to providing these educational services to a global community; however we do have concerns about the financial emphasis and its implications for the University sector. Most of the report refers to third-level institutes, of which the University sector is one part. There are other references to primary and secondary school education and the teaching of English as a foreign language. This response represents the views of University teachers.

“We believe that the University occupies a critical position in a civilised society. At its core is a community of scholars, each of whom is actively engaged in teaching and research. The University itself should be an environment that provides the freedom to exchange ideas, to learn and to develop critical thinking skills. These attributes are best at-

tained in a system that has a broadly based curriculum where a spectrum of interests and disciplines is represented. The University is a necessary component of a fair, democratic society (rather than a luxury) that fulfils a variety of societal, cultural, intellectual and economic functions. Its graduates are active citizens, participating in all aspects of society. In Ireland the independent ethos of universities and the principles of academic freedom are enshrined in the Universities Act (1997).

“IIES identifies the excellence of Irish education as a distinct advantage for the country that makes it well placed to offer this service. One of the features of this system - and a large part of why it is excellent - is its commitment to educational values as a priority. We believe that the tenor of IIES is far too focused on the financial aspect of education and pays insufficient attention to its social and cultural values. Irish education has always been international as evidenced by the investment of Irish religious organisations in education world-wide. From the point of view of developing networks of benefit to future Irish generations, contacts that are based on mutual respect rather than simply a financial transaction are likely to be stronger bonds.

“The approach taken by IIES will, unless moderated by other practices, contribute to the undermining of indigenous education systems by offering a degree from a western-based institution. Moreover, as access to these courses will be determined by financial considerations only, Ireland will be contributing to the development of two-tier educational system in the origin country as only those with sufficient financial resources will be able to access these courses. Some of these outcomes are inevitable once education services are sold abroad. However, in other countries (such as the US) that have strong records in this arena the selling of courses is balanced by other measures that are designed to support less privileged students from developing countries.

“There is an understandable fear that existing university course offerings will become increasingly aligned with the financial imperatives of this programme. This may mean that the broad curricula currently offered in Irish universities become curtailed to meet the narrower objectives of earning money from these students.

“In general, we do have some issues with the premises upon which this document is based. Essentially, it is predicated on the assumption that there will be spare capacity in the Irish university sector in the near future. Specifically the school-leaving cohort is expected to decline, reaching a nadir of 23% by 2013. The document suggests that expanding the reach of the third-level sector into new markets will fill this gap. There are some issues that arise from this however.

“a. Currently the third-level sector is operating at full capacity. By comparison with similar insti-

tutions abroad the staff-student ratios in Ireland are very high. Decreasing the number of students, and maintaining current staff levels will bring our institutions in line with those elsewhere.

"b. Population projections of the sort referred to should be seen as indicative rather than categorical. Irish society is being radically transformed by the infusion of immigrants and returning emigrants. If the Irish economy continues to perform well, it is likely that the population will continue to rise so that any changes in the birth-rates will be offset by a general population increase. In the past, decisions on educational institutions based on simple demographic trends (e.g. the closing of the Carysfort College of Education) have proven ill-founded and expensive.

"c. There is a disjuncture between IIES and other documents that refer to the future of the university sector (e.g. the Skilbeck Report). These reports also refer to the need to diversify the financial 'streams' of educational institutions. However, a central argument is that the 'shortfall' in school-leaving students provides an opportunity to increase educational services to the disadvantaged and to promote life-long learning by encouraging mature students into the third-level sector. It is important that financial imperatives are balanced with these social objectives. In addition an economic priority has been to contribute to a knowledge based economy by educating those living in Ireland (Point II in Advantage for Ireland section).

"d. These points need to be clarified because there is an implication that despite the spare capacity, the space 'sold' to non-EU students may displace Irish students (Point C) in Challenges and Questions).

"Many (but not all) of the points made in the document are supported by statistics. However, none of these are referenced. We are told that the private HEI's have a greater than average number of students from non-EU countries but no figures are presented. The numbers indicating the potential market share are not referenced. In its discussion on China (on p 4) it is mentioned that just one-third of Chinese students studying abroad returned home. This is the market that Ireland will be entering, one that contributes to the 'brain drain' of developing countries - this is something that we are very familiar with in Ireland where graduates educated in Ireland were 'lost' to other countries. It is difficult to reconcile this with the view that 'high-quality third-level education is vital for our continued economic development and growth and for our efforts to attract high quality Foreign Direct Investment' (p 3). This implies the education of those likely to remain in Ireland - how does this fit with the worry about 'potential abuses of visa and labour

market regulations'. It seems as though there is a contradiction.

"There is no link between these documents and other initiatives that are already underway. For example, the Bologna process is designed to standardise the university sector across Europe allowing students to transfer easily from institution to institution. A major aspect of this initiative is that of ensuring quality so that courses/curricula are comparable. How does the quality issue discussed in this document match this initiative? In particular, what exactly does a Quality Mark represent?

"There is a lack of clarity regarding what happens to the earnings from this enterprise ('To what extent should revenues from overseas students be retained by publicly funded institutions' p 4.) Is this proposal not based on free-market principles where open competition occurs? The thrust of the argument seems to be muddled. Is it that the Government will allocate the spare capacity in the University to non-EU students and apply some of these funds to the university sector? Is this not a distortion of the market place where public institutions undercut private institutions? It would be reasonable to have a clear, unambiguous statement about the purpose of the publicly funded university sector that places financial considerations alongside 'ethical and public policy missions' (p 4) of these institutions.

"The final section of the document, The Future, outlines a plan for developing this sector of the economy by establishing a broad group to consider a series of options. The final paragraph mentions issues that are not referred to elsewhere in the document. This includes the actual placement of Irish universities, primary and secondary schools in other countries - something not alluded to elsewhere. These seem like very substantial undertakings that have broad implications in, for example, teacher education. It is surprising that these ideas are only introduced on the final page of the document.

"In general we feel that core educational values that underpin the basis of the document (the 'centre for educational excellence' p 1) are seriously undervalued in this document. We have reservations about involving an educational system with a history of support for poorer countries in a scheme that will ultimately siphon the brightest from the country, promote the value of western degrees at the expense of native degrees (and in the process, downgrade native institutions), and enhance the social disparities that already exist in those societies. This same initiative could be placed within the development goals of Ireland (which have yielded a 'network') rather than simply represent financial opportunism."

7. All-Ireland Developments

The Centre for Cross Border Studies (CCBS) continued its work during the year in the matter of

looking at higher education throughout Ireland and, on 6 and 7 November 2003, held a conference on Widening Access in HE on the Island of Ireland. The agenda was as follows: A Reflection on Equal Educational Opportunity Policy in the United States; The South African Experience of Higher Education Access for Disadvantaged Persons: A National Qualifications Framework Perspective; From Periphery to Policy: Inclusive Access to Higher Education in the Republic of Ireland; Widening Access in Scotland: Recent Policy Developments; Widening Access: The Northern Ireland Experience; Disadvantaged School Leavers: the University of Ulster's Step-Up Programme in Derry; People with Disabilities; and Disadvantaged Mature Students. On 20 and 21 May 2004, another conference was organised by the CCBS entitled Cross Border Higher Education Co-operation in Ireland and Europe. IFUT has kept abreast of the information emanating from both these events.

8. National Council for Curriculum and Assessment

During the session, Brendan Spelman of UCD stepped down from the Steering Committee for Special Education and was replaced by William Kinsella, Education, UCD.

IFUT representatives on the Council and the Committees otherwise of the National Council for Curriculum and Assessment are as follows:-

COUNCIL:

Eugene Wall, MICTL;

PRIMARY CURRICULUM CO-ORDINATING

COMMITTEE:

Eugene Wall, MICTL;

PRIMARY ASSESSMENT WORKING GROUP:

Eugene Wall, MICTL;

EARLY CHILDHOOD & PRIMARY COMMITTEE:

Eugene Wall, MICTL;

EARLY CHILDHOOD COMMITTEE:

Philomena Donnelly, SPCD;

STEERING COMMITTEE FOR ICT:

Maureen Killeavy, UCD;

STEERING COMMITTEE ON INTERCULTURALISM AND THE CURRICULUM AT PRIMARY AND POST PRIMARY LEVEL:

James Norman, MDIE.

STEERING COMMITTEE FOR SPECIAL EDUCATION:

William Kinsella, UCD;

STEERING COMMITTEE FOR PILOT PROJECT ON MODERN LANGUAGES IN THE PRIMARY SCHOOL:

Anne O'Keeffe, MICTL.

9. General

Other matters that were looked at during the year were Undergraduate Medical Education and Training in Ireland as a result of documentation received from the HEA; the Annual Report of the Scientific and Technological Education (Investment)

Fund for 2003; the Report of a Group on Research Overheads from Forfás/HEA; the HEA publication Provision of Undergraduate and Taught Postgraduate Education to Overseas Students in Ireland; details of a Seminar of the European University Association on Leadership and Strategic Management of Universities; the INTO Consultative Conference on Education; the document launched by the Minister for Education and Science entitled 'Yes' (Your Education System), although it had only slight reference to higher education in the context of the OECD Review already referred to; and the Short Guide to Money Management for Third-Level Students produced by the Irish Financial Services Regulatory Authority (IFSRA).

II. REMUNERATION

1. General Pay Rounds

The general salary increase that occurred during the session was 3% as of 1 January 2004. Increases of 2% are also due on each of 1 July and 1 December of this year.

As we go to press, a new General Pay Agreement has just been reached between ICTU and the employers which of course has to be ratified at the appropriate levels within those bodies. If such ratification takes place, it means that IFUT members will receive a 5.5% salary increase in three phases over 18 months. A first phase increase of 1.5% will occur with effect from 1 June 2005. A second phase increase of the same amount will occur from 1 December 2005 with a final phase increase of 1.5% coming on 1 June 2006.

This is also in the context of the benchmarking increases as reported on in last year's Annual Report and set out again below, taking UCD as an example. Comprehensive details for all members have already been supplied to them.

	Benchmarking			
	Asst Lect 11%	Coll Lect 3%	Sen Lect 3%	Assoc Prof * 6.1%
1.12.01	1/4	1/4	1/4	1/4
1.01.04	+1/2	+1/2	+1/2	+1/2
1.06.05	+1/4	+1/4	+1/4	+1/4

* With exception of NUIG Associate Professor

2. Performance Verification

Pursuant to the agreement 'Sustaining Progress', this item was a matter of considerable attention during the year. At the Council meeting of 4 October 2003, nine draft Action Plans from Branches in this connection were considered along with a document from the IFUT Strategy Committee, prepared by its Convenor, Joe Brady of UCD

and entitled IFUT Strategy Committee Document - Discussion Paper for Council.

On 13 December 2003, Council then passed the following two resolutions.

CAREER GRADE

“The Council of IFUT, noting the development and introduction of a system of progression to a career grade in University College Dublin, calls on all branches in academic institutions to lodge claims with their respective University/College administrations for a proper and non-competitive system of academic career progression as soon as is practicable.”

PROFESSORIAL TITLES

“The Council of IFUT calls on all branches in academic institutions to lodge claims with their respective University/College administrations for the introduction of an up to date system of professorial titles to replace existing academic titles as soon as is practicable. Council also asks that a committee of the union be established to examine whether a common system of professorial titles for all institutions can be developed.”

Various resolutions were passed in connection with the Action Plans during the year.

On 18 October 2003: “Council approves the Action Programmes as submitted to it, but calls on Branches to reflect on the comments provided to them by the Strategy Committee.”

On 7 February 2004: “That no Branch or Branch representative on Partnership Committees should sign up to a Performance Management document until all Branches have such documents which will then be considered by IFUT Council and a recommendation made accordingly.”

On 22 May 2004, Council further decided: “that a Sub-Group of Council should be set up to look at the general business underway in connection with the ESPVG [Education Sector Performance Verification Group] and that members of Council willing to serve on same should supply their names to the General Secretary along with dates and times when they would be available for the first couple of meetings. Secondly, it was decided that the NUIM Branch should proceed as had been outlined by it in the light of the fact that the action envisaged up to the end of the year would only consist of pilot programmes.”

For the NUIM document, see Appendix E.

3. Salaries & Grading in RIA

The Report of the Consultants which had been sought by IFUT was forthcoming in July 2003, produced by the Institute of Public Administration. This recommended a number of positive developments, but not as many as were wished. As a result, IFUT wrote to the Academy on foot of a recent meeting as follows.

“Given the IPA recommendation that certain specified employments in the Academy should indeed be upgraded, we expect that the Academy (a) is taking a stance on the timeframe that it feels *ought* to be adopted (as opposed to merely predicting the line it feels the HEA will take) for the implementation of these improvements, and (b) is actively pressing the HEA for that schedule to be adopted.

“We also expect that the Academy will actively pursue the analogy of the situation in the DIAS so as to avoid the ‘career-capping’ that *de facto* exists in the Academy, and that would otherwise be copper-fastened in respect of the posts not proposed in the IPA Report for regrading at this time, if that Report is adopted as simply it stands.

“We understand that the post of Research and Development Officer, if created, will be responsible for helping and supporting the Academy’s research projects and will not involve seeking to intervene in the management of those projects.”

4. Assistant Librarians in UCC

The job evaluations referred to last year were carried out during the session and this led to some progress. However, the situation is currently being reviewed in relation to where evaluation did not lead to actual change.

5. MLS Relativity

This refers to the relativity which our Chief Technician I (CT I) and Experimental Officer (SEO) grades in TCD have with Medical Laboratory Scientists outside the university. The follow-through implications of a Report of an Expert Group and of the Benchmarking Body were dealt with during the year, but were not brought to a conclusion. The problem is that a number of different organisations are involved apart from IFUT, namely the HEA, SIPTU and Amicus (formerly MSF). The LRC has also been involved in attempting to progress the matter. It is hoped that the position will be brought to a conclusion early in the new session. What are involved are increases in salaries arising from benchmarking awards for technician grades in Government Departments ranging from 3% to 3.8% on top of awards forthcoming from an Expert Group, meaning total increases of 10.6% to 13.8%.

III. CONDITIONS OF EMPLOYMENT

1. Freedom of Information Act

IFUT is continuing to press for the inclusion of the Dublin Institute for Advanced Studies and Royal Irish Academy within the scope of this Act and has raised again, with the Minister of State concerned, Tom Parlon TD, the prospect that he held out in his

last reply to the union that such inclusion was being looked at favourably.

2. APSCEH Grading Claim

This has been a matter of considerable frustration during the year. First of all, after considerable delays and a broken deadline, a letter was received from MICL and SPCD of 13 October 2003 as follows.

“Arising from the hearing [in fact, Conciliation Conference] of the Labour Relations Commission on this matter, we have been in discussions with the Higher Education Authority. You will recall that at the Hearing, the Department of Education and Science had indicated that while it was not possible to make progress on the issue of professorships at this time, there was scope for improvement in the number of senior positions within the existing career structure up to and including Principal Lecturer.

“The Higher Education Authority has now advised us that it is prepared to agree to the following structure being evenly phased in over a three-year period:

GRADE	SPCD	MICL
Principal Lecturer	8	8
Senior Lecturer	27	27
Lecturer/Asst Lect	76	75
TOTAL	111	110

“In its letter to the Colleges, the HEA makes clear that its approval is subject to the following conditions:

“1. No increase in overall academic staff numbers arising from this proposal.

“2. Costs of implementation must be met from within existing allocations to the College and must not give rise to a deficit.

“3. All PL and SL posts must be filled by a competitive process and the Colleges are required to submit to the HEA their proposed procedures for filling such posts before any positions are filled or advertised. Such procedures are to be in keeping with generally accepted practice in the sector. ‘No post arising in the senior grades arising as a result of these proposals may be regarded as an upgrading.’

“4. It is the understanding of the HEA that ‘the existing imbalance between senior and junior grades in the Education and Humanities Faculties will be corrected by the implementation of these proposals.’

“5. The HEA is prepared to review the structure in the light of then existing student numbers and developments in the Colleges in 2006.

“The HEA has suggested that we should initially pursue this issue directly with IFUT before returning to the Labour Relations Commission (if necessary). The HEA has indicated that it will continue its practice of not attending LRC hearings.

“In relation to professorships, the HEA has reiterated its insistence that there is no possibility of introducing the grade of professor until the remuneration of the Presidents has been reviewed. They have agreed to write to the Department of Education and Science requesting that this review be carried out at the earliest opportunity.”

In fact, the letter fell short of what was claimed whereby 31.5% of posts were to be at ‘Senior’ level (i.e. Principal Lecturer and Senior Lecturer) rather than 40% using the HEA norm. It later emerged that this was because the criterion of UL and DCU to which MICL and SPCD are linked respectively, was being utilised in this regard. Certain clarifications of the position had to be sought and consultations had also to take place with the Branches concerned. However, towards the end of November 2003, it was obvious that another Conciliation Conference was required at the Labour Relations Commission and was requested accordingly. This took place on 20 January 2004, but did not lead to agreement and general meetings were then held in Drumcondra and Limerick in order to secure a decision on whether or not to accept the official offer on a without prejudice basis in regard to pursuing the claim further in the context of any new accord which would succeed ‘Sustaining Progress’. These led to a rejection of the offer and, as a consequence, a Labour Court Hearing was requested on 11 February 2004. Despite the fact that the Conciliation Officer had suggested such a Hearing could take place within about six weeks, almost 5 months have now elapsed without a scheduling being arranged. This is also despite the fact of repeated requests to the LRC for such a Hearing. As a consequence, IFUT has had to take the unusual step of writing again recently to the LRC saying that if it does not receive a response to its correspondence in the matter, it will have to be taken to a higher level.

3. Closure of St Catherine’s

Unfortunately, on 19 September 2003, the Minister for Education and Science announced a decision to close St Catherine’s College of Home Economics, Sion Hill, in a phased manner over four years. The Dominican Order, which runs St Catherine’s, issued a statement on 22 September 2003 severely criticising the substance and manner of this decision. Also, on that date, IFUT issued its own news release concerning the situation as follows.

“The Irish Federation of University Teachers wishes to express its profound shock at the announcement by the Minister for Education and Science, Noel Dempsey TD, to run down and eventually close, in four years’ time, St Catherine’s College. Over a year ago, the Minister was given the Report of a Consultant on the Future of the College and, since then, the Federation has been attempting to engage with the Minister and his officials on

this, first by way of having its disclosure and, secondly, discussing its contents. However, the Federation has encountered a persistent refusal to meet with it and have the necessary discussions, in which it would have been possible to suggest the continuance of the institution in the context of possibilities of diversification.

“This action, and in particular the manner of its execution, is a disgraceful display of high-handedness, on the one hand, and gross insensitivity to staff, students and parents on the other.

“The Federation is calling for a meeting with the Minister and its officials at the earliest opportunity in order to discuss this state of affairs.”

At least, the Counsel’s Opinion which had been received concerning permanent staff at the College confirmed their tenured status as being on the same basis as had obtained in respect of members in Carysfort in 1987. Nonetheless, there were some temporary members of staff whose position is vulnerable and had to be given special attention.

On 16 October 2003, the union met with the Management and the Department of Education and Science to review the state of affairs and the indications which had been received that reasonable re-deployment would be sought for staff who wished to avail of that opportunity and consideration otherwise would be given to putting together a voluntary redundancy package. The Minister had clearly come to the opinion that suggestions of diversification within St Catherine’s in order to keep it going were either not viable or not of interest to him. It was particularly regrettable that he had effectively reneged on a commitment given in the Dáil that he would meet IFUT to consider the future of the College prior to any decisions being taken.

During the year, the General Secretary interacted with a number of members about their particular positions and possibilities of redeployment, given their staff profiles. Further questions were posed in the Dáil about the future of St Catherine’s, through the good offices of the Fine Gael Spokesperson on Education, Olwyn Enright TD. These were responded to on 28 April 2004 but, as previously, the substance of the replies did not really reveal anything about the situation which was not apparent otherwise. At the same time, the value of such Dáil questions can be to maintain pressure and publicity concerning an issue.

As the current academic year was drawing to a close, there was considerable anxiety about the lack of clarity as to the proposed future of staff in the coming year, particularly those on temporary contracts. However, it is good to be able to report that, at the end of the day, all staff, permanent and temporary, and wishing to do so, will continue to exercise their duties in the College in the next academic year. There was only one incidence of a temporary person going and that was for personal reasons.

4. Promotions in UCD

This continued to be a feature of attention in the university during the year, under both the headings of access to Senior Lectureships and to Associate Professorships, in the latter instance with particular reference to an appeals mechanism.

In the matter of Senior Lectureships, it was reported to IFUT Council on 27 March 2004 that UCD had not followed through on its commitment to have a special round of promotions in respect of those who fell outside the normal career pattern, i.e. where concentration had been on teaching and administration rather than getting a PhD. There was to be a new ordinary round of promotions in April 2004 with a tightening-up of procedures in relation to same. However, it was reported that the judgments of the Appeals Committee following on the last round were not being taken into account, sufficiently or at all, in this exercise. It was also mentioned that an equality audit of UCD might lead to certain aspects of the promotion procedure being held to be faulty through not having adequate regard to the situation of female applications in the context of both work and domestic commitments. It was also observed that, as the Benchmarking Body had identified no clear distinction between Lecturer and Senior Lecturer in its awards, that should be brought on board in pursuit of the question of promotion. This aspect of promotions in UCD is still being dealt with by the Branch, but it was notified to Council that the Labour Relations Commission might well have to be involved in due course.

On the question of Associate Professorships and an appeals mechanism for those who were not successful in obtaining same, the union made representations to UCD for the institution of such a mechanism, not least because an internal report on promotions in the university appeared to indicate that this should be the case (Dowling Report). As there was not a positive response in this regard, it was decided to seek legal advice about the situation. This was first forthcoming from the union solicitor and then legal counsel’s opinion was sought as well. The possibility of seeking judicial review seemed to arise and this was considered carefully by two emergency meetings of the Executive in between which a consultation took place with the solicitor and counsel.

It emerged, however, that little could be achieved generally from judicial review in the High Court, even if it were successful. Rather, was it established that, in terms of the possibility of instituting a general appeals mechanism, the Labour Court would be the better option, following the necessary procedure of going to the Labour Relations Commission first, and this option has now been presented to the Branch.

5. Ex-Carysfort Members

In the matter of ex-Carysfort Members being forced to make pension contributions in UCD, there were various communications with the university during the year, but, eventually, legal proceedings had to be followed through. Various steps have been taken towards that end and a High Court case may be necessary if UCD insists on not making the necessary concessions.

6. Pensions

An extract from the Budget Statement of 3 December 2003, concerning Public Service Pensions, received from the Public Services Committee of ICTU, was noted during the year. The highlights of this were that (i) the minimum pension age would be increased to sixty-five for most new entrants to the Public Service; (ii) this included teachers; and (iii) the present compulsory retirement age of sixty-five would be removed, thus enabling staff to remain longer in work should they wish, subject to suitability and health requirements. It was also noted that the latter aspect might be viewed in the light of earlier attempts by the union to secure the right to go on beyond age sixty-five.

A draft new pension statute in UCD is also being looked at by the union.

7. Fixed-Term Act 2003

The Protection of Employees (Fixed-Term) Act 2003 was passed on 14 July 2003. "Fixed-Term" is the strict legal expression for what people might generally refer to as "temporary". It will take time to work out the full implications of the Act and its significance in terms of application. However, the Irish Congress of Trade Unions produced a briefing document on it which is contained in Appendix F to this report.

8. Quality Assurance

The President reported to Council on the meeting which he attended on 19 April 2004 with the Irish Universities Quality Board (IUQB). Also in attendance were the General Secretary, Hugh Gibbons of TCD, Mike Mansfield of UCC, Jerry Harpur of NUIM and Anthony Harvey of RIA. It was stated that the Board had the same view as several other parties about difficulties in interacting with the present Minister for Education and Science. Beyond that, it was emphasised that it was desired to avoid the pitfalls that had arisen in quality assurance in the UK. Don McQuillan, Chief Executive of the IUQB, averred that the legislation concerning quality assurance in Ireland was the best in Europe. He also mentioned that CHIU and the IUQB were becoming distinct entities. One of the tasks ahead was to get more precise and concrete data about work done in the universities, especially in connec-

tion with any future benchmarking exercise. Mention was made of interactions of the OECD and HETAC on the quality front. There was reference to the European University Association (EUA) and four teams thereof visiting Irish universities with a view to making a report to the Minister in November 2004 on Quality Assurance Mechanisms. It was acknowledged by the IUQB representative that there was a danger of bureaucratisation in the whole quality assurance process that one had to keep an eye on.

9. Expense Allowances & Tax

A letter of 3 March 2004 from the Revenue Commissioners granted another periodic increase in Flat Rate Expenses and Tax Relief for Academics. The changes were as follows for 2004-2006:

- Professors €558 (previously €470)
- Other Lecturers (incl. temporary lecturers on full hours) €475 (previously €400)
- Temporary Lecturers not on full hours €256 (previously €216).

10. Personal Cases

Twenty-five cases were finalised during the year in the areas of: conditions, complaints, exam payments, grievance, health and safety, lost salary cheque, pensions, permanency and salary proportion, principal lectureship, professional added years, promotions, responsibilities, sabbatical leave, salary scale, and sick leave.

Thirty-two cases are still ongoing in the areas of: bullying, clamping of cars on campus, complaint, contracts, equal status, employment status, grade placement, lectureship, maternity leave, non-renewal of contract, non-appointment to permanent post, pensions, promotions, remuneration, rotating headship, salary scales, staff development policy, suspension, and tax relief.

11. Services to Members

A revised Loan Service was negotiated with Friends First during the year and is outlined in the advertisement below posted on the union web site.

"FRIENDS FIRST

"Unique Personal Loan Offer for members of the Irish Federation of University Teachers. Members should still check alternative quotations.

"Borrowings from €1,000 to refinance existing expensive borrowings e.g. Credit Cards or for a Car, Holiday, Home Improvements, Computer purchase.

"THIS LOAN OFFER HAS THE FOLLOWING SPECIAL FEATURES:

- *Personal Service*
- *Unsecured Loans*

- *Preferential Rates*
- *Streamlined Process*
- *Quick Decision (within one hour)*

“Why not obtain a quote, without any commitment, from Mary or Séamus @ 1850 403 404

“APPLYING FOR A LOAN INVOLVES:

- * A couple of minutes relaxed, confidential conversation with Mary or Séamus.
- * Decisions are normally advised before the conclusion of your phone discussion.
- * You may be asked to supply some documentation, e.g. Bank Statement / Bill.
- * Loan cheques are issued on the same day that the Loan Agreement and supporting documentation are received by Friends First - Finance Direct.”

This is in addition to the Car and House Insurance, Health & Life Assurance, and Travel Insurance packages already available to members, details of which are also contained on the IFUT internet site.

IV. GENERAL CONTACTS

1. Irish Congress of Trade Unions

Listed below are the Congress committees on which IFUT has representatives.

Women's Committee - Joan Byrne, HRB, and Colum Ó Cléirigh, SPCD.

Health & Safety Committee - Michael McKillen, TCD.

Public Services Committee - Daltún Ó Ceallaigh, General Secretary.

Solidarity [3rd World] Committee - Iain Atack, TCD.

Retired Workers Committee, Colum Ó Cléirigh, SPCD.

Trade Union Task Force on Minority & Ethnic Groups - Marie Clarke, UCD.

Joan Byrne, HRB, represented IFUT at the Biennial Women's Conference of ICTU from 26 to 28 March 2004 in Galway.

2. Trades Councils Representatives

IFUT is entitled to representatives on the following Trades Councils: Cork, Dublin, Galway, Kildare, and Limerick.

Representatives are as follows:

Cork - none.

Dublin - Colum Ó Cléirigh, SPCD.

Galway - Liam Carroll, NUIG.

Kildare - Mícheál MacGréil, NUIM.

Limerick - Seosamh MacÉinrí, MICL.

3. Inter-Union Committees

These exist formally in a number of colleges and institutions, but the regularity of meetings tends to vary. In other instances, there is a less formal set-up with occasional liaison taking place among unions as need be.

4. Other Teacher Union Congresses

IFUT was represented at these in 2004 as follows: The President, Breandán Ó Cochláin, at TUI; Colum Ó Cléirigh, SPCD, at INTO; Hugh Gibbons, TCD, at ASTI; Dónall MacDónaill, TCD, at Ulster Teachers' Union.

5. HERSC & Related

The President, Breandán Ó Cochláin, and the General Secretary attended meetings of this body on 25/26 September 2003 and 4/5 March 2004.

The agenda for the first meeting was as follows: Report of Paris Meeting [UNESCO consultation on HE]; Outcomes of the Berlin Ministerial Conference and Strategy for the Future [Bologna process]; GATS - Draft Policy document from the Task Force and Draft Guidelines for Transnational Higher Education; ETUCE Response to the EU Communication on Researchers in the European Research Area; Code of Research Ethics; Outcomes of the CEART meeting; Academic Freedom; Preparatory Work for EI World Conference on HE and EI General World Congress.

The agenda for the meeting on 4/5 March 2004 was as follows: Report of September Meeting; Outcomes of the Luxembourg Conference [EU Consultation on Education Policy] and Consequences of the Work of the Committee in the Framework of the 'Dialog-On' [HE trade union Network] - Distribution of Tasks and Responsibilities; Bologna Process follow-up - National Reports, Preparation for Bergen Conference [Bologna Process], Relations with ESIB, EUA, EU; Outcomes of the Dakar EI World Conference on HE; Preparatory Work for EI World Congress; Research Matters; Other ETUCE Matters; OECD, UNESCO Business.

6. British & Irish Group of Teacher Unions

The President, Breandán Ó Cochláin, and the General Secretary attended meetings of this body on 10/11 November 2003 and 22 March 2004. The agenda for the first meeting was as follows: Preparations for the EI European Conference and ETUCE General Assembly in December 2003; Preliminary Consideration of EI World Congress, July 2004; Reports on General Teaching Councils in Each Jurisdiction; Global Campaign for Education; World Teachers' Day; GATS Developments; Pensions; IT Based Initial Teacher Education; National Reports.

The agenda of the meeting on 22 March was as

follows: Report of Meeting on 10 November 2003; Follow-up to the December Luxembourg Meetings - Forthcoming Meetings of the Pan-European Structure; Preparation for Porto Allegre - Elections, Conferences Business, Proposals for EI Awards, Motion on Vocational Education to be Proposed by NATFHE; and Global Campaign Activity; World Teachers' Day; National Reports.

7. IFUT-AUT Co-operation

A liaison meeting was held on 13 November 2003 in Dublin. There were three representatives from the AUT and six from IFUT. The AUT reported that the Centre for Cross Border Studies conference (referred to above) had not been very high-powered. It was felt that approaches by the unions to their respective departments or authorities concerning the future of these conferences should be considered.

In the matter of Universities Ireland, it appeared that little had happened under this heading since the launch of the initiative. The AUT said that it would undertake to try to discover further information about what was happening here. General information was exchanged about pay and conditions. There was also some discussion about the political context in which the two unions had to operate in the areas concerned.

8. Universities Ireland

The President reported to Council on the meeting on 20 April 2004 which the General Secretary and he had attended with representatives of Universities Ireland (UI). First of all, it was established that the Conference of Rectors in Ireland (CRI), although it still had a web page up on the net, had been superseded in July 2003 by Universities Ireland. UI was serviced by the Director of the Centre for Cross Border Studies, Andy Pollock, and his staff. The first and current Chairman was Professor Gerry McKenna, Vice Chancellor of the University of Ulster, who was also at the meeting as well as an Assistant from the CCBS. UI was a co-operative body and dealt, among other things, with standards and, in particular, the Bologna Process. E-Learning was also on its agenda. It consisted of meetings of the nine Heads of the Universities in Ireland, and the Deputy Chair of UI was the President of NUIG. There was also a person in each institution designated to deal with the work of UI. It had been agreed that IFUT and UI would keep in regular touch with each other, preferably meeting at least once a year. Anne Clune, ex-TCD, asked about the position of CHIU in this context. The General Secretary said that CHIU was a jurisdictional body for the seven universities in the Republic, dealing with the Irish State, and so on. The analogue in the North consisted of the two universities there also being in Universities U K.

9. Liaison with Other Third-Level Unions

The President, Vice President Hugh Gibbons and the General Secretary attended a meeting with four representatives of the TUI on 25 March 2004 as the follow-through to the ADC Resolution on Liaison Among Third-Level Education Unions and pursuant to the Council decision on foot of that to first seek a meeting with the TUI. As a result of the meeting, it had been proposed that an IFUT-TUI Joint Committee on Co-operation and Appropriate Structural Arrangements between the two unions should be set up, which would report, hopefully, at the end of October. The President said that various items had been discussed at the meeting such as the OECD Review of Higher Education, ongoing developments in the IT sector, and the fact that a second benchmarking exercise was supposed to be got underway in the near future.

The General Secretary said at the subsequent Council meeting that, on the day of the last meeting, the *Irish Independent* had published a report of the contacts the previous Thursday between IFUT and the TUI in which it was suggested that a merger might be contemplated. Following a decision of the President, this had led to the Joint Statement by the General Secretary and the General Secretary of the TUI which had been sent to Branch Secretaries for forwarding to members, making clear that a merger was not what was in mind.

10. EIE & ETUCE Conferences

The President, Breandán Ó Cochláin, and the General Secretary attended the EIE Regional Conference on 8 December 2003 and the agenda was as follows: Welcome to New Member Unions; Adoption of Agenda; Adoption of Report of Credentials Committee; Report of Regional Conference of 28 May 2001; Activity Reports of June 2001 and December 2003; Financial Report for 2001-2004; and Approval of Agreement on New European Structures.

The President, Breandán Ó Cochláin, and the General Secretary also attended the ETUCE General Assembly Conference on 9 and 10 December 2003 and the agenda was as follows: Adoption of the Agenda; Minutes of 2001 General Assembly and Adoption; Setting-up of Statutory Bodies - Credentials Committee, Resolutions Committee, Elections Committee; Activity Report and Action Programme - Assessment of 2001-2003 Activities and Adoption of the 2004-2005 Action Programme; Changes to the Constitution and Standing Orders; Financial Report; Auditors Report; Vote on the 2004-2006 Budget including Dues; Nomination of Auditors; Executive Board Elections; and Motions.

11. EI World Conference on HE & Research

The President, Breandán Ó Cochláin, and the General Secretary attended this event from 30 October to 1 November 2003. The agenda was as follows: Round Table on Higher Education in Africa; Academic Freedom; Summary of EI Activities and Proposals for the Future; Session on Brain-Drain/Brain-Gain; Impact of Globalisation on Higher Education; Impact of Globalisation - Workshops; Reports from Workshops; The Status of Academics in the Context of Globalisation - 'Academic Employment Structures and Tenure in Higher Education Some Recent Evidence'; The Place and Role of Non-Teaching Personnel in Higher Education and Research; The Way Forward; General Report by NATFHE; and Recommendations for the Elaboration of EI Strategies for Higher Education and Research Affiliates.

V. ORGANISATION & COMMUNICATIONS

1. Membership

The total membership of IFUT is 1,635 compared to 1,632 last year. The breakdown of this is as follows (last year's figures are in brackets): 1,367 (1,346) on higher rate of subscription, 46 (43) on lower, 27 (27) on leave of absence and 195 (216) retired. Details of Branches are given in Appendix A.

During the year, recruitment took place again, in the Milltown Institute of Theology & Philosophy (MITP) and recruitment also occurred in a new institution for IFUT, namely The Church of Ireland Theological College (CITC).

Unfortunately, during the session, IFUT had to note, with sadness, the passing away of two very active members, the IFUT veteran George Dawson and activist John Allen, both of TCD.

2. Executive and Trustees

The Council (see Appendix B) elected the following Vice Presidents for 2003/2004: Michael Mansfield, UCC; Joe Brady, Maureen Killeavy, UCD; Hugh Gibbons, TCD; Daire Keogh, SPCD; and Paul McElwee, St C. Hugh Gibbons, was also elected by the Executive as Vice President-Finance. The Executive met eight times during the session. At its meeting 3 December 2003, the Executive decided to co-opt Anthony Harvey of the RIA and, at its meeting on 11 March 2004, Jerry Harpur of NUIM was co-opted.

The Trustees elected at the last ADC to serve for 2003/2004 were as follows: Seán Tobin, NUIG; John Lewis, DIAS; and Mícheál MacGréil, NUIM. Unfortunately, during the year, John Lewis, also a former President of IFUT, died. As a consequence, he was replaced by Pat Burke of SPCD.

3. Council

Council met six times during the year. There was one co-option, namely Anthony Harvey of the Royal Irish Academy in order that he could be, in turn, co-opted to the Executive at its wish in view of the attention being given to RIA affairs, particularly the Consultant's Report on Salaries and Grading referred to above

4. IFUT Equality Committee & Related

This Committee met once during the session on 23 March 2004. The agenda was as follows: New Committee; NWCI; Publication - *Equality Issues*; ICTU Women's Committee; Equality Network; National Advisory Council - Gender Equality Unit; Gender Balance on Boards; Occupational Pension Schemes; Disability; Sexual Harassment at Work; Anti-Racism Activities; Health and Safety; Seminar on Equality Issues; Future Work Plan; and Times for Future Meetings.

It was decided at the meeting on 23 March 2004 to devote most of the discussion to the agenda item on Gender Balance on Boards. Anne Clune agreed to compile a list of female members of IFUT and to circularise these members for information as to their areas of expertise and membership of Boards, if any. This is to be published in *Equality Issues*.

Joan Byrne, Secretary of the IFUT Equality Committee, attended the following events during the session: *Equality Network*, Equality Authority, 3 November 2003; *Bridge the Gap - A Conference on the Gender Pay Gap*, ICTU, 8 March 2004; *Developing Strategies to Increase Women's Representation on State and other Boards*, ICTU, 8 March 2004. Marie Clarke of UCD attended the Annual General Meeting of the National Women's Council of Ireland (NWCI) on 18 June 2004.

5. Communications

Communications to all members included *IFUT 2003* and several documents, circulars and memoranda reported on elsewhere. A marked feature of the year was the use of e-mail and attachments in the case of almost all members.

6. Seanad Éireann

The Report on Seanad Reform, referred to last year, was forthcoming during the session from the Seanad Éireann Committee on Procedure and Privileges - Sub-Committee on Seanad Reform. The Section on Higher Education was as follows.

"A REFORMED HIGHER EDUCATION REPRESENTATION

"At present, six senators are elected by the graduates of the National University of Ireland (NUI) and Trinity College Dublin (TCD) - three representing each institution. The Seventh Amendment of the Constitution Act 1979 enables this franchise to be

extended, in a manner to be provided by law, to other institutions of higher education in the State. However, no legislation has ever been enacted to give effect to the constitutional amendment.

“While there was no overall consensus during the public hearings on the retention of university seats, it is of note that there was effectively no support whatsoever for retaining the current system. Even the representatives of the NUI and TCD agreed under questioning at the public hearings that, if university seats were to be retained, then university representation should be extended to include all institutions involved in higher education, including Institutes of Technology (they argued, however, that the number of university seats should be increased to accommodate these).

“Those supporting the continuation of university seats all agreed that the franchise should be extended to everyone with a degree level qualification from a recognised third level institution in the State. Different views, however, were expressed on how to divide the resulting set of ‘higher education’ seats into constituencies.

“The main arguments against continuing with higher education representation are that it is an outdated concept and elitist in nature. It can legitimately be asked: why, on the basis of educational attainment, should one group in society be picked out for special treatment at election time?

“The alternative view, however, is that representation for graduates can no longer be considered to be elitist because of the substantial number of young people progressing to higher education. It can also be argued that higher education representation provides a mechanism by which genuinely distinctive voices can be heard in the Seanad. In this regard, university senators have down through the years been mainly non-party and genuinely independent in their political outlook. They have also made distinguished contributions to the business of the Seanad, often on subjects far removed from their immediate interests.

“Another argument in favour of higher education representation - and one that is often overlooked - is that it provides a means by which people from Northern Ireland and emigrants can participate in Seanad elections. The evidence given during the public hearings suggests that a significant number of voters in the current TCD constituency, in particular, are resident in Northern Ireland.

“Having considered carefully the various submissions on higher education representation and listened to representatives of graduates and higher education institutions - The Sub-Committee believes that the arguments in favour of graduate rep-

resentation outweigh those against it. The Sub-Committee also believes that, in the context of a reformed Seanad with a substantial number of directly elected Senators, a new higher education constituency could be an important source of independent expertise. Accordingly, the Sub-Committee recommends that representation for graduates should continue, but that it should be radically reformed.

“A NEW HIGHER EDUCATION CONSTITUENCY

“The Sub-Committee recommends that all graduates of institutions of higher education in the State holding a primary degree or an equivalent award at level 7 in the National Framework of Qualifications (NFQ) should be entitled to vote in a Seanad election to a separate Higher Education Constituency The Sub-Committee recommends that this should be a single national constituency of six seats elected under PR-STV and that someone wanting to be a candidate for this election should be nominated by ten graduates. Non-graduates would continue as is the case in the current system to be entitled to stand for election in the Higher Education Constituency.

“Bearing in mind the fundamental principle of ‘one person one vote’, the right of graduates to vote in the higher education constituency could not possibly be in addition to the right to vote in other direct elections to the Seanad. Rather it would be a distinctive way for graduates to participate in direct popular elections to the Seanad.

“Thus the Sub-Committee recommends that all Irish registered voters would be by default on the register of electors for the national list-PR election for 26 Seanad seats. A national graduate register would also be compiled, listing all eligible graduate voters. Any voter on the graduate register would be eligible to opt out of the register for the national list constituency and into the register for the higher education constituency.

“Thus graduates would have one vote for the Seanad, as would every other Irish voter - they would simply have the option, if they wished, to exercise this vote in the higher education constituency.”

Daltún Ó Ceallaigh,
General Secretary,
26 June 2004

INITIALS

IFUT INSTITUTIONS

APSCEH	Association of Professional Staffs in Colleges of Education & Humanities
CB	Central Branch
CICE	Church of Ireland College of Education, Rathmines, Dublin
CITC	Church of Ireland Theological College
DDH	Dublin Dental Hospital
DIAS	Dublin Institute for Advanced Studies
FCE	Froebel College of Education, Sion Hill, Dublin
HRB	Health Research Board
MIE	Marino Institute of Education
MDIE	Mater Dei Institute of Education
MICL	Mary Immaculate College, Limerick
MITP	Milltown Institute of Theology & Philosophy
NUIG	National University of Ireland, Galway
NUIM	National University of Ireland, Maynooth
RCSI	Royal College of Surgeons in Ireland
RIA	Royal Irish Academy
ST A	St Angela's College, Lough Gill, Sligo
ST C	St Catherine's College of Home Economics, Sion Hill, Dublin
SPCD	St Patrick's College, Drumcondra, Dublin
SPM	St Patrick's College, Maynooth [Pontifical]
TCD	Trinity College Dublin
UCC	University College Cork
UCD	University College Dublin

OTHER INITIALS

AUT	Association of University Teachers [UK]
BIGTU	British & Irish Group of Teacher Unions
CEART	Cttee of Experts on Application of Recommendations (re teaching personnel) [ILO/UNESCO]
CHIU	Conference of Heads of Irish Universities
DES	Department of Education & Science
EI / EIE	Education International / Education International Europe
ESIB	European Students Information Bureau
ETUCE	European Trade Union Committee for Education
EUA	European University Association
GATS	General Agreement on Trade in Services [WTO]
HERSC	Higher Education & Research Standing Committee [EIE]
NATFHE	National Association of Teachers in Further & Higher Education [UK]

APPENDIX A

BRANCHES, BRANCH SECRETARIES & CENTRAL BRANCH CONVENORS 2003/2004

(First figure in brackets, current; second figure, last year's.)

- 1 Trinity College Dublin (319/325) & Dublin Dental Hospital (15/15)**
Secretary - Hugh Gibbons, Computer Science
DDH Contact - Frank Houston, Restorative Dentistry
- 2 University College Dublin (341/367)**
Secretary - Gerald Mills, Geography
- 3 University College Cork (316/306)**
Secretary - Richard Moloney, Economics
- 4 National University of Ireland, Galway (81/79)**
Secretary - Mary Cawley, Geography
- 5 National University of Ireland, Maynooth (170/172)**
Secretary - Andrew Sliney, Library
- 6 Royal College of Surgeons in Ireland (63/65)**
Secretary - Philip Curtis, Media Services
- 7 St Patrick's College, Drumcondra (131/122) & Church of Ireland College of Education (7/7)**
Secretary - Daire Keogh, History, (SPCD)
CICE Convenor - Valerie Coghlan, Library
- 8 Mary Immaculate College, Limerick (121/114)**
Secretary - Deirdre McMahon, History
- 9 St Catherine's College of Home Economics, Sion Hill (18/18)**
Secretary - Clare Corish, Science
- 10 Central (53/42)**
HEALTH RESEARCH BOARD (4/5)
Convenor - Joan Byrne, Microbiology
DUBLIN INSTITUTE FOR ADVANCED STUDIES (15/15)
Convenor (Senior Professors/Registrar Group) - Luke O'Connor Drury, Cosmic Ray Section
Convenor (Non-Sen.Prof. Staff Group) - Malachy McKenna, Celtic Studies
MATER DEI INSTITUTE OF EDUCATION (8/8)
Convenor - Brendan McDonnell, History
ROYAL IRISH ACADEMY (11/11)
Convenor - Anthony Harvey, Dictionary of Medieval Latin from Celtic Sources
FROEBEL COLLEGE OF EDUCATION, SION HILL (11/1)
Convenor - David Carey, Special Education
MILLTOWN INSTITUTE OF THEOLOGY & PHILOSOPHY (1/0)
Convenor - Bernadette Flanagan, Spirituality
CHURCH OF IRELAND THEOLOGICAL COLLEGE (1/0)
Convenor - Alexander Jensen, Divinity Studies
MARINO INSTITUTE OF EDUCATION - c/o Head Office (1/1)
EX-CARYSFORT(1/1) - c/o Head Office

APPENDIX B

COUNCIL & EXECUTIVE 2003/2004

(Executive members: President and 8 Vice Presidents)

BRANCH, REPS & ENTITLEMENT

DEPARTMENT

TCD 7/8

Dónall A MacDónaill
*Hugh Gibbons
Peter Conroy
Valentine Rice
Pat Wall
Anne Clune
Cormac Ó Cuilleanáin

Chemistry
Computer Science
Education
Education
Education
English
Italian

UCD 8/8

Paddy O'Flynn
Peter O'Connor
John Dunnion
Donal Fitzsimons
Marie Clarke
*Maureen Killeavy
*Joe Brady
Gerard Mills

Chemical Engineering
Civil Engineering
Computer Science
Education
Education
Education
Geography
Geography

UCC 5/8

Michael Creed
Manfred Schewe
*Mike Mansfield
Richard Moloney
Patrick Bourke

Civil & Environmental Engineering
German
Physics
Policy Studies
Statistics

NUIG 4/4+1

Donal Leech
*Breandán Ó Cochláin (*Pres*)
Gerard Jennings
Jane Conroy
Seán Tobin

Chemistry
Chemistry
Experimental Physics
French
Mathematics

NUIM 3/7

*John (Jerry) Harpur
Maeve Martin
Andrew Sliney

Computer Science
Education
Library

RCSI 3/3

Tom Farrell
Celine Marmion
Philip Curtis

Anatomy
Chemistry
Media Studies

MICL 5/5

Michael Finneran
Stiofán Newman
Deirdre McMahon
Gerard Enright
Eugene Wall

Education
Gaeilge
History
Maths & Computer Studies
Registrar

ifut 2004

SPCD/CICE 5/5

Therése Dooley,
Jones Irwin
*Pat Burke (*ex officio*)
*Daire Keogh
Colum Ó Cléirigh

Education
Education
English
History
Music

ST C 2/2

*Paul McElwee
Clare Corish

Education
Science

CENTRAL 2/3+1

*Anthony Harvey (*co-opted*)
Lean Ní Chuilleanáin
Joan Byrne

Dict. of Medieval Latin from Celtic Sources
Editorial, RIA
Microbiology, HRB-TCD

NOTE

The above information indicates that there were entitlements to 53 representative places of which 44 were filled. There was one co-option during the session out of a possible 4. Therefore, along with the President *ex officio*, there were 46 people on Council out of an overall potential of 58.

APPENDIX C

IFUT COMMITTEES & WORKING GROUPS 2003/2004

Standing Committees**APSCEH**

Patrick Burke (<i>Convenor</i>)	English, SPCD
Gerard Enright	Mathematics & Computer Studies, MICTL
Philomena Donnelly	Education, SPCD
Therése Dooley	Education, SPCD
Michael Finneran	Education, MICTL
Frank Flanagan	Education, MICTL
Daire Keogh	History, MICTL
Máire Uí Mhaicín	Irish, CICE

EQUALITY

Joan Byrne (<i>Convenor/Secretary</i>)	Microbiology, HRB
Nóirín Ní Nuadháin	Adult Education-English, SPCD
Marie Clarke	Education, UCD
Maureen Killeavy	Education, UCD
Anne Clune	English, TCD
Catherine Emerson	French, NUIG
Grace Neville	French, NUIG
Angela Ryan	French, UCC
Colum Ó Cléirigh	Music, SPCD
Noreen Kearney	Social Studies, TCD

UNIVERSITY FINANCE & CUTBACKS*

Anthony Harvey (<i>Convenor</i>)	Dictionary of Medieval Latin from Celtic Sources [DMLCS], RIA
Paddy O'Flynn	Chemical Engineering, UCD
Dónall MacDónaill	Chemistry, TCD
Hugh Gibbons	Computer Science, TCD
Pat Burke	English, SPCD

WORKING GROUPS**EX-CARYSFORT STAFF**

Séamus MacGabhann (<i>Convenor</i>)	English, NUIM
Maureen Killeavy	Education, UCD
Pat Wall	Education, TCD
Joe Brady	Geography, UCD

FREEDOM OF INFORMATION ACT

Jerry Harpur (<i>Convenor</i>)	Computer Science, NUIM
Peter O'Connor	Civil Engineering, UCD
Michael Murphy	Music, MICTL

OMBUDSMAN FOR UNIVERSITIES

Paddy O'Flynn (<i>Convenor</i>)	Chemical Engineering, UCD
Colum Ó Cléirigh	Music, SPCD

* Earlier a Working Group and later asked also to deal with university privatisation and OECD Review of HE in Ireland.

SKILBECK

Patrick Burke (<i>Convenor</i>)	English, SPCD
Gerald Mills (<i>Rapporteur</i>)	Geography, UCD
Paddy O'Flynn	Chemical Engineering, UCD
Maureen Killeavy	Education, UCD
Valentine Rice	Education, TCD
Seán Tobin	Mathematics, NUIG

STRATEGY

Joe Brady, Geography (<i>Convenor</i>)	Geography, UCD
Dónall MacDónaill	Chemistry, TCD
Breandán Ó Cochláin	Chemistry, NUIG
Paddy O'Flynn	Chemical Engineering, UCD
Michael Creed	Civil Engineering, UCC
Hugh Gibbons	Computer Science, TCD
Jerry Harpur	Computer Science, NUIM
Maureen Killeavy	Education, UCD
Pat Burke	English, SPCD

INTERNATIONALISATION OF H E

Pat Burke (<i>Convenor</i>)	English, SPCD
Gerald Mills	Geography, UCD
Brian Tubbert	Education, FCE

ESPVG

Michael Creed (<i>Convenor</i>)	Civil Engineering, UCC
Jerry Harpur	Computer Science, NUIM

APPENDIX D

IFUT AFFILIATIONS, MEMBERSHIPS & ASSOCIATIONS 2003/2004

Irish Congress of Trade Unions (ICTU)
& its Councils of Trade Unions in Dublin, Cork, Limerick, Galway and Kildare

British and Irish Group of Teacher Unions (BIGTU)
& its Island of Ireland Group (IIG)

IFUT-NIAC [AUT] Liaison - (N Ireland Advisory Cttee/Association of University Teachers)

Education International (EI)
& its Education International Europe (EIE) section
& its Higher Education & Research Standing Committee (HERSC)

European Trade Union Committee for Education (ETUCE)

Educational Studies Association of Ireland (ESAI)

People's College [ICTU]

National Women's Council of Ireland (NWCi)

Network for Education and Academic Rights (NEAR)

Society for Research into Higher Education (SRHE)

Irish Labour History Society (ILHS)

APPENDIX E

**AN INTRODUCTION TO THE PROPOSED PERFORMANCE MANAGEMENT
DEVELOPMENT SYSTEM FOR STAFF [NUIM]**

Draft Report of the Sub-Committee of the Human Resource Committee
Deirdre Kirke
Ed Madden
Mike O'Malley

(Taking account of the views of the Human Resource Committee and the Partnership Committee)

May 2004

Table of Contents

1. Background
2. Complementary Systems
3. Link to Strategic Objectives
4. Other Policies and Procedures
5. Equity of Application Across the University
6. Confidentiality
7. Awareness Training and Staff Training Programmes
8. Pilot Programmes
9. Principles Underpinning the PMDS System
10. The Process
11. Verification
12. Review of PMDS

1 BACKGROUND

National University of Ireland, Maynooth is committed to achieving the highest international standards in all aspects of its teaching and research. Consistent with this commitment, the University is dedicated to continually developing good practices in its work and to promoting principles of good practice throughout the University. The centrality of customer service to the University endeavour in areas of teaching, research, and support functions is recognised and supported by staff.

The current national programme 'Sustaining Progress' provides as follows:

"It is essential that modern and appropriate performance and accountability systems are in place, at individual, team and organisational levels to ensure that the full potential contribution of all those who work in the public service can be realised and to ensure that resources are used effectively in line with defined and national priorities. Robust performance and financial management systems are essential in this regard. Where these are not already in place, the parties agree that appropriate performance management systems will be introduced so that developed performance management systems will be fully operating in each sector of the public service by 1st January, 2005." ('Sustaining Progress' 20.7)

"All staff employed in the HEA sector agree to ongoing co-operation with, and adoption of, new and more flexible work patterns arising from the broadening of roles and responsibilities of third level educational institutions and the challenges facing them from the ever more diverse student base. It is accepted that the change agenda will include measures arising from the implementation of:

- *Institutional planning and strategic development; ...*
- *performance development and management to ensure alignment of performance and effort with organisational goals and strategies.*

('Sustaining Progress' 24.1)

In line with and as part of the provisions of the programme, the University and its staff, through the Partnership Process, made a commitment to introduce a Performance Management Development System (PMDS) for staff at all levels in the University by January 2005.

The University and its staff are agreed that in order to enhance the quality of the service offered to all its stakeholders through the establishment of mechanisms for on-going review of performance, it is crucial that these mechanisms be complemented by measures that support development needs identified in the PMDS.

2 COMPLEMENTARY SYSTEMS ALREADY IN PLACE

In introducing arrangements for a PMDS, it is recognised that there are already in place, complementary systems that support the provision of quality service. For example, in the academic area external experts deal with such issues as quality and range of courses, and the standard and consistency of examination marking. In addition, there is peer review – usually international – of publications and research output. In the support area financial audit is part and parcel of university life. More generally, university quality review exercises support staff in all areas of activity in improving the standard of service provided.

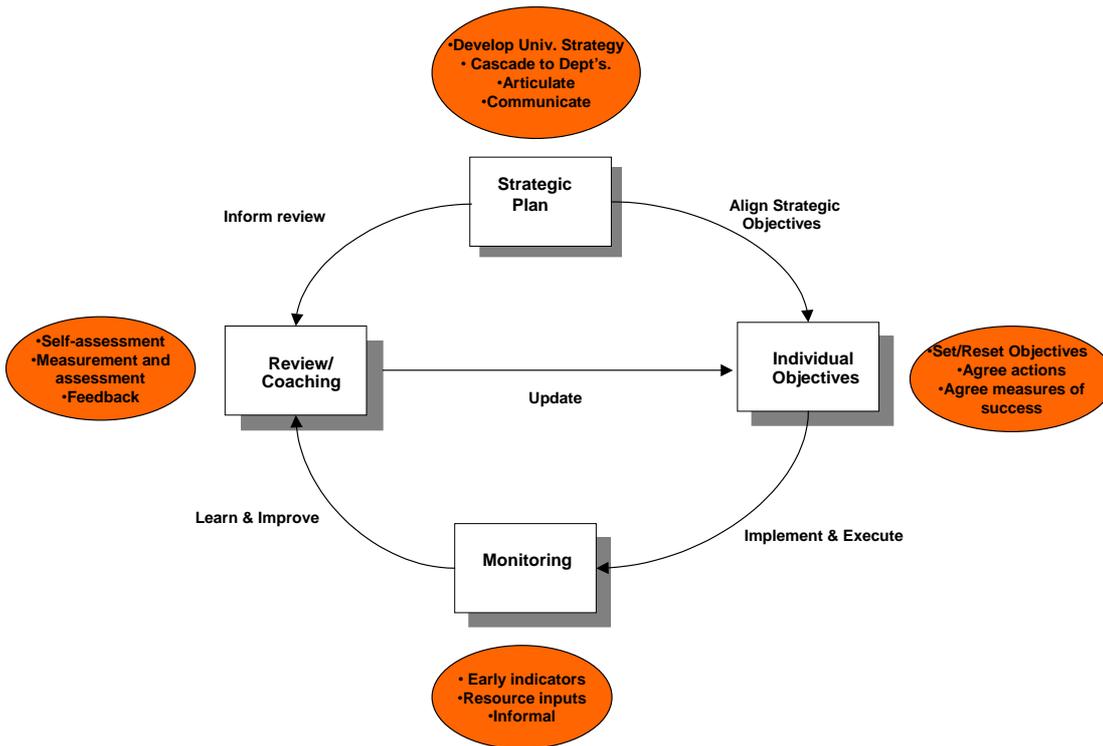
3 LINK TO STRATEGIC OBJECTIVES

Bearing in mind these complementary systems, it is important that the PMDS is constructed within an overall strategic planning framework appropriate to a university environment.

In order that the University may achieve its objective it is necessary to link individual contribution with the University's strategic objectives (see *figure*). This in turn requires that the strategic objectives of the University be communicated in a way that is meaningful and understandable to all categories of staff. This will help to co-ordinate and manage the implementation of strategy. Thus the PMDS will provide value to both the individual staff member and the institution e.g.

- The individual will be capable of setting personal development objectives in the context of the strategic objectives of the University as a whole

- The individual will have the opportunity to re-assess their development objectives and needs in the light of changing strategic priorities in the University and



[Figure: Framework for linking strategy and PMDS]

- The University will have in place a process that will allow it re-focus staff in a coherent way as strategic objectives change.

It must be borne in mind that the primary link between University objectives and individual objectives is within a department. The strategic intent of the University will cascade into strategic and operational objectives at department level. These department objectives will be of key importance to the individual in determining their own objectives and development needs.

4 OTHER POLICIES AND PROCEDURES

In the spirit of the developmental approach to review, there will be no connection between the outcome of the Review Process in the PMDS and separate policies or procedures, e.g. Disciplinary; Pay. The review discussion could, however, be an appropriate forum for discussion of marginal under-performance in a constructive and helpful way.

5 EQUITY OF APPLICATION ACROSS THE UNIVERSITY

It is recognised that in order to ensure equity of application of the PMDS across the university, it will be necessary for senior management to issue guidelines on individual job descriptions/role profiles in respect of the different grades of staff.

6 CONFIDENTIALITY

Subject to any legal requirements, all completed documentation relating to the system will be treated in a confidential manner.

7 Awareness Training and staff training programmes

The need for a staff awareness programme to deal sympathetically with any concerns or apprehensions that staff may have in relation to the PMDS, and appropriate staff training for all those involved as Reviewers and Reviewees, is recognised as key to the successful introduction of the system in the University. The University is committed to providing meaningful resources to support these initiatives.

8 PILOT PROGRAMMES

In order to test the PMDS, and in order to provide a learning resource for those involved in the system, the University in consultation with the Partnership Committee will select an academic and a non-academic department to pilot the system. The Pilot Programme will take place following appropriate training and will include a review of a Head of Department.

9 PRINCIPLES UNDERPINNING THE PMDS SYSTEM

The following four principles will underpin the development of the PMDS in the University:

1. Self Assessment;
2. Development of the individual – effect at Departmental and University levels;
3. Facilitation of staff in developing their potential;
4. Enhancing Quality.

Self Assessment

What is envisaged is a process of self-evaluation and structured discussion aimed at personal, professional and individual career development. It is not intended that the process be judgemental, but rather one that is developmental. It is also intended that the process will provide a regular, open and systematic discussion of how the individual might enhance his/her role.

The process should be seen as providing a means by which individual contributions are recognised; feedback on individual performance may be given; and assistance provided to staff in developing their potential and overcoming problems in agreed ways.

Individuals share responsibility for their own learning and development and for their role in the successful operation of the University. Given the limited resources available, it is not possible to provide for all individual needs. It is intended, therefore, that priority will be given to clearly-related strategic goals. Part of the role of the Reviewer – usually the individual staff member's immediate supervisor - is to assist the individual staff member (the Reviewee) in assessing his/her own performance and development regularly and fairly. The role also extends to assisting the Reviewee in setting objectives, placing a focus on self-review and the extent to which objectives are achieved. Where objectives are not achieved, this can be discussed between the Reviewer and the Reviewee in a constructive manner, with a view to identifying the reasons why the objectives were not met and with a view to remedying the situation. It is recognised, however, that there can be impediments to the attainment of objectives, e.g. non-provision of adequate resources.

Development of the Individual – effect at Departmental and University Levels

One of the main purposes of the PMDS is to provide a systematic means, not only of reviewing past performance, but also of considering future developments at all levels in the University.

The primary link between overall University objectives and the contribution of the individual staff member is within a department, whether in the academic area or in the administrative or service sector. At this level, members of staff work with colleagues with broadly similar values and objectives. Objectives identified by individuals involved in the PMDS will both inform and be informed by the evolving strategic plans, research strategies, teaching and learning strategies, and service strategies, appropriate to specific departments or services.

At departmental level, the System can help identify, agree and plan staff development activity that in turn can lead to improved departmental planning and performance. It can also facilitate a better understanding of how all staff members contribute to the department's activities.

Through engagement in the process a greater input from all staff can facilitate improved communication between staff members, thereby allowing development at departmental level through informed and structured discussion.

Participation of all members of the staff of the University in the review process will allow for an inclusive framework supporting continuous development by encouraging a culture of on-going feedback, acknowledgement of achievement, and promotion and development of continuous learning.

Staff development at an individual level is an integral part of this process. As part of that process, staff will identify the support required to meet objectives, in the form of training and development, in the context of departmental and University needs and available resources.

Facilitating staff in developing their potential

It is recognised that all members of staff, regardless of grade or staff category, have the ability to develop their potential in their area of work. The University is central to enabling staff to find ways of developing that potential, in line with the University's Strategic Plan. The PMDS provides a mechanism for clarifying what is expected in the particular job. It can also help bring about an improved understanding of departmental and University objectives and priorities, and how individual work and responsibilities relate to these.

It is acknowledged that strengths and weaknesses may exist at individual, departmental and University level. The process allows these to be identified within a supportive framework. Where ways of improving the service which the University provides are identified, these can be shared within departments and across the University. Recognition of contribution can be imparted through acknowledgement and appreciation in the course of the process. Short-term and long-term career development is crucial to ensuring continued development. The process allows an increased focus on career development and an improved understanding of the context in which work is undertaken. It also provides an opportunity for discussion of work-related problems and difficulties that may hinder goal achievement. Possible solutions can be identified and implemented where appropriate.

Enhancing Quality

The development of staff and the delivery of a quality service in the University is a joint responsibility shared by individual staff members, managers and supervisors, and the institution as a whole. The process enables managers and supervisors, and their staff, to agree together relevant objectives which are clearly linked to University and departmental goals, together with any associated support that is required.

The PMDS provides an on-going opportunity for each department, and the staff members in that department, to take time to consider their contribution to the University and how that contribution could be enhanced within a developmental framework. In essence, it will help staff to identify their contribution and how that contribution can be improved.

10 THE PROCESS

Reviews will be conducted on an annual basis and must be accessible to all staff. Procedures for all categories of staff will be similar in their core content, but may vary, as necessary, to take account of different responsibilities and management structures.

Subject to what follows, Line Manager review – one-to-one discussion and feedback between the Reviewer and the Reviewee (the Reviewer will normally be the Reviewee's direct supervisor) – will be the normal form of review at the University.

Where an individual staff member finds it inappropriate to be reviewed by his/her immediate supervisor, or by an alternative person from within the department, an application can be made to the Vice-President of the University to nominate an alternative Reviewer.

The relevant Dean will advise the President in relation to the appropriate Reviewer in respect of each academic Head of Department. The President, or his nominee, will appoint an appropriate Reviewer in respect of each Head of Department and, in respect of an academic Head of Department, will have regard to the advice of the relevant Dean.

In situations where an academic head of department is the Reviewee, the Reviewer in conducting the review, will seek the views of staff members in the department .

Steps 1 to 5 below set out the normal process that will be followed once PMDS is embedded within the University.

Step 1 – Preparation

The Personnel Office will notify both the Reviewee and Reviewer that a particular review is due. The Reviewee may download the latest review form from the Personnel web page, or request the appropriate form from the Personnel Office.

Step 2 – Reviewee Objective Setting and Self Assessment

A fundamental aspect of the review is objective setting. An objective is a target that an individual intends to achieve through a plan. It is an undertaking that supports departmental and University goals. Regardless of the objective that is set, it is important that it is specific, realistic, and achievable, and that a clear time frame for accomplishment is specified. Whether an employee is partaking in the process for the first time or whether the employee is updating previous reviews, it is essential that personal objectives are informed by the strategic objectives of the University and any departmental plans prepared to support the University's strategic objectives.

As the employee identifies his/her personal objectives they must also give consideration to any training and development needs they might require to assist them in achieving their objectives. Actions required to succeed in achieving the objectives must also be considered and documented.

Self-assessment is where the Reviewee reflects upon his/her own performance over the past year (as measured against previously agreed objectives), together with any issues or constraints that he/she may have experienced.

Once self-assessment and objective setting have been completed the review form is forwarded to the Reviewer. A date for the review meeting is set.

Step 3 – Reviewee/Reviewer meeting

The review discussion will then take place reflecting the content of the pre-review preparation documentation (self review). The Reviewer will introduce University and Department needs and consider these in the context of the self-assessment form produced by the Reviewee. A key part of the discussion will be the agreement of individual objectives. It is important that these objectives are:

- meaningful
- understandable
- capable of being acted upon
- aligned to specific strategic objectives
- measurable

During the review meeting the training and development needs of the Reviewee, together with what the actions identified to succeed in meeting objectives, will be discussed. Answering the question: 'What might constitute evidence that individual objectives have been met?' would be an essential element of the discussion between the Reviewer and the Reviewee. It will be open to the Reviewee to give feedback to the Reviewer on how the Reviewer's role has impacted on the Reviewee.

The result of the review discussion will be a record of clear and specific agreed outcomes. The documented record of the discussion will then be forwarded to the Reviewee for agreement, whereupon it will be signed and returned to the Reviewer, normally within five working days. Any disagreements that may arise will be referred to the Personnel Officer. Where appropriate, the staff member may avail of the Grievance Procedure in place in respect of the particular staff category.

Step 4 – Department Head overview

The Head of Department (in situations where he/she is not the Reviewer) will countersign to indicate that the objectives and the action plan are acceptable to the department. In certain circumstances the Head may seek clarifications from the Reviewer. The Head will also notify the Personnel Department that the review has been completed. She/He will arrange for the review documentation to be filed safely and securely within the department.

Step 5 – Departmental development programme

The Head of Department will collate the outcomes arising from all reviews and compile a brief non-personalised summary of collective needs and issues highlighted by the process. This summary will allow the formulation of targeted interventions such as training/development. The outputs from this process will form a key input into a department's overall training and development programme.

Self Monitoring

Whereas the formal review meeting will take place once a year, it will be important that the Reviewee monitor her/his own progress in achieving objectives on a regular basis throughout the year. In addition if the Reviewee feels there are issues or constraints which are preventing her/him achieving their objectives they can raise these with the Reviewer or, if necessary the Department Head. Early intervention will assist with the achievement of objectives and a subsequent satisfactory review.

11 VERIFICATION

The University will put in place a non-bureaucratic system to ensure that Reviewers comply with the requirements of the PMDS.

12 REVIEW OF PMDS

To ensure the on-going value and quality of the PMDS, it will be reviewed on a regular basis, in consultation with staff interests, to ensure that it remains relevant to the University, to departments, and to individual members of staff.

**Performance Review Form
Performance Management Development System
at
NATIONAL UNIVERSITY OF IRELAND MAYNOOTH**

Name of Reviewee:

Date of Reviewee's training in PMDS:

Present position:

Department / Centre:

Name of Reviewer:

Date of Reviewer's training in PMDS:

Reviewer's position:

Year of review:

This review form will be used by all members of staff in NUIM in completing the review process under the Performance Management Development System.

It is based on self-assessment by the Reviewee and is completed in consultation and agreement with the Reviewer.

Section 1 of the form is drafted by the Reviewee and given to the Reviewer at least one week before the Review discussion at the beginning of the review period.

Section 2 of the form is drafted by the Reviewee and given to the Reviewer at least one week before the Review discussion at the end of the review period. At this point Section 1 is redrafted by the Reviewee to reset objectives etc. for the next review period and is given to the Reviewer with a self-assessed Section 2. Following the Review discussion, both sections are signed by the Reviewee and the Reviewer.

Section 1 – Objective Setting

*This section is filled in by the Reviewee in the first instance.
It is discussed and agreed with the Reviewer at the beginning of each review period.
Both the Reviewee and the Reviewer sign this section.*

Work objectives for the review period (1 year)

Career objectives for the longer term (e.g. 5 years)

Identify supports/resources (in terms of training, coaching etc.) required to enable you to reach objectives
In the review period (1 year)
In the longer term (e.g. 5 years)

Identify issues or constraints that would hinder the achievement of your objectives
In the review period (1 year)
In the longer term (e.g. 5 years)

Actions to be taken during the year of the review, including informal monitoring of progress in achieving objectives, supports given and issues and constraints.

Evidence of success in achieving goals taking into account supports and issues and constraints to be addressed.

Signed Reviewee _____ Date _____

Signed Reviewer _____ Date _____

Signed Head of Department _____ Date _____
(if Head of Department is not the reviewer)

Section 2

*This section is filled in by the Reviewee in the first instance (self-assessment)
The form is discussed and agreed with the Reviewer at the end of each review period.
Both the Reviewee and the Reviewer sign the form.*

Progress and performance in achieving work objectives set for the review period (1 year). Narrative Summary.

Progress and performance in achieving career objectives set for the longer term (e.g. 5 years). Narrative Summary.

Were supports/resources required to enable you to reach objectives in the review period (1 year) given to you?

Were supports/resources required to enable you to reach objectives in the longer term (e.g. 5 years) given to you?

Were there issues or constraints which hindered you in achieving your objectives

- (i) In the review period?
- (ii) In the longer term objectives?

Did you take the agreed actions in the review period?

Evidence of success:

How have you performed against each of your own targets?

View of Reviewee on own Progress and Performance:

Own View of Reviewee on own progress and performance:

Feedback from reviewer:

On progress and performance of reviewee in achieving objectives, taking into account supports/resources given and issues and constraints affecting achievement of objectives, in the review period (1 year).

Additional comments of Reviewee:

Additional comments of Reviewer:

Additional comments of Head of Department (if not the Reviewer):

Signed Reviewee _____ Date _____

Signed Reviewer _____ Date _____

Signed Head of Department _____ Date _____
(if Head of Department is not the reviewer)

APPENDIX F

PROTECTION OF EMPLOYEES (FIXED-TERM WORK) ACT 2003

This is a [ICTU] note on the key provisions of the legislation. It does not cover all of the provisions and is not a legal interpretation of the Act. The Act itself should be consulted for the precise legal provisions. [Superscript numerals refer to endnotes.]

When do the provisions of this Act come into operation?

14th July 2003

What is purpose of the Act?

To:

- implement the provisions of **EU Directive 99/71/EC concerning the Framework Agreement on Fixed Term Work**
- improve the quality of fixed term work by ensuring the application of the principle of non-discrimination
- remove discrimination against fixed term workers
- establish a framework to prevent abuse arising from the use of successive fixed term employment contracts or relationships

Who is a fixed term employee?

A fixed term employee is a person with a contract of employment entered into directly with an employer where the end of the contract of employment concerned is determined by an objective condition such as:

- arriving at a specific date,
- completing a specific task; **or**
- the occurrence of a specific event.

Who is covered by the provisions of the Act?

All fixed term employees (with the exception of those listed below), of any age, who,

- have entered into or works or worked (where the employment has ceased) under a contract of employment
- hold office under, or in the service of the State, including members of the Garda Síochaná, Civil Servants and employees of any Health Board, Harbour Authority or Vocational Education Committee

Categories of employees not covered

The following categories of employees/contracts of employment are not covered by the provisions of the Act:

- fixed term employee's with a contract whereby they agree to be placed by an **Employment Agency**^[1] to perform personally any work or service for a third person (whether or not the third person is a party to the contract);
- employees in **initial vocational training relationships or apprenticeship schemes**, or;
- employees with a contract of employment which has been concluded within the framework of a **specific public or publicly supported training, integration or vocational retraining programme**;
- members of the **Defence Forces**;

- **Trainee Gardaí** within the meaning of the Garda Síochaná (Admissions and Appointments) Regulations 1988 (SI No. 164 of 1988), or;
- **Nurses in training** within the meaning of parts III and IV of the Nurses Act 1985.

What conditions of employment are covered?

All conditions of employment are covered, including pay, pensions, sick pay, overtime, holidays etc

Pay (Remuneration) covers any consideration, whether in cash or in kind, which the employee receives, directly or indirectly from the employer in respect of the employment and any amounts the employee will be entitled to receive on foot of any pension scheme or arrangement.

Can a fixed term worker be treated less favourably than a permanent worker?

An employer is not permitted to treat a fixed term employee less favourably than a comparable permanent employee^[2] in respect of his/her conditions of employment, including pay and pensions;

- In respect of a particular condition of employment, a fixed term employee may be treated less favourably than a comparable full-time employee if that treatment can be justified on objective grounds;
- A period of service qualification relating to a particular condition of employment must be the same for a fixed-term employee as for a comparable permanent employee except where a different length of service qualification is justified on objective grounds;
- A fixed term employee who normally works less than 20% of the normal hours of a comparable permanent employee may be treated less favourably than a comparable permanent employee in relation to pensions only;
- The extent to which a condition of employment is provided to a fixed term employee is related to the proportion, which the normal hours of work of that employee bears to the normal hours of work of the comparable permanent employee concerned. The amount of the benefit, in the case of a monetary benefit or the scope of the benefit in any other case is dependent on the number of hours worked by the employee. For example if a fixed term employee is a part-time worker who works 19 hours per week compared to 38 hours per week worked by the permanent full-time worker the weekly pay of that fixed term worker should equate to half the weekly pay of the comparable permanent worker. (the hourly rate of pay should be the same)
- A worker's legal entitlements to annual leave and public holidays, under the Organisation of Working Time Act, 1997 are not affected by this Act.

What are Objective Grounds?

In order to justify less favourable treatment on objective grounds, the treatment must be based on considerations other than the fixed term status of the employee and the less favourable treatment involved must be for the purpose of achieving a legitimate objective of the employer and such treatment must be appropriate and necessary for that purpose. This treatment may also include the renewal of a fixed-term employee's contract for a further fixed term.

Where a fixed term employee is treated by his or her employer in a less favourable manner than a comparable permanent employee, the treatment will be regarded as justified on objective grounds, if the terms of the fixed term employees contract of employment, taken as a whole, are at least as favourable as the terms of the comparable permanent employee.

Who is a Comparable Permanent Employee?

An employee is a comparable permanent employee in relation to a fixed term employee:

- (a) if both are employed by the same employer or associated employers;

- (b) in case paragraph (a) does not apply, the employee is specified in a collective agreement;
- (c) in case neither paragraph (a) nor (b) apply, the employee is employed in the same industry or sector of employment as the relevant fixed-term employee.

and if one of the following conditions is met:

- (a) both employees perform the same work;
- (b) the work performed by one of the employees concerned is of the same or a similar nature to that performed by the other;
- (c) the work performed by one employee is **equal or greater in value** to the work performed by the other employee concerned.

Must an Employer notify the employee of the nature of the Contract?

Yes the employer must supply the employee with a **Written Statement** as follows:

Where an employee is employed on a fixed term contract s/he must be informed in writing as soon as practicable ^[3] by the employer of the objective condition determining the contract whether it is:

- (a) arriving at a specific date
- (b) completing a specific task, or
- (c) the occurrence of a specific event.

Where an employer proposes to renew a fixed term contract, the fixed-term employee must be informed in writing by the employer of the objective grounds justifying the renewal of the fixed term contract and the failure to offer a contract of indefinite duration, at the latest by the date of the renewal.

The written statement is admissible as evidence in any proceedings under the Act.

How often may an employer renew a fixed term contract?

(1) Employees on fixed term contracts that commenced prior to 14th July 2003

Where, on or after the passing of this Act (14th July 2003), a fixed term employee completes or has completed his or her third year of continuous ^[4] employment with his or her employer or associate employer, his or her fixed term contract may be renewed on only one occasion and any such renewal shall be for a fixed term of no longer than one year.

(2) Employees on fixed term contracts that commence after the 14th July 2003

Where a fixed term employee is employed by his or her employer or associated employer on two or more continuous fixed term contracts and the date of the first such contract is subsequent to the date on which this Act was passed (14th July 2003), the aggregate duration of such contracts cannot exceed 4 years.

(3) Contract of Indefinite Duration

Where any term of a fixed term contract purports to contravene subsection (1) or (2) above that term shall have no effect and the contract concerned shall be deemed to be a contract of indefinite duration;

(4) Objective Grounds justifying renewal of contract on a fixed term basis

Subsections (1) to (3) do not apply to the renewal of a contract of employment for a fixed term where there are objective grounds justifying such a renewal.

An Employer may not dismiss an employee to avoid a fixed term contract being deemed a contract of indefinite duration

Employers are prohibited from dismissing an employee from his or her employment if the dismissal is wholly or partly for or connected with the purpose of the avoidance of a fixed-term contract being deemed to be a contract of indefinite duration under section (3) above.

What rights have a fixed term worker in relation to vacancies and training opportunities?

An employer must inform a fixed term employee of vacancies that become available to ensure that he or she has the same opportunity to secure a permanent position as other employees.

As far as practicable, an employer must facilitate access by a fixed term employee to appropriate training opportunities to enhance his or her skills, career development and occupational mobility.

What if an agreement does not conform to the provisions of the Act?

A provision in an agreement is void insofar as it purports to exclude or limit the application of, or is inconsistent with, any provision of the Act.

Can an employer take any punitive action against a fixed term employee for invoking their rights under the Act?

Employers are prohibited from penalising an employee:

- for invoking rights under the Act;
- for opposing, in good faith, by lawful means an unlawful act under the Act;
- for giving evidence in any proceedings under the Act

By:

Dismissing the employee; or

Causing the employee to suffer any unfavourable change in his or her conditions of employment; or any unfair treatment (including selection for redundancy), or

Subjecting the employee to any other action prejudicial to his or her employment

What Redress has a fixed term employee?

Complaints in connection with the provisions of the Act may be made to the Rights Commissioner with the right of appeal to the Labour Court.

If a member of a Union you should consult your Union.

If not a member of a Union you should join one for advice and information and for protection and representation if necessary.

Endnotes

^[1] Agency employees who have a contract of employment directly with an employment agency are covered as in those cases the employment agency would be the employer as defined in the Act .

^[2] References to a comparable permanent employee cover an employee either of the opposite sex to the fixed term employee concerned or of the same sex as him or her.(sub-section 4)

^[3] As a minimum the 8 weeks requirement of the Terms of Employment (Information) Act 1994 should apply in this case.

^[4] The First Schedule to the Minimum Notice and Terms of Employment Acts 1973 to 2001 apply for the purpose of ascertaining the period of service of an employee and whether that service has been continuous.

DOCUMENTS SENT TO BRANCHES OR RECEIVED CENTRALLY 2003/2004

(In chronological order of despatch.)

- *HETAC Certificate in Business Studies & Trade Union Studies 29/9/03*, ICTU, 20 June 2003
- *HETAC Certificate in Business Studies & Trade Union Studies 29/9/03*, ICTU, 18 July 2003
- *ICTU Disability Committee*, ICTU, 26.8.03
- *People's College Syllabus 2003-2004*, 3.9.03
- *Work Against Racism*, CIF, ICTU, EA, IBEC, SFA, Know Racism, Sept '03
- *Education & Training 2003-2004*, ICTU, 15.8.03
- *Anti-Racist Week, 3-9 November 2003*, ICTU, IBEC, CIF, SFA, KR, EA
- *Health & Safety Representatives Training*, ICTU 5.9.03
- *Women's Introductory Course 1 and 2 Oct '03*, ICTU, 5.9.03
- *Letter from Pensions Ombudsman*, Office of the Ombudsman, 9.9.03
- *Pensions Ombudsman Regulations, 2003*, SI No. 397 of 2003
- *Shop Steward Introductory Course 4-6 Nov '03*, ICTU, 7.10.03
- *Training Course: Work Life Balance/Family Friendly Working 18-20 Nov '03*, ICTU, 8.10.03
- *PRSI and PAYE on Benefit in Kind (BIK) With Effect 1 January 2004*, ICTU, 30.10.03
- *Review of Unemployment Benefit and Assistance Schemes - Application of Conditions to Workers who are not employed on a full-time basis*, ICTU, 30.10.03
- *Funding for Family Friendly/Work Life Balance Initiatives*, ICTU, 29.10.03
- *Guidelines for Negotiators: Lesbian, Gay & Bisexual Rights in the Workplace*, ICTU, 22.12.03
- *Shop Stewards Introductory Course 2-4 March 2004*, ICTU, 13.1.04
- *Annual Conference Resolutions 1968-2003*, IFUT, 4.7.03
- *Financing of Local Authority Services*, DCTU, 16.1.04
- *Colleges in Red But Must Still Pay Benchmark Rises*, 'Irish Independent', 10.2.04
- *Retired Academic Database*, Sabian Ebbols, 11.2.04
- *Congress Guide for Negotiators - Lesbian, Gay & Bisexual Rights in the Workplace*, ICTU, 22.12.03
- *Social Welfare Rates of Payment 2004*, Department of Social & Family Affairs
- *Guide to Social Welfare Services 2003*, Department of Social & Family Affairs
- *Congress Guide for Carers*, ICTU, January 2004
- *Flat Rate Expenses for 2003/2004 & Subsequent Years*, IFUT, 11.2.04
- *Resolution - Hibernia College*, IFUT Council, 7.2.04
- *Resolution - Performance Management Documents*, IFUT Council, 7.2.04
- *Work Life Balance Policies*, ICTU, 16.2.04
- *Domestic Violence & the Workplace - Guidelines for Trade Unions*, ICTU, 17.2.04
- *Review of University Financial Status Launched*, 'Irish Times', 19.02.04
- *Gender - Matters in Higher Education - Proceedings of Conference 8-9 November 2002*, NUIG
- *Your Education System*, Department of Education & Science, January 2004
- *Towards 2010 – Common Themes and Approaches across Higher Education and Vocational Education and Training in Europe*, NQAI, February 2004
- *Women & Pensions*, Pensions Board, February 2004
- *Privatization Moves in H E Sector*, Anthony Harvey, RIA, 18 March 2004
- *do.*, Anthony Harvey, 29 March 2004
- *OECD Review of H E in Ireland - Privatisation of 3rd Level*, 'Irish Times', 23.03.04
- *Universities Face Sanctions if they Fail to Raise Funds*, 'Irish Times', 2.4.04
- *Hibernia College - INTO Resolution*, Daire Keogh, 15.04.04
- *Fitzgerald Says Cuts in University Funding Ludicrous*, 'Irish Independent', 21.04.04
- *News Release - Hibernia College*, IFUT, 23.4.04

- *E-Mail re. Fixed-Term Work Act*, J Harpur, 26.4.04
- *Protection of Employees (Fixed-Term) Work Act 2003 - Implementation Guidelines*, HSEA, April 2004
- *Guidelines on the Salient Provisions of the (Fixed-Term Work) Act 2003*, HSEA, April 2004
- *UCD Certificate in Safety and Health at Work 2004/2005*, ICTU, 30 April 2004
- *Launch of Report - Information and Consultation: A Case Study Review of Current Practice*, 18 May 2004, National Centre for Partnership and Performance, 30.4.04
- *Restructuring of Trinity College*, TCD, 23.04.04
- *Reforming Universities : How to Lose the Plot*, Professor Gordon Graham, 4.04
- *Modernising Irish Universities*, Garret FitzGerald, 20.04.04
- *Education for Profit - Irish Universities and the Threat of Privatisation: Public Seminar*, Education Branch, SIPTU, 22 May 2004
- *EU Forum Event with Keynote Speaker - E-Mail*, Galway Chamber of Commerce, 10.5.04
- *Forum to Debate the Constitution of Europe - Conference Invitation*, Galway Chamber of Commerce, May 2004
- *Early Learning Seminars*, NCCA, 20.5.04
- *AISHE Inaugural Conference 2-3 September 2004*, AISHE, 2 March 2004
- *EUA Quality Review of Irish Universities*, NUIM, May 2004
- *Lublin Declaration*, Rectors of European Universities, May 2004
- *College Building Projects Need €1bn Funds Boost, say report*, 'Irish Independent', 31.5.04
- *Third-Level Rush to Board Construction Bandwagon*, 'Irish Independent', 31.5.04
- *Colleges Need €1bn for New Buildings*, 'Irish Independent', 31.5.04
- *Officership & Tenure in Universities*, General Secretary, IFUT, 28.5.04
- *[Extracts] Universities Act 1997*, Govt.
- *Possible Changes in UCD*, 'Irish Times', 2.6.04
- *Internationalisation of H E - IFUT Response*, IFUT Working Group, 27.2.04
- *Report on Evaluation of ERASMUS Teacher Mobility*, HEA - Internet Ref. notified by IFUT, 11/6/04

C. ADDRESS BY PRESIDENT AT 2004 ADC

Professor Breandán Ó Cochláin, Chemistry, NUIG

The main theme of this address is the inter-relationship between a changing national and global education scene and IFUT.

By the end of this decade, I believe that more changes will have taken place in third-level education than in the previous fifty years; IFUT must continue to deal with these changes by supporting its members and upholding the name and the quality of our higher education system, which has long been regarded as being of a very high standard. IFUT is an academic trade union: we are the professionals in third-level education and how we carry out our onerous task as a trade union will affect the prospects of staff, students and graduates, and even the quality of education itself. IFUT is held in high regard here at home and by other bodies abroad, such as Education International, ETUCE, HERSC and BIGTU. During the past year, IFUT representatives have attended conferences and meetings of these bodies and contributed to their proceedings.

Ireland is changing educationally, socially, economically and politically and these factors will have a bearing on how we carry out our work in the coming years.

Increasingly at third-level, it is impossible to avoid the terms 'globalisation', 'internationalisation of education services', 'privatisation', 'Bologna Agreement', 'Sustaining Progress' and its benchmarking and action plans, 'ESVPG' (Education Sector Performance Verification Group), and the OECD Report. On the government side, university cut-backs and documents on future funding of universities are rife; on the university side, we hear more and more about reorganisation and rationalisation of Departments and Faculties. As the Celtic Tiger makes a comeback, I suppose it is inevitable that the market-place would be brought into focus; from this point, it is only a short step to commercialisation of third-level - in today's world our financial masters would decree: 'if you produce something good, why not sell it and make a profit?' If this step is taken, it will not be long before cost effectiveness in education will hold sway. Once commercialisation is started, the temptation to make even more profit by paring back what is on offer will arise, until finally the courses will be like a cheap children's toy - flimsy, not adequately thought out and maybe even defective. If our government proceeds along these lines, IFUT will have to make every effort that its voice is heard in order to protect an excellent third-level system, a system built up over many years and to which IFUT has contributed in no small measure. a system which is governed by academic freedom. An IFUT Working Group Report on this matter has been sent recently to the Minister for Education and Science [see 'Education & Research' - 6].

It is clear that more students are taking on part-time jobs during term time, working 12-15 hours per week not being uncommon; indeed, because of this, many students could now be considered as part-time students. Because of pressure on their study time, what used to be fundamental tenets of Irish education are in flux - to the education melting pot, add semesterisation; earlier and more examinations; e-learning; an increasing emphasis on quality, accountability, and safety; a growth of administration; and the final result impinges heavily on student expectation and the workload of our members. A plethora of new courses and degrees is emerging: subjects considered as hobbies or normal manual work a few years ago will soon be degree courses.

Privatisation is being promoted by no less a body than the HEA; in the US where the system originated, research is often polarised in order to secure government contracts for weapons research; such a development would be alien here and to the detriment of our members; another new practice being promoted here is that securing research grants is all important, more so than teaching, to the extent that it is now regarded as reasonable for an outstanding academic staff member to pay someone to do his/her teaching so that more time will be available to attract even more money to the institution. Increasingly, job advertisements at third-level specify that the candidate must have a proven track record of attracting research funds. It is obvious that the priorities and expectations of future academic staff will have to be different from their predecessors.

It is obvious that, currently, the Department of Education and Science is favouring the Institutes of Technology over the universities. We are still smarting from the fact that, remuneration-wise, lecturers in the IOT's got nearly four times more under benchmarking than university lecturers. Now we find that, in the period 2004-2014, the proposed capital grants to the IOT's will be double those for the universities. We will have to carefully monitor the imminent OECD Report and we have a committee ready to do this; if university fees come back under one guise or another, we would not want to go back to the old days when a student could only select the degree course which his/her parents could afford: if the student has the ability, then access to expensive degree courses should be just as readily available as other courses. If the OECD Report recommends rationalisation of institutions and if competition for students among institutions occurs,

IFUT must endeavour to make sure that the present excellent standards of our third-level system are maintained. It is to be noted that, in accordance with IFUT policy, between 1980 and the present day, the proportion of Leaving Certificate students attending university rose from 20 to 50%.

Personal Performance Management is a new development for academics and we must take care that it does not interfere with our academic freedom; it has its origin in *Sustaining Progress* and really affects our conditions of employment; in effect, our conditions of employment were dictated by the votes of non-academic bodies in ICTU - ideally, wage agreements should be separate from conditions of employment, but we must now live with Personal Performance Management and we must, as an academic trade union, fine comb any future agreements carefully and professionally.

During the year, IFUT met the Irish Universities Quality Board (IUQB), Universities Ireland (UI) and the OECD and raised our reservations on how certain proposed changes could affect third-level; we pointed out that *apropos* the IOT's and the universities, the bodies should speak up for the quality and quantity of work carried out by university academics; the apparent view of the DES that the universities are not cost-effective is wrong.

Ní féidir, áfach, an obair thromchúiseach seo a chur chun críche gan foireann dhúthrachtach aclaí a bheith againn. Do'n Ard Rúnaí, Daltún Ó Ceallaigh, tá creidiúint mhór ag dul: mar bhárr ar a ghnáth ualach oibre, go minic i ngan fhios d'éinne sa chúlra agus sa Chúirt Oibreachais bíonn sár obair idir lámhe aige agus tabharfaidh sé fhéin cunntas dúinn ar chuid de'n obair sin ar ball.

Freisin ba mhaith liom mo bhuíochas a ghabháil le chuile ball de'n Coiste Gnothaí, de'n Chómhairle agus de na Fó-Choistí ar fad; go minic bíonn argóintí spioradálta ag na cruinnithe sin againn - agus sin mar chóir a bheith.

I would like to pay a special tribute to a kind, patient and hard working Phyllis Russell - she is the link between the IFUT office and the outside world and in her efficient hands our image is secure.

D. RESOLUTIONS OF 2004 ADC

(1) Changes in Irish University Structures

IFUT views with concern the threat to traditional university values posed by proposed changes in the structures and governing frameworks of Irish university institutions.

(2) OECD Report on Higher Education in Ireland

This ADC urges IFUT to be prepared to respond vigorously to the forthcoming OECD Report on Higher Education in Ireland

(3) University Career Structure in Colleges of Education and Humanities

IFUT calls upon the HEA/DES to establish a university career structure within the Colleges of Education and Humanities as a matter of urgency.

(4) Hibernia College & Online Teaching Qualification

IFUT calls for an independent review of the circumstances surrounding the Minister for Education's sanction of a part-time, online teaching qualification offered by Hibernia College.

(5) HETAC & Freedom of Information Act

IFUT calls for the inclusion of HETAC within the workings of the Freedom of Information Act (1998).

(6) Benchmarking

That this ADC of IFUT resolves not to co-operate with any new benchmarking process unless Council is satisfied that equitable standards of transparency are guaranteed as part of such process.