SECTION 2

1. In page 9, between lines 27 and 28, to insert the following:

““academics” means tenured officers of the institute;”.

—Jonathan O'Brien.

2. In page 10, between lines 8 and 9, to insert the following:

““Department” means academic unit within a school of the institute;”.

—Jonathan O'Brien.

3. In page 11, between lines 20 and 21, to insert the following:

““Programme” means recognised course of study;”.

—Jonathan O'Brien.

4. In page 11, between lines 24 and 25, to insert the following:

““Researchers” means tenured officers of the institute;”.

—Jonathan O'Brien.

5. In page 11, between lines 24 and 25, to insert the following:

““School” means organised grouping of academic units within the institute;”.

—Jonathan O'Brien.

6. In page 12, to delete lines 2 to 6 and substitute the following:

““student”, in relation to an institute, merged institute or technological university, means a person registered as a student by the institute, merged institute or technological university or a full-time officer of the Students’ Union who was first elected to his or her office while he or she was a registered student by the institute, merged institute or technological university;”.

—Jonathan O'Brien.
7. In page 12, between lines 11 and 12, to insert the following:

““Trade Union” means registered representative body with a negotiation licence.”.

—Jonathan O'Brien.

SECTION 10
Section opposed.

—Jonathan O'Brien.

SECTION 11
Section opposed.

—Jonathan O'Brien.

SECTION 22
8. In page 19, line 32, to delete “, as it sees fit.”.

—An tAire Oideachais agus Scileanna.

9. In page 21, to delete lines 21 and 22 and substitute the following:

“(i) be established following consultation with trade unions representing employees of the technological university, where the matters in dispute relate to staff, or with the Students’ Union where the matters in dispute relate to students,”.

—Jonathan O'Brien.

10. In page 21, to delete lines 25 and 26 and substitute the following:

“(iii) be published in such manner as the technological university considers appropriate jointly agreed by the parties concerned.”.

—Jonathan O'Brien.

SECTION 23
11. In page 22, to delete lines 12 to 17 and substitute the following:

“(2) A member of the academic staff or a student learner of a technological university shall not, subject to the provisions of any enactment or rule of law, be disadvantaged, or subject to less favourable treatment by the technological university, arising from his or her questioning and testing received wisdom, putting forward new ideas or stating controversial or unpopular opinions in his or her teaching, research and any other activities either in or outside the technological university.”.

—Jonathan O'Brien.

SECTION 25
12. In page 22, between lines 23 and 24, to insert the following:

“Membership of governing body of technological university

25. (1) A governing body, having not fewer than 11 and not more than 20 members, shall consist of—
(a) the president,
(b) a chairperson (in this section and Schedule 1 referred to as the “chairperson”) who shall be an external member, appointed by the governing body,
(c) three members of the academic staff of the technological university, elected by the academic staff of the technological university,
(d) two members of the non-academic staff of the technological university, elected by the non-academic staff of the technological university,
(e) two undergraduate students of the technological university, nominated by the student union in accordance with its own procedures,
(f) one post-graduate student of the technological university, nominated by the student union in accordance with its own procedures, and
(g) ten external members, at least one of whom has expertise in standards and practice in higher education outside the State, nominated by a committee of the governing body comprising the chairperson and 2 other external members of the governing body formed for that purpose including—
   (i) two external members nominated, in accordance with its or their own procedures, by the education and training board or boards in whose education and training board area the campuses of the technological university are located,
   (ii) two external members of local authorities nominated, in accordance with its or their own procedures, by the local authorities in whose area the campuses of the technological university are located,
   (iii) two external members of Seanad Eireann nominated in accordance with its or their own procedures, and
   (iv) two external members from trade unions nominated in accordance with its or their own procedures whose members work in the technological university.

(2) (a) The term of office of a member of the governing body, other than the president, shall not exceed 4 years and such a member may not serve more than 2 consecutive terms of office.
(b) A member of the governing body who is a student at the technological university shall hold office for such period, not exceeding one year, as the governing body may determine but may be re-appointed for a further period not exceeding one year.

(3) Before appointing members under subsection (1)(g) the governing body shall agree with An tÚdarás the competencies required of such members relating to areas such as business, enterprise, finance, law, corporate governance, human resources, community organisation or other areas relevant to the functions of the technological university.

(4) (a) The governing body shall, for the purposes of this section, make regulations of a technological university relating to conduct of elections, seeking of nominations for appointment and appointment of members to the governing body.
(b) In making regulations of a technological university under paragraph (a) the technological university shall have regard to the objective that at least 40 per cent of members of the governing body shall be women and at least 40 per cent shall be men.

(5) In this section, “external member” in relation to a technological university means a person who is not—

(a) the president,
(b) a member of the academic council,
(c) a member of staff of the technological university, or
(d) a student of the technological university.”.

—Jonathan O’Brien.

[Acceptance of this amendment involves the deletion of section 25 of the Bill.]

Amendments to Amendment No. 12

1. In the first line of subsection (1), to delete “A governing body, having not fewer than 11 and not more than 20 members, shall consist of—” and substitute “A governing body having not fewer than 11 and not more than 20 members shall consist of the officers set out below and in addition the ordinary members shall be appointed by the Minister—”.

—Clare Daly.

2. In subsection (1), to delete paragraph (c) and substitute the following:

“(c) at least 3 members of the academic staff of the Technological University elected by the staff in accordance with regulations made by the governing body but in the event of the Technological University consisting of merged Institutes of Technology one representative from each of the merged Institutes,”.

—Clare Daly.

3. In subsection (1), in the second line of paragraph (g), to delete “nominated” and substitute “recommended”.

—Clare Daly.

4. In subsection (1), in the first line of paragraph (g)(i), to delete “nominated” and substitute “recommended”.

—Clare Daly.

SECTION 28

13. In page 25, to delete lines 24 and 25 and substitute the following:

“(iii) not less than 4 or 10 per cent (whichever is greater) of student representatives of the technological university, nominated by the Students’ Union, in accordance with its own procedures.”.

—Jonathan O’Brien.
SECTION 29

14. In page 26, between lines 11 and 12, to insert the following:

“(a) ensuring that the technological university has a quality assurance system that
complies with European standards and guidelines.”.

—Jonathan O’Brien.

SECTION 32

15. In page 28, between lines 26 and 27, to insert the following:

“Charters

32. (1) A technological university may have a charter, including a Student Charter agreed
with the students’ union, not in conflict with this Act, setting out all or any of the
following:

(a) its objects and functions in respect of its academic and administrative affairs;
(b) the arrangements it has for the promotion and use of the Irish language and the
promotion of Irish culture;
(c) the composition of the governing authority and its functions;
(d) the rights of its employees and students and their responsibility towards the
university and the responsibility of the technological university towards them;
(e) the arrangements for review of, or appeals against, decisions of the governing
authority or the academic council which affect employees or students;
(f) its policy in respect of the promotion of equality of opportunity among students
and employees;
(g) its policy in respect of adult and continuing education and the arrangements in
place for the provision of that education, including part-time and evening
courses; and
(h) any other matters the governing authority may consider relevant.

(2) In preparing a charter, the governing authority shall consult, in such manner as it
thinks appropriate, with the academic staff and other employees of the technological
university, any recognised trade union or staff association, any recognised student
union or other student representative body, or with any other person or group, both
within and outside of the technological university, it considers should be consulted.”.

—Jonathan O’Brien.

SECTION 36

Section opposed.

—Jonathan O’Brien.

SECTION 38

16. In page 34, to delete lines 18 to 21 and substitute the following:

“(iv) that it develops and has procedures in place for development of programmes
that respond to the needs of business, enterprise, the professions, learners and other stakeholders in the region in which the campuses of the merged institutes are located, in a time, place and pace in which to suit their needs.”.

—Jonathan O’Brien.

Amendment to Amendment No. 16
I. In the second line of subparagraph (iv), after “learners”, to insert “, Local Community Development Organisations”.

—Clare Daly.

SECTION 41
17. In page 36, between lines 15 and 16, to insert the following:

“(5) A student representative shall be nominated to the advisory panel by the Union of Students in Ireland, in accordance with its own procedures.”.

—Jonathan O’Brien.

SECTION 57
18. In page 44, to delete lines 30 to 32 and substitute the following:

“ “recognised trade union” means a trade union.”.

—Jonathan O’Brien.

SECTION 63
19. In page 47, line 25, to delete “or staff association”.

—Jonathan O’Brien.

SECTION 67
20. In page 50, line 36, to delete “or staff association”.

—Jonathan O’Brien.

SECTION 73
21. In page 53, between lines 30 and 31, to insert the following:

“Arrangements for suspension or dismissal of staff following order under Part 2
73. (1) Notwithstanding section 6(1), where an order has been made under section 7, 10 or 18 and a process that may result in the suspension or dismissal of a member of staff of a dissolved body has, before the designated day, been commenced but not completed immediately before that day in accordance with procedures made or conditions determined under section 11A of the Act of 1992, the process shall, on or after that day, be continued by the dissolved body under those procedures or conditions, and the dissolved body may suspend or dismiss a member of staff, as if the order had not been made.

(2) For the purposes of subsection (1), if procedures or conditions referred to in that subsection provide for the delegation of powers relating to dismissal or suspension to the Director and a process that may result in the suspension or dismissal of a member
of staff of a dissolved body involves such delegated powers and is commenced but not completed immediately before the designated day, the process shall notwithstanding section 67, on or after that day, be continued by that Director who may suspend or dismiss a member of staff.”.

—An tAire Oideachais agus Scileanna.

Amendment to Amendment No. 21

1. To insert the following new subsection (1):

“(1) A Technological University may suspend or dismiss any employee but only in accordance with procedures and subject to any conditions made following consultation through normal industrial relation structures operating in the technological university with Trade Unions which procedures or conditions may provide for the delegation of powers relating to suspension or dismissal to the President and shall provide for the tenure of officers.”.

—Clare Daly.

22. In page 53, between lines 30 and 31, to insert the following:

“Arrangements for academic council following order under Part 2

74. (1) Any recommendation made before the designated day appointed by order under section 7, under section 10(3)(c) or (g) of the Act of 1992, by the academic council of a dissolved body shall, on or after that day, be taken to be a recommendation, under section 11(3)(d) or (j) of the Dublin Institute of Technology Act 1992, of the academic council of Dublin Institute of Technology.

(2) Any recommendation made before the designated day appointed by order under section 10 or 18, under section 10(3)(c) or (g) of the Act of 1992, by the academic council of a dissolved body shall, on or after that day, continue in being, as a recommendation, under that section 10(3)(c) or (g) of that Act, of the academic council of the merged institute.

(3) Notwithstanding section 6(1), where an order has been made under section 7, 10 or 18, and a recommendation has, before the designated day, been made under section 10(3)(d) of the Act of 1992 by the academic council of the dissolved body but a final decision has not been made by the governing body of the dissolved body in relation to a student immediately before that day, the academic council and recommendation shall continue in being as if the order had not been made until a final decision of that governing body is made in relation to the student.”.

—An tAire Oideachais agus Scileanna.

23. In page 53, between lines 30 and 31, to insert the following:

“Arrangements for certain procedures where order under Part 2

75. Notwithstanding section 6(1), where an order has been made under section 7, 10 or 18 and any process for—
(a) the selection, admission, retention or exclusion of students of,
(b) the conduct of examinations or the evaluation of academic progress of students of, or
(c) the awarding of scholarships, prizes or other awards to students of, or other persons by,

a dissolved body is commenced before the designated day by the academic council or governing body of the dissolved body under any—

(i) academic regulations made under section 10(3)(e) of the Act of 1992, or
(ii) conditions determined or regulations or, as the case may be, rules made for the conduct of the affairs of the college under the Second Schedule to that Act,

but not completed immediately before that day, then the process concerned shall, on or after that day, be continued by that academic council or governing body as if the order had not been made.”.

—An tAire Oideachais agus Scileanna.

SECTION 79
24. In page 56, line 36, to delete “or staff association”.

—Jonathan O'Brien.

SECTION 80
25. In page 57, line 20, to delete “A pensionable” and substitute the following:

“Subject to section 48 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012, a pensionable”.

—An tAire Oideachais agus Scileanna.

SECTION 83
26. In page 59, line 16, to delete “or staff association”.

—Jonathan O'Brien.

SECTION 87
27. In page 61, between lines 14 and 15, to insert the following:

“Arrangements for suspension or dismissal of staff following order under Part 3

87. (1) Notwithstanding section 6(3), where an order has been made under section 46, and a process that may result in the suspension or dismissal of a member of staff of the dissolved body has, before the appointed day, been commenced but not completed immediately before that day in accordance with procedures made or conditions determined under section 12A of the Dublin Institute of Technology Act 1992, the process shall, on or after that day, be continued by the dissolved body under those procedures or conditions, and the dissolved body may suspend or dismiss a member of staff, as if the order had not been made.

(2) Notwithstanding section 6(2) or 6(4), where an order has been made under section 46
or 53, and a process that may result in the suspension or dismissal of a member of staff of a dissolved body has, before the appointed day, been commenced but not completed immediately before that day in accordance with procedures made or conditions determined under section 11A of the Act of 1992, the process shall, on or after that day, be continued by the dissolved body under those procedures or conditions, and the dissolved body may suspend or dismiss a member of staff, as if the order had not been made.

(3) For the purposes of subsections (1) and (2), if procedures or conditions referred to in those subsections provide for the delegation of powers relating to dismissal or suspension to the President or Director of a dissolved body to which an order under section 46 or 53 refers, and a process for the suspension or dismissal of a member of staff of the dissolved body involves such delegated powers and is commenced but not completed immediately before the appointed day, the process shall notwithstanding section 82 or 83, on or after that day, be continued by that President or Director who may suspend or dismiss a member of staff.”.

—An tAire Oideachais agus Scileanna.

28. In page 61, between lines 14 and 15, to insert the following:

“Arrangements for academic council following order under Part 3

88. (1) Any recommendation made before the day appointed by order under section 46 or 53 under section 11(3)(d) or (j) of the Dublin Institute of Technology Act 1992 or section 10(3)(c) or (g) of the Act of 1992, by the academic council of the dissolved body shall on or after that day, be a recommendation of the academic council under section 29(3) (d) or (g).

(2) Notwithstanding section 6(3), where an order has been made under section 46, and a recommendation has, before the appointed day, been made under section 11(3)(e) of the Dublin Institute of Technology Act 1992 by the academic council of the dissolved body but a final decision has not been made by the governing body of the dissolved body in relation to a student immediately before that day, the academic council and recommendation shall continue in being as if the order had not been made until a final decision of that governing body is made in relation to the student.

(3) Notwithstanding section 6(2) or (4), where an order has been made under section 46 or 53, and a recommendation has, before the appointed day, been made under section 10(3)(d) of the Act of 1992 by the academic council of the dissolved body but a final decision has not been made by the governing body of the dissolved body in relation to a student immediately before that day, the academic council and recommendation shall continue in being as if the order had not been made until a final decision of that governing body is made in relation to the student.”.

—An tAire Oideachais agus Scileanna.
29. In page 61, between lines 14 and 15, to insert the following:

“Arrangements for certain procedures where order under Part 3

89. (1) Notwithstanding section 6(3), where an order has been made under section 46 and any process for—

(a) the selection, admission, retention or exclusion of students of,

(b) the conduct of examinations or the evaluation of academic progress of students of, or

(c) the awarding of scholarships, prizes or other awards to students of, or other persons by,

the dissolved body is commenced before the appointed day by the academic council or governing body of the dissolved body under any—

(i) academic regulations made under section 11(3)(f) of the Dublin Institute of Technology Act 1992, or

(ii) conditions determined or regulations or, as the case may be, rules made for the conduct of the affairs of the Institute under the Second Schedule to that Act,

but not completed immediately before that day, then the process concerned shall, on or after that day, be continued by that academic council or governing body as if the order had not been made.

(2) Notwithstanding section 6(2) or (4), where an order has been made under section 46 or 53 and any process for—

(a) the selection, admission, retention or exclusion of students of,

(b) the conduct of examinations or the evaluation of academic progress of students of, or

(c) the awarding of scholarships, prizes or other awards to students of, or other persons by,

a dissolved body is commenced before the appointed day by the academic council or governing body of the dissolved body under any—

(i) academic regulations made under section 10(3)(e) of the Act of 1992, or

(ii) conditions determined or regulations or, as the case may be, rules made for the conduct of the affairs of the college under the Second Schedule to that Act,

but not completed immediately before that day, then the process concerned shall, on or after that day, be continued by that academic council or governing body as if the order had not been made.”.

—An tAire Oideachais agus Scileanna.
SECTION 97

30. In page 73, line 12, to delete “make rules” and substitute “make, amend or revoke rules”.

—An tAire Oideachais agus Scileanna.

31. In page 73, between lines 14 and 15, to insert the following:

“(2) Any standing orders for the regulation of its procedure and business or regulations for
the conduct of the affairs of the Institute, made under the Second Schedule to the
Dublin Institute of Technology Act 1992 and in being immediately before the coming
into operation of subsection (1), shall continue in being after that coming into
operation and may be amended or revoked as if made under that Schedule amended
under subsection (1).”.

—An tAire Oideachais agus Scileanna.

SECTION 111

32. In page 87, line 6, to delete “make rules” and substitute “make, amend or revoke rules”.

—An tAire Oideachais agus Scileanna.

33. In page 87, between lines 8 and 9, to insert the following:

“(2) Any standing orders for the regulation of its procedure and business or regulations for
the conduct of the affairs of the college, made under the Second Schedule to the Act
of 1992 and in being immediately before the coming into operation of subsection (1)
shall continue in being after that coming into operation and may be amended or
revoked as if made under that Schedule amended under subsection (1).”.

—An tAire Oideachais agus Scileanna.

SCHEDULE 1

34. In page 93, line 24, to delete “make rules” and substitute “make, amend or revoke rules”.

—An tAire Oideachais agus Scileanna.