



UNIVERSITY
of
LIMERICK

OLLSCOIL LUIMNIGH

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Dr Des Fitzgerald, M.D.

Uachtarán

President

30 October, 2018

Mr Sean Fleming, T.D.
Chair of the Public Accounts Committee
Houses of the Oireachtas
Leinster House
Kildare St
Dublin 2
D02 XR20

Chairman

I am writing to you with reference to recent hearings of the Public Accounts Committee last week attended by the Higher Education Authority and the Department of Education and Science.

On foot of that, I wanted to update you on the steps I have taken since I took up the post of President of University of Limerick in May 2017 to address matters of concern. I am eager that the PAC has a complete picture of what we have done to ensure that conclusions of the Thorn Reports are fully and swiftly implemented. We have a sharp focus on ensuring these very grave matters are dealt with fully and finally at UL and that we all work together to restore the reputation of UL.

It is vital that this chapter is brought to a final conclusion and that UL moves on to having a singular focus on education and research.

Addressing serious legacy issues from day 1

As you know on May 2, 2017, the day I took up my position as President of UL, my first act was to write to the then Minister of Education and Skills requesting that an independent investigation be carried out relating to his concerns about the management of University of Limerick. I asked this on foot of meeting the Secretary General of the DES just days before and hearing some of his concerns but also because of serious matters that had come to light through correspondence with RTE and that were later the subject of a very critical Primetime broadcast on May 25, 2017.

The Thorn Reports

The Minister subsequently announced an independent investigation of UL that resulted in the Thorn Reports, published in September 2017 and February 2018. I want to emphasise that the DES and the HEA were free to investigate any matters and that they alone established their terms of reference and selected the investigator. The DES considered the reports for several months before their publication and the university was not involved in drafting the reports at any stage.

In carrying out his investigation, Dr Thorn was also given every assistance by UL in interviewing all of those who had grievances against the university. Confidentiality was waived by the university so any person was free to speak to Dr Thorn on any matter. I was grateful to note that Dr Thorn acknowledged that I had given his report process “unqualified support”.

Implementing the recommendations of the Thorn Reports and more

The report had 36 findings and 10 recommendations, all of which have been or are being implemented by university, led by the newly appointed Chief Operations Officer & Registrar and overseen by the Audit and Risk Committee (ARC) of the Governing Authority (GA).

Here are some of the steps I have taken so far, which go well beyond the Thorn recommendations:

1. In February of 2017, I requested the GA to authorise the appointment of a Chief Operations Officer & Registrar to oversee HR, finance and other corporate services;
2. In June 2017, on hearing of the serious allegations in the Primetime programme, I asked the GA to initiate an internal audit (the Deloitte Report) with particular reference to the accuracy of reporting to the regulatory bodies (DES, HEA, Comptroller & Auditor General). The Report was made available to the Thorn investigation team and was subsequently given to the DES and the PAC on their request;
3. In July 2017, I asked PWC to advise on the restructuring of the senior management and Executive Committee and on the appointment of the COO&R and the Vice President for Academic Affairs and Student Engagement;
4. In July 2017, I advised the GA to initiate a review of the governance of UL by the UK consultancy firm Crowe Howarth. As a result, the new GA is smaller in size with different types of skills represented and with fewer subcommittees;

5. As a consequence of the various reports, the following has also been implemented:
 - a. A restructuring of HR, with the appointment of a new Director of HR;
 - b. A restructuring of Finance, which now reports directly to the COO&R, and it is he who is responsible for reporting to the regulatory agencies;
 - c. A review and restructuring of other divisions, including the President's office;
 - d. A review of the management supports to Faculties;
 - e. A review and restructuring of the Executive Committee, its Terms of Reference and subcommittees.
 - f. A substantial investment in IT infrastructures, registry and related systems to provide performance and other critical data to management;
 - g. A structured programme of policy development and coherence.

6. In Nov 2017, on foot of the first Thorn report, the suspension of two employees was lifted and an external HR expert was appointed to work with them on their return to work;

7. In December 2017, Mr. Kieran Mulvey, former director general of the Workplace Relations Commission, and chief executive of the Labour Relations Commission, agreed to act as mediator and had discussions with many of those individuals included in the Thorn Reports so as to help find solutions to their grievances¹;

8. At a hearing of the PAC, in the press and in communications to UL staff, I apologised on behalf of the university to the regulatory bodies, to current and former employees and to the people of the Mid West for what was revealed in the Thorn Reports.

As discussed at the PAC last week, there is an additional report on UL by the C&AG that will be published soon. This was first raised with me by the C&AG in June 2017 and the investigation concluded with a draft report in March 2018. The C&AG was given every assistance in concluding its findings.

¹ I have studiously maintained confidentiality in these matters as I have a duty of care to them as I have to all current staff and students

Working constructively with DES and the HEA

I have met with the DES and HEA on ten occasions, together and separately, since the publication of the Thorn Reports to brief them on the steps taken to address the findings of the Reports. I have submitted quarterly reports on the implementation of the recommendations to the HEA. I have also reported on the implementation of the recommendations of the Deloitte Report to the GA on a regular basis.

I will continue to work to resolve these legacy issues and it is of serious concern to me that these efforts be relayed to the PAC. During the hearings last week, UL was repeatedly mentioned as an example of how current legislation is ineffective in insuring proper management and governance in higher education. I asked for an independent investigation, under the legislation, and indeed the HEA was facilitated not just in one, but two, Thorn Reports that started in June 2017 and concluded in February 2018. When asked for the internal audit report, the HEA was facilitated. When asked to provide regular reports on implementation of its recommendations, the HEA was facilitated.

I want to emphasise that I believe the senior officials of the DES/HEA and the university have worked constructively together since my appointment to address the mistakes of the past. I have kept the DES/HEA informed of the steps UL is taking to insure as far as possible that these issues will not arise again and where mistakes and breaches of policy occur, that they are reported promptly and corrected.

Getting on with our primary mission

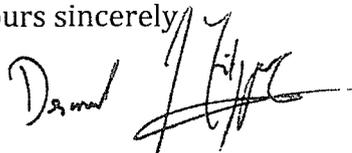
I want to acknowledge the huge contribution of the members of the GA and many colleagues that have worked hard to address these matters. I believe that notwithstanding all our efforts, we have a way to go in bringing a degree of resolution of these matters, some of which date back to 2007. I firmly believe that we must address these issues to restore public confidence, an essential step if UL is to flourish.

Notwithstanding the major effort that all this has taken, the university has not been distracted from its primary objective of educating 15,000 students, performing world-class research and contributing to the community of the Mid West. UL has been engaged in a Strategic Planning process involving most of the staff (some 950 members were involved) for 9 months as a prelude to publishing UL's new strategy for the period 2019-2023. We have also engaged in an extensive dialogue with the HEA to put in place the new HEA Performance Framework.

You will know of the progressive development of the campus, with the Glucksmann Library Building and sports facilities recently completed, the new student centre and climbing wall in development and extensive renovations of the UL Foundation Building, residencies and School of Law. Hundreds of UL staff and students and external stakeholders have engaged in a unique process, the Open Campus Studio to develop a new campus masterplan and we are actively engaged in the regeneration of Limerick City.

Finally, I firmly believe that UL is a great institution, committed to excellence in teaching and research, a true community of scholars and students supported by a highly professional staff and that is why I remain committed to UL. We will continue to work to make the changes needed and to garner the support of government and the community, which together brought this university to life.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Des Fitzgerald', written over a horizontal line.

Dr Des Fitzgerald
President

c.c. Mr Seán Ó'Foghlú, Secretary General, DES
Dr Graham Love, Chief Executive Officer, HEA
Mr Seamus McCarthy, Comptroller & Auditor General