

Table of Decisions Reserved to the Governing Authority

This table sets out the decision-making powers reserved for the Governing Authority of University College Cork having regard to the Universities Act 1997, as amended mainly by the HEA Act 2022.

Once the new Governing Authority Committees have had 3 Committee meetings each, they will provide feedback to the Nominations Committee on the effectiveness of the Committees and the Nominations Committee will then revisit the reserved functions to determine if some functions can be delegated to relevant Committees and make recommendations on these to Governing Authority.

Decisions Reserved to Governing Authority	Section under Universities Act 1997 as amended by subsequent legislation	Delegated Authority
The functions of a University shall be performed by or on the directions of its Governing Authority.	Section 15(2) of the Irish Universities Act 1997	
Satisfy itself that the person nominated for appointment or appointed to Governing Authority is suitable as an external member.	Section 16(5) of the Universities Act 1997 as amended by section 73 of the Higher Education Act 2022	
Make regulations relating to the selection, election, nomination or appointment of members of the governing authority as it thinks fit.	Section 16(6) of the Universities Act 1997 as amended by section 73 of the Higher Education Act 2022	

Decisions Reserved to Governing Authority	Section under Universities Act 1997 as amended by subsequent legislation	Delegated Authority
Approve the purchase or the sale of university land and property.	Section 18(1) of the Universities Act 1997	
Appoint the chief officer and other employees.	Section 18(1) of the Universities Act 1997	
Approve the University's Human Resources Strategy.	Section 18(1) of the Universities Act 1997	
Determine membership of the governing authority.	Section 18(1) of the Universities Act 1997	
Implement any other functions as determined by charters, law and/or regulations.	Section 18(1) of the Universities Act 1997	
Promote the success (including academic success) and reputation of the university.	Section 18(1A) of the Universities Act 1997 as amended by section 73 of the Higher Education Act 2022	

Decisions Reserved to Governing Authority	Section under Universities Act 1997 as amended by subsequent legislation	Delegated Authority
<p>Ensure appropriate systems, procedures and practices are in place:</p> <ul style="list-style-type: none"> a) to achieve the objects of the University; b) to facilitate the internal performance management and accountability of the university in the performance of its functions and the achievement of the aims in the strategic plan; and c) to implement, and report on compliance with the policies of the Government. 	<p>Section 18(1A) of the Universities Act 1997 as amended by section 73 of the Higher Education Act 2022</p>	
<p>Establish and implement arrangements for the management of the performance of the President.</p>	<p>Section 18(1A) of the Universities Act 1997 as amended by section 73 of the Higher Education Act 2022</p>	
<p>Approve expenditure for major capital and investment projects.</p>	<p>Section 18(1B) of the Universities Act 1997 as amended by section 73 of the Higher Education Act 2022</p>	
<p>Approve annual financial statements.</p>	<p>Section 18(1B) of the Universities Act 1997 as amended by section 73 of the Higher Education Act 2022</p>	

Decisions Reserved to Governing Authority	Section under Universities Act 1997 as amended by subsequent legislation	Delegated Authority
Provide for and maintain a system of audit.	Section 18(1B) of the Universities Act 1997 as amended by section 73 of the Higher Education Act 2022	
Provide for and maintain a system of risk management.	Section 18(1B) of the Universities Act 1997 as amended by section 73 of the Higher Education Act 2022	
Provide for and maintain a system of quality assurance in accordance with the Qualifications and Quality Assurance (Education and Training) Act 2012.	Section 18(1B) of the Universities Act 1997 as amended by section 73 of the Higher Education Act 2022	
Review and oversee the implementation of major plans of action and provide strategic direction.	Section 18(1B) of the Universities Act 1997 as amended by section 73 of the Higher Education Act 2022	

Decisions Reserved to Governing Authority	Section under Universities Act 1997 as amended by subsequent legislation	Delegated Authority
Delegate such functions as may be appropriate to the President.	Section 18(1B) of the Universities Act 1997 as amended by section 73 of the Higher Education Act 2022	
Manage the financial affairs of the university to ensure value for money and its financial viability.	Section 18(1B) of the Universities Act 1997 as amended by section 73 of the Higher Education Act 2022	
Account to An tÚdarás for funding provided to the University by An tÚdarás.	Section 18(1B) of the Universities Act 1997 as amended by section 73 of the Higher Education Act 2022	
Appoint the President.	Section 24 of the Irish Universities Act 1997 as amended by section 53 a (i)(ii) of the Institutes of Technology Act 2006	
Establish dispute resolution procedures (other than disputes to be dealt with through normal industrial relations structures) in a statute after a consultation	Section 26(1) and Section 26(2) of the Irish Universities Act 1997	

Decisions Reserved to Governing Authority	Section under Universities Act 1997 as amended by subsequent legislation	Delegated Authority
process with trade unions, staff associations and Students' Union.		
Governing Authority can make directions on the number of meetings Academic Council hold.	Section 29(1) of the Irish Universities Act 1997	
When preparing a charter, consult (as appropriate) with academic staff/other employees, Students' union and any trade unions or staff organisations	Section 31(2) of the Irish Universities Act 1997	
Make Statutes and Regulations for the good governance of the University as necessary.	Section 33(1) of the Irish Universities Act 1997	
Approve changes to College Rules following consideration by the Academic Council.	Section 33(1) of the Irish Universities Act 1997	
	Strategic Plan	

Decisions Reserved to Governing Authority	Section under Universities Act 1997 as amended by subsequent legislation	Delegated Authority
Task the President with the preparation of a Strategic Plan.	Section 34(1) of the Irish Universities Act 1997, as amended by section 80 of the Higher Education Act 2022	
Ensure that consultation on the Strategic Plan has taken place with all relevant internal and external stakeholders, as set out in legislation, prior to its approval.	Section 34(1) of the Irish Universities Act 1997, as amended by section 80 of the Higher Education Act 2022	
Approve the Strategic Plan.	Section 34(2) of the Irish Universities Act 1997	
Provide a copy of the strategic plan to An tÚdarás and the Minister.	Section 34(3) of the Irish Universities Act 1997	
	EDI and Access	

Decisions Reserved to Governing Authority	Section under Universities Act 1997 as amended by subsequent legislation	Delegated Authority
<p>Task the President to prepare a statement on the University’s policies on Equality, Diversity and Inclusion including plans for access to the University for students from socio-economically disadvantaged backgrounds and sections of society significantly under-represented in the student body.</p>	<p>Section 36(1) of the Irish Universities Act 1997</p>	
<p>Ensure that consultation on the University’s statement on Equality, Diversity and Inclusion, and Access has taken place with all relevant internal and external stakeholders, as set out in legislation, prior to its approval.</p>	<p>New subsection 36(1A) of the Irish Universities Act 1997 inserted by section 81 of the Higher Education Act 2022</p>	
<p>Approve the statement on University’s policies on Equality, Diversity and Inclusion, and Access.</p>	<p>Section 36(2) of the Irish Universities Act 1997</p>	
<p>Implement the University’s policies on Equality, Diversity and Inclusion and Access as set out in the statement referenced in S. 36(2).</p>	<p>Section 36(3) of the Irish Universities Act 1997</p>	

Decisions Reserved to Governing Authority	Section under Universities Act 1997 as amended by subsequent legislation	Delegated Authority
	Annual Budget	
Approve the annual budget prepared by the President.	<u>New Section 37(1) and 37(2) of the Universities Act 1997 inserted by section 82 (a) of the Higher Education Act 2022</u>	
Authorise the President to manage the annual budget.	<u>Section 37(3) of the Universities Act 1997</u>	
The President will inform the Governing Authority where they are of the opinion that a proposed expenditure will or is likely to be in excess of the budget.	<u>New Section 37(5) of the Universities Act 1997 inserted by Section 82(b) of the of the Higher Education Act 2022</u>	
The President has the responsibility of reporting deviations from the budget to An tÚdarás in circumstances where the potential deviation is reported to the Governing Authority and the Governing Authority decides to proceed with that course of action.	<u>Section 37(6) of the Universities Act 1997 as substituted by Section 82(b) of the of the Higher Education Act 2022</u>	

Decisions Reserved to Governing Authority	Section under Universities Act 1997 as amended by subsequent legislation	Delegated Authority
Set student fees	Section 40(1) of the Universities Act 1997	
Task the President to prepare a report on the operations and performance of the University.	Section 41(1) of the Universities Act 1997	
Approve and publish the President's report on the operations and performance of the University.	Section 41(2) of the Universities Act 1997	
Sell or otherwise dispose of any land or property of the University.	Section 42(1) and (2) of the Universities Act 1997	
Set out in statute, the procedures for electing persons to the Senate while ensuring gender balance.	Section 45(2) of the Universities Act 1997	

Decisions Reserved to Governing Authority	Section under Universities Act 1997 as amended by subsequent legislation	Delegated Authority
Elect 4 persons to the Senate.	Section 45(2) of the Universities Act 1997	
	<u>Third Schedule</u>	
Possess a University seal.	Section 1(1) of the Third Schedule of the Universities Act 1997	
Appoint a deputy-chairperson.	Section 6(1) of the Third Schedule of the Universities Act 1997 as amended by Section 83(d) of the of the Higher Education Act 2022	
Hold a minimum of 6 meetings of the Governing Authority each year.	Section 10(1) of the Third Schedule of the Universities Act 1997 as amended by Section 83(g) of the of the Higher Education Act 2022:	

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	<u>Fourth Schedule</u>	
The President requires the consent of the GA in order to hold another office or position.	Fourth Schedule (4):	
Matters reserved to the Governing Authority through a decision of UCC's Governing Authority (i.e. it is not a requirement of the Universities Act 1997 to reserve this matter for Governing Authority).		
<ul style="list-style-type: none"> To appoint the University's Solicitors 		
<ul style="list-style-type: none"> To approve employee relations policies including Grievance, Disciplinary and Duty of Respect Policies 		
<ul style="list-style-type: none"> To approve student discipline and other significant student related procedures 		

Draft	Changes	Date	Circulated to
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1	Initial Version	12 th April 2024	
2		22 nd April 2024	Nora Geary, Catherine Desmond
3	Insertion of Hyperlinks to the amended legislation and removal of excerpts from the legislation.	23 rd May 2024	Nora Geary, Catherine Desmond