

Schedule of Decisions Reserved for Governing Body

This Schedule documents those decisions and functions of the University which are exclusively reserved to the Governing Body of the University having regard to the Universities Act 1997, other applicable legislation and those matters which Governing Body itself has determined shall remain reserved for decision by Governing Body.

It is envisaged that, where practicable, the relevant Governing Body Committee(s) aligned to the subject matter of a decision shall consider a proposed decision reserved herein and issue a recommendation in respect thereof, prior to Governing Body making its decision on such matter. Governing Body may in its discretion adopt or reject any such recommendation of a Governing Body Committee in the exercise of its powers herein.

Section 18(4) of the Universities Act 1997 provides that *“a governing authority may, from time to time, appoint such and as many committees, consisting wholly or partly of members of the governing authority, as it thinks necessary to assist it in the performance of its functions and may assign to those committees such of its functions as it thinks fit.”* Pursuant to Section 18(5) of the Act, a committee appointed by the governing authority *“shall operate in such a manner as the governing authority may direct and its acts shall be subject to confirmation by the governing authority unless the governing authority so directs”*.

Delegations to Committees of Governing Body specified herein or in Terms of Reference for such Committees approved by Governing Body or to individuals, officers or Committees in the [Signing Authority and Approval Policy](#) approved by Governing Body shall, unless otherwise specified herein or in such Terms of Reference or Signing Authority and Approval Policy, be deemed delegation in full without the requirement for further confirmation by Governing Body for the purposes of Section 18(5) of the Act. In the event of any conflict between this Schedule and the Terms of Reference of a Governing Body Committee or the Signing Authority and Approval Policy, this Schedule shall prevail.

References to a decision of Governing Body herein shall be deemed to include decisions taken at scheduled meetings of Governing Body or where applicable, decisions taken pursuant to the procedure for decision making between Governing Body meetings which is provided for in the Regulation on Conduct of Governing Body Business.

Universities Act 1997 Reference	Text of Universities Act 1997	Reservation of Decision to Governing Body
S.18(1)	<i>The functions of the governing authority of a university shall be, in pursuance of the objects of the university under section 12 but within the constraints of its budget under section 37 — (a) to control and administer the land and other property of the university, (b) to appoint the chief officer and such other employees as it thinks necessary for the purposes of the university, (c) subject to this Act and its charter, if any, statutes and regulations, to determine the membership from time to time of the governing authority, and (d) to perform such other functions as are imposed on it by or under this or any other Act or by its charter, if any, statutes and regulations.</i>	To approve the purchase or the sale of university land and property. ¹ To authorise capital expenditure projects in excess of the amount for which delegated authority is provided to the President. To appoint the President. To determine membership of the governing body.
S.24(1) (as amended)	<i>A governing authority shall, in accordance with procedures specified in a statute, appoint in a whole-time capacity a person to be chief officer of its university, who shall be called the President or Provost or by such other title as the governing authority determines.</i>	Appoint the President.
S.25(2)	<i>A governing authority may, subject to such conditions as it thinks fit, delegate to the chief officer any of the functions of the</i>	The appointment of senior management officers to include (however titled) a Librarian, a Bursar and Chief Financial

¹ This reserved decision is without prejudice to the following permitted courses of action: (i) the Governing Body Finance Committee may authorise the University to submit “subject to contract” bids for the purchase of land or property provided such bids are expressly stated to be subject to Governing Body approval; and (ii) matters relating to acquisition or disposal of interests in land or property which are delegated by Governing Body in the Signing Authority and Approval Policy which matters are deemed delegation in full without the requirement for further confirmation by Governing Body for the purposes of Section 18(5) of the Universities Act 1997, including without limitation: licences/lease of land for a period less than 5 years and rights of way.

	<p><i>governing authority or the university relating to the appointment of employees of the university and the determination of selection procedures.</i></p>	<p>Officer, a Corporate Secretary, a Head of each College, and such number of Vice-Presidents as the Governing Body considers appropriate. The duties and tenure of these offices shall be determined by the Governing Body.</p> <p>To approve the University’s Human Resources Strategy.</p>
<p>S.26(1) & (2)</p>	<p><i>(1) A governing authority shall establish procedures for the resolution of disputes which arise in the university, other than disputes to be dealt with through normal industrial relations structures operating in the university or appeals conducted in accordance with section 27 (2)(e).</i></p> <p><i>(2) Procedures established under subsection (1) shall— (a) be specified in a statute, (b) be established following consultation with trade unions and staff associations representing employees of the university and with the students union or other student representative body, and (c) provide for consideration of issues in dispute by an independent person or persons, as appropriate, one of whom, in the case of a constituent university, shall be a nominee of the Chancellor of the National University of Ireland.</i></p>	<p>To establish dispute resolution procedures (other than disputes to be dealt with through normal industrial relations structures).</p>
<p>S.29(1)</p>	<p><i>Subject to this Act and any directions of the governing authority, an academic council shall hold such meetings as it thinks necessary to perform its functions and may regulate its own procedure.</i></p>	<p>The Academic Council of the University shall, subject to the financial constraints determined by the Governing Body and to review by it, control the academic affairs of the University as specified in Chapter C of the Principal Statute. The Governing Body may issue directions to Academic Council on its frequency of meetings and/or the procedures of Academic Council however, absent any such direction, the Academic Council shall hold such meetings as it thinks necessary to perform its functions and may regulate its own procedure.</p>

<p>S.33(1)</p>	<p><i>Subject to this Act and to the charter, if any, of the university, a governing authority of a university or the Senate may, and where required by this Act to do so shall, make such and so many statutes and regulations as it considers appropriate to regulate the affairs of the university.</i></p>	<p>To make Statutes and Regulations for the good governance of the University as necessary.</p> <p>To approve changes to College Rules following consideration by the Academic Council.</p> <p>To set the number of academic promotion positions for each round of academic promotions.</p>
<p>S.34(1) & (2)</p>	<p><i>(1) A governing authority shall, as soon as practicable after its appointment and at such other times as it thinks fit, require the chief officer to prepare a plan which shall set out the aims of the governing authority for the operation and development of the university and its strategy for achieving those aims, and for carrying out the functions of the university, during the period, being not less than three years, to which the plan relates.</i></p> <p><i>(2) A governing authority may, having regard to the resources available to the university, either approve a strategic development plan prepared under subsection (1) without modification or, after consultation with the chief officer, approve the plan with such modifications as it thinks fit.</i></p>	<p>To approve the University's Strategic Plan.</p>
<p>S.35 (1) & (3) (as amended)</p>	<p><i>(1) A governing authority, in consultation with the academic council, shall, as soon as practicable after the governing authority is established under this Act and at such other times as it thinks fit, require the chief officer to establish procedures for quality assurance aimed at improving the quality of education and related services provided by the university.</i></p>	<p>To approve annual reports on Quality Promotion.</p>

	<p><i>(3) A governing authority shall implement any findings arising out of an evaluation carried out in accordance with procedures established under this section unless, having regard to the resources available to the university or for any other reason, it would, in the opinion of the governing authority, be impractical or unreasonable to do so.</i></p>	<p>The Governing Body must determine whether there are any financial or other reasons, by virtue of which it deems it impractical or unreasonable to implement a finding of a Section 35 quality evaluation.</p>
<p>S.36(1) & (2)</p>	<p><i>(1) A governing authority shall, as soon as practicable but not later than 12 months after it is established under this Act and at such other times as it thinks fit, require the chief officer to prepare a statement of the policies of the university in respect of— (a) access to the university and to university education by economically or socially disadvantaged people, by people who have a disability and by people from sections of society significantly under-represented in the student body, and (b) equality, including gender equality, in all activities of the university, and the chief officer, in preparing the statement, shall have regard to such policies on those matters as may from time to time be determined by the Minister.</i></p> <p><i>(2) A governing authority may, having regard to the resources available to the university, either approve the statement prepared under subsection (1) without modification or, after consultation with the chief officer, approve the statement with such modifications as it thinks fit.</i></p>	<p>To approve annual reports on Equality and Access to the University.</p> <p>To approve the University’s policies on Equality and Access to the University.</p>
<p>S.37(1)</p>	<p><i>A governing authority shall, on or before the 1st day of March in each financial year or such other date as An tÚdarás may approve (which may be a date before the commencement of the financial year to which the statement relates), prepare and submit to An tÚdarás, in such form and manner as may from time to time be approved by An tÚdarás, a statement of the</i></p>	<p>To approve the annual budget.</p> <p>Set annually the monetary limit for incurring expenditure in the delegation of authority to the President.</p>

	<i>proposed expenditure and expected income of the university for the financial year.</i>	
S.37(3), (5) & (6)	<p><i>(3) When the budget of a university has been determined, it shall be a function of the chief officer, acting on the authority of the governing authority, to carry it into effect.</i></p> <p><i>(5) Where the chief officer of a university is of the opinion that a proposed course of action of the governing authority will or is likely to result in expenditure in excess of the budget which has not been increased in accordance with subsection (4), (in this section referred to as a “material departure from the budget”) the chief officer shall so inform the governing authority.</i></p> <p><i>(6) Where a governing authority, despite being informed as required by subsection (5), decides to proceed with its course of action, the chief officer shall, unless satisfied that a material departure from the budget will not occur, as soon as practicable, inform An tÚdarás of the decision of the governing authority.</i></p>	To proceed with a material departure from the approved annual budget.
S.38	<p><i>(1) A university may borrow money by means of bank overdraft or otherwise and may guarantee or underwrite a loan taken or borrowing undertaken by a person or a body of persons.</i></p> <p><i>(2) Borrowing, guaranteeing and underwriting under subsection(1) shall be in accordance with a framework which shall be agreed from time to time between the universities and An tÚdarás, following consultation by An tÚdarás with the Minister and the Minister for Finance.</i></p>	<p>To approve borrowing in excess of €5m or to guarantee or underwrite a loan.</p> <p>Approval for any borrowing of less than €5m is hereby delegated to the Finance Committee of Governing Body in full without the requirement for further confirmation by Governing Body for the purposes of Section 18(5) of the Act.</p> <p>Any such borrowing aforesaid shall be in accordance with Section 38(2) of the Act.</p>

S.40(1)	<i>A university may determine and charge fees of such amounts for student registration, courses, lectures, examinations, exhibitions or any other event, service or publication held or provided at or by, or produced by, the university.</i>	To set student fees for registration and admission to academic programmes including tuition fees, student contribution and capitation fees.
S.41(1)	<i>The chief officer shall, with the approval of the governing authority and having regard to the strategic development plan under section 34, as soon as practicable after the end of each period, not exceeding three years commencing on the commencement of this Part or at the end of the previous such period, whichever is the later, as the governing authority thinks fit, prepare a report on the operations and the performance of the university during that period.</i>	Approval of the President’s Report prepared pursuant to Section 41 of the Universities Act 1997.
S.45(2)	<i>Clause X of the Charter of the National University of Ireland is hereby amended by— (a) the repeal of sub-clauses (2), (3) and (4), and (b) the substitution of the following for sub-clause (5): “(5)(i) The Senate shall be constituted by— (a) the Chancellor and the Registrar of the University and the chief officers of the constituent universities, (b) four persons nominated by the Government, two of whom shall be women and two men, (c) four persons elected by each of— (i) the National University of Ireland, Dublin, (ii) the National University of Ireland, Cork, (iii) the National University of Ireland, Galway, and (iv) the National University of Ireland, Maynooth, (d) eight members of Convocation elected by Convocation of the University, four of whom shall be women and four men, (e) not more than four persons co-opted to be members of the Senate by the Senate as constituted by the members appointed as referred to in paragraphs (a), (b), (c) and (d). (ii) The governing authorities of the constituent universities shall determine the procedures for electing persons to the Senate, as provided for in paragraph (i), and those procedures shall ensure an appropriate gender</i>	Determine the procedures for electing persons to the NUI Senate. Elect 4 persons to the Senate.

	<i>balance, as determined or approved from time to time by the Minister, among the persons so elected and shall be set out in a statute of each university. (iii) The members, other than ex officio members, shall hold office for a period not exceeding five years for which they are elected or nominated and a member whose term of office expires by effluxion of time shall be eligible to again be a member. (iv) The Statutes shall prescribe, so far as may be necessary, the time at which and the manner in which a person may become a member of the Senate.</i>	
Third Schedule Para. 1(1)	<i>As soon as practicable after its establishment, the governing authority of a university shall provide and retain in its possession a seal of the university.</i>	Application of the University seal to contracts and other legal instruments.
n/a	Reservation of this matter to the Governing Body is a decision of UCC's Governing Body (i.e. it is not a requirement of the Universities Act 1997 to reserve this matter for Governing Body).	To approve the identified key performance indicators of the University for the purposes of measurement of performance against the stated objectives of the University in the University's Strategic Plan.
n/a	Reservation of this matter to the Governing Body is a decision of UCC's Governing Body (i.e. it is not a requirement of the Universities Act 1997 to reserve this matter for Governing Body).	To approve the following employee relations policies: Grievance, Disciplinary and Duty of Respect and Right to Dignity policies (or the successors to such policies by whatever name called).
n/a	Reservation of this matter to the Governing Body is a decision of UCC's Governing Body (i.e. it is not a requirement of the Universities Act 1997 to reserve this matter for Governing Body).	Acquisition, creation or disposal of a wholly owned subsidiary company.