

NOTES OF SPECIAL MEETING OF THE GOVERNING BODY

HELD ON MONDAY 15th FEBRUARY 2021 AT 16.00

VIA ZOOM

Declarations of Interest

Dr. Thomas Dooley, TUI Member

Dr. Fiona Lawless, TUI Member

Ms. Cindy Andrews, Student affected by exams being withheld

Mr. Taidgh Kavanagh, Student Union President representing all students affected by exams being withheld.

Ms. Irene McCausland, part of the Management Team.

The Chairman, Governing Body commenced the meeting by referring to a request received from Taidgh Kavanagh, Student Union President to call an emergency meeting in relation to the current dispute and that Governing Body be fully apprised. The Chairman, Governing Body agreed to hold a meeting today and thanked the Governing Body members for attending the meeting at short notice.

The Chairman outlined that there is a line between Governance and Operational matters and asked Governing Body members to be cautious of this during the meeting today. Governing Body meeting can crossover if there is a potential impact to the reputations of the Institute. He asked the HR Manager to give a briefing on the law and not into any specifics of the matters.

The HR Manager/Secretary to Governing Body briefed the Governing Body on the Industrial Relations Act 1990 with references to Section 20 and Section 26.

Section 26 of the Industrial Relations Act 1990 is invoked when both parties in the WRC and are unable to resolve the dispute and with the agreement of both parties refer the dispute to the Labour Court.

The WRC notifies the Labour Court that the parties to the dispute have requested the Court to investigate the dispute. Neither party sees the written report from the WRC to the Labour Court.

Section 20 of the Industrial Relations Act 1990 refers that a Union may directly refer a case to the Labour Court on condition that the Union agrees in

advance to accept the Labour Court's Recommendation. Both parties can refer and its ruling is binding on both only if both refer.

DkIT have already sought a referral to the Labour Court under Section 26(1) of the Industrial Relations Act 1990.

The current industrial action re exams should be lifted once the WRC refer the dispute to the Labour Court.

The Chairman, Governing Body asked the President to outline is position.

The President referenced his recent emails to Governing Body on the 9th and 12th February 2021 briefing the Governing Body members. He is getting legal advice to ensure that the matter gets into the Labour Court rapidly and to have the exams marks released for the student.

The Institute wishes to refer dispute to the Labour Court under Section 26(1) of the Industrial Relations Act 1990.

Mr. Taidgh Kavanagh thanked the Governing Body Chairman for agreeing to his request to call a special meeting and he appreciated the Governing Body members attending the meeting and supporting the students.

Cllr. Nick Killian asked what is Governing Body's purpose of the meeting? He understood it is an informative meeting for Governing Body. It's an internal matter day to day issues obviously wants to see the matter resolved for the students who are the main concern, it's a difficult time for students and he encourages both sides to talk and to settle the matter.

Ms. Isabell Murphy thanked Mr. Kavanagh for requesting the meeting. She stressed it is in the interest of everyone to get the Industrial Action lifted and refer dispute to the Labour Court.

The Chairman, Governing Body said that we have to await a response from the WRC.

Dr. Tom Dooley referenced the joint referral of the issues and wanted an update.

Mr. Alec McAllister concurred with earlier comments with the decision to hold this meeting and asked if there was anything, helpful that Governing Body could do and if Governing Body could ask the WRC to expedite matters.

The HR Manager/Secretary to Governing Body said the Governing Body would be stepping outside their remit.

The Chairman, Governing Body reiterated that the Institute is waiting for the WRC to respond.

Mr. Taidgh Kavanagh enquired how long it would be before the WRC responded? The Students are the main stakeholders in the Institute and have

had a lot of stress over the last year due to COVID etc and this current situation is added stress that they don't need.

The HR Manager stated that he hopes there would be some clarity by tomorrow.

The Chairman, Governing Body acknowledged that everyone is more than conscious of the students situation and wants the matter resolved.

Mr. Aidan McKenna referenced the emails that the Governing Body members received from students. He said that the onus is on Governing Body members to acknowledge the emails from students. He also said that we all have to recognise that there is a process and procedures to follow in due course. Also conscious of the negativity in the media and TU.

Mr. McKenna urged all involved to find a resolution as soon as possible.

Cllr. Clifford Kelly supports Mr. McKenna's comments and it is a courtesy to respond to the student emails. He acknowledged that it's a very difficult situation for everyone involved and urged to resolve the dispute as soon as possible.

Ms. Anna Shakespeare enquired about the dispute dating back to November 2019 referenced in the President's email to Governing Body. She also asked if there were any other disputes in the period?

The President said that he referenced the ballot in November 2019 as this is being relied upon for this industrial action. He received notice a week before Christmas re industrial action on exams.

The HR Manager/Secretary to Governing Body informed the Governing Body that four of the Academic Managers had not attended Leadership Team meetings since May 2020. The industrial actions all relate to a number of issues.

The matter was not resolved in the WRC.

The HR Manager/Secretary to Governing Body stated that once there is an agreement on both sides to go to the Labour Court then the WRC would ask for the industrial action to be lifted.

Dr. Dooley read a text that he received to the meeting *"the TUI has decided, in the interests of all parties, to refer the matter of the four outstanding issues to the Labour Court under Section 20 of the Industrial Relations Act"*.

The HR Manager /Secretary to Governing Body said that he would expect the Labour Court to accept Section 20 and this cancels out Section 26.

Mr. Taidh Kavanagh thanked everyone for attending and wished to note his appreciation. The students are under stress to get their results and its out of

their control. The reputation of the Institute damaged. He met with Minister Simon Harris, T.D. recently. Mr. Kavanagh said that the industrial action will affect TU options now that it is gone to national level.

Mr. Kavanagh proposed the following motion

“That the GB agree that in the interests of students that this dispute should be jointly referred to the labour court immediately and in any case before twelve tomorrow and recognises that this will mean that results can be processed in the normal manner.”

It has been a very difficult year for students. He represents 5,500 people and the industrial action needs to be resolved, it has been an issue since 2019.

The President informed the Governing Body that he is giving this a lot of attention and he could not comment on what was introduced earlier by Dr. Dooley. He had not received any correspondence and will need to get legal advice when he receives information.

Dr. Fiona Lawless references Mr. Kavanagh’s motion. Cllr. Nick Killian and Ms. Isabell Murphy also support Mr. Kavanagh’s motion.

Cllr. Nick Killian congratulated Mr. Kavanagh on requesting the meeting today and that we should be thinking of the students who are the most important people. Student’s lives and futures are at risk.

Dr. Dooley said that Mr. Kavanagh’s motion superseded by the text from the TUI re Section 20.

The Chairman, Governing Body proposed the following motion:

“The Governing Body requests as a matter of urgency that the current industrial action involving dissemination of results to students is resolved as matter of urgency. All parties concerned should engage immediately with the agreed national Industrial Relations machinery to bring the issue to a final conclusion.”

Proposed by: Mr. Paddy Malone;

Seconded by: Mr. Bill Sweeney.

Governing Body members concurred and a vote on the Motion followed:

Mr. Patrick W. Malone, Chairman	Yes
Michael Mulvey, Ph.D President	Yes
Ms. Cindy Andrews	Yes
Ms. Aprilanna Barker	Yes
Dr. Thomas Dooley	Yes
Ms. Amanda-Jane Gainford	Yes
Mr. Fergus Grimes	Yes
Mr. Taidgh Kavanagh	Yes
Cllr. Clifford Kelly	Yes

Cllr. Nick Killian	Yes
Dr. Fiona Lawless	Yes
Mr. Alec McAllister	Yes
Mr. Aidan McKenna	Yes
Ms. Isabell Murphy	Yes
Mr. Bill Sweeney	Yes
Cllr. Sharon Tolan	Yes

Motion was carried unanimously.

Ms. Anna Shakespeare left the meeting at 17.00, therefore, was not present for the proposed motion and vote.

Mr. Taidgh Kavanagh withdrew his earlier motion as he concurs with the Chairman, Governing Body's motion. He also thanked Cllr. Killian and Governing for their comments and support.

The Chairman, Governing Body informed the Governing Body if they have any queries refer to the HR Manager/secretary to Governing Body and to be cognisant of the difference between operational and governance issues. He referenced THEA Code of Governance.

The Chairman, Governing Body asked the HR Manager/Secretary to Governing Body to notify Mr. Kavanagh and Ms. Andrews when he receives an update.

The Chairman, Governing Body will write to all students on behalf of the Governing Body. He will liaise with the President and HR Manager/Secretary to Governing Body prior to sending the email to all students.

The Chairman, Governing Body thanked everyone for their contributions at the meeting.

Meeting concluded at 17.12.

Patrick W. Malone
Chairman

Date: