Chapter 5

Dublin Institute of Technology Act 1992

The changing and developing nature of the activities of the colleges of the Dublin Institute of Technology (DIT) presented increasing problems for them in the 1980s as they sought to operate as effectively as possible as higher level institutions. These problems arose mainly from the restrictions imposed by the Vocational Education Act 1930 which was primarily intended to encompass a second level education provision. As the Institute began to engage in research and development work, difficulties arose that were highlighted in the study of the National Board for Science and Technology in 1981.1 These restrictions may be seen in bold relief when the broad academic maturity that had been achieved by the Institute and its colleges at that stage is reviewed.

**Academic Maturity of the Institute at the Start of the 1990s**

The government Green Paper on Education, issued in 1985, stated that "the Institute has six constituent colleges and in terms of total enrolment is second in size only to UCD. . . Because of its size, its wide variety of courses in various disciplines, its national rather than regional character and the relationship which it already enjoys with the University of Dublin in regard to the award of degrees, the Institute is quite different in character from the Regional Technical Colleges (RTCs)".2

The International Study Group on Technological Education" in its report to the Minister for Education in 1987, stated that the Group "was impressed by the work of the (Dublin) colleges" and recognised "the high standing

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which the colleges hold in their special fields of study — architecture, construction studies and mechanical engineering in Bolton Street; electronic engineering and science in Kevin Street; catering in Cathal Brugha Street; marketing and design in Mountjoy Square; business studies in Rathmines; music in Chatham Row”.

It went on to state that:

colleges of (the) DIT have been making their own academic awards for over 40 years. Industry and the professional bodies have recognised these awards and accepted them as bases for appointments to professional positions and admission to membership of professional bodies. ... The research activities of the DIT are wide ranging, as would be expected in an Institute of such diverse character. Collaboration with other researchers and institutions both nationally and internationally is a common feature of much research carried out by the Institute.

When the Dublin Institute of Technology Bill was being considered by Oireachtas Éireann in 1991 and 1992, statements praising the DIT and its academic standards were made by four successive Ministers for Education and other leading political spokespersons.

High level of demand for DIT full-time courses

For many years some 66 per cent of the 60,000 students who apply annually through the Central Applications Office (CAO) system for places on higher education courses had expressed a preference for a DIT course. This was by far the largest level of interest and support for courses offered by any higher education institution in the State. Chapter 8 gives an outline of the range of courses offered.

About two thirds of the full-time students admitted annually to the DIT entered diploma or certificate courses. The points scores of those who gained admission into these courses were very high by comparison with those obtaining places on courses in the Regional Technical Colleges (RTC) and many of these applicants would have been eligible for admission to degree courses. The numbers of first preference applicants for its degree courses tended to be ahead of most of the universities. The points scores of those admitted to DIT degree courses were generally comparable with those of the universities. There was also a very high demand from DIT’s own diploma and certificate graduates as well as from RTC graduates for the available places in the later stages of the degree courses, but usually only a small
proportion of them could be accommodated due to the constraints of space and facilities.

Successful partnership with the University of Dublin

The DIT degree output under the partnership agreement, described in Chapter 4, rose from twenty-eight in 1975 to six hundred and six in 1992, a number larger than that of many of the universities. In 1992 there were twenty-eight full-time degree courses or course options and seven part-time degree courses offered in a wide range of key disciplines, and in total about 6,000 DIT students had qualified to receive University of Dublin degrees since the partnership was initiated in 1975.

Staff from each institution benefited mutually from working with each other by participating in course validations and reviews as well as various inter-colleges committees and other joint activities. By 1992, over fifty staff had achieved higher degrees in the University under the fee-waiver scheme developed under the partnership agreement. Arrangements existed for registering DIT postgraduate students with the University while they did their research work in the Institute under the supervision of DIT staff.

The standing of DIT graduates

DIT graduates were generally very successful in finding employment in the marketplace and often were favoured over university graduates because of their more applied expertise and knowledge. They were readily accepted for admission into the appropriate membership grades of a wide range of professional bodies in Ireland and internationally. Furthermore they were admitted to university postgraduate courses and programmes on the same basis as other university graduates. Some had gone on to achieve high academic distinction and appointment to university chairs in internationally prestigious academic institutions.

Notable features of DIT courses

While DIT degree courses shared many features in common with the universities such as minimum entry requirements, course duration and overall academic standards, they often had a different course structure with greater emphasis on practical knowledge, skills and project work and benefited from relatively small class groups. Within the DIT, courses were operated with a favourable student/staff ratio of about fourteen to one on average and usually close relationships developed between students
and staff members that led to fruitful teaching and learning interactions between them. The Institute generally had extensive and modern specialised facilities to serve the needs of degree, diploma and certificate students as well as craft and apprentice students and by careful scheduling of classes in the different areas, the different student groups could be accommodated.

**Development of research activities in the Institute**

The Institute made significant progress in postgraduate research during the 1980s with the numbers of DIT postgraduate research students increasing significantly over that time. It had also taken a number of initiatives to encourage and support postgraduate research, expanding the industrial liaison function to provide greater support and developing policies for the development of research.

**Quality assurance in the DIT**

Formal academic quality assurance procedures had been developed and operated by the Academic Council across the Institute since 1970 and before, as described in Chapter 11. These procedures had been regularly reviewed and refined.

**DIT staff expertise**

Over the years priority had been given in recruitment in most areas to established professionals in their specialist disciplines. Many of the Institute’s permanent academic staff had availed of the opportunities to enhance their qualifications since their recruitment and were involved in research or consultancy work appropriate to their discipline areas. Large numbers of staff members had participated in international exchanges through programmes such as Erasmus, Tempus and others. Staff commitment to the Institute, its courses and students was high, with low staff turnover and a good team spirit overall.

**Academic maturity of the DIT and its schools**

By general Irish standards in 1992, the DIT was a mature academic institution with a long history and tradition extending back over more than 100 years.

Most of its schools had been in existence for at least fifteen years and some for much longer than that. Influenced by the requirements of the Aca-
Historical Chronology of the Dublin Institute of Technology

demic Council and involvement with the University of Dublin, professional bodies and other agencies including industry and business in the broadest sense, these schools were sensitive to the requirements of industry and the need to keep abreast of developments affecting their discipline areas.

Generally, DIT schools were rather large units responsible for operating a number of courses at different levels, with typical total enrolments of 250–500 full-time students and significantly higher numbers in some cases.

For more than forty years the different DIT colleges and their schools employed leading academics and professional practitioners as external examiners and consultants as a vital element of peer review. These experts, drawn from Ireland and abroad, made significant contributions over the years to the development of courses as well as helping to assure their quality and standards.

The Institute had long attached priority to having its courses accredited or recognised by the professional bodies appropriate to its discipline areas. In virtually all cases DIT courses met in full the academic requirements for membership, or at least merited the same level of exemptions as comparable university courses.

Need for greater autonomy

The difficulties in relation to developing research, development and consultancy activities in the Institute, growing since the 1970s, were emphasised in the report on technological education by the International Study Group in 1987. This report recommended that statutory provision should be made for the Institute to engage in this type of work and that it should be encouraged to make its expertise and facilities more widely available to industry and business as considered appropriate. This report also recommended that the DIT should be established on a statutory basis and that its financing should be provided as a block grant through the Higher Education Authority (HEA), as in the case of the universities.

Objectives of the Dublin Institute of Technology Bill 1991

The Dublin Institute of Technology Bill, brought forward by the Department of Education in 1991 in close consultation with senior members of staff of the Institute and its parent City of Dublin Vocational Education Committee (CDVEC), sought to address these and other needs of DIT, while having regard to the following:

- the provision to the Institute of appropriate freedom and autonomy to
function as a third level institution, while maintaining some links with the CDVEC system and remaining on the technological side of the binary system

- the provision of a satisfactory legal basis and capacity to engage in research and enter into arrangements, including participation in limited companies, so as to exploit fully the results of such activity

- while the six DIT colleges had been functioning under the CDVEC as complementary rather than competing institutions, each having its own management structure and range of disciplines, they had a formally established Academic Council as far back as 1970. In 1978 the DIT was established with its own Governing Body as a sub-committee of the CDVEC and it functioned well as a loose federal arrangement. A further major step was needed however, if the DIT was to become a single, autonomous, integrated higher education institution

- the CDVEC colleges had been making their own certificate and diploma awards since the 1950s and while these were widely recognised nationally and internationally by employers, professional bodies and academic institutions, they did not have an appropriate statutory basis. In relation to degree awards the fruitful partnership agreement, entered into with the University of Dublin (TCD) in 1976, had benefited several thousand DIT graduates, but there were concerns as to whether this arrangement was appropriate for such a large and diverse institution as the DIT in the medium and longer term.

**POLITICAL ATTITUDES TO THE DUBLIN INSTITUTE OF TECHNOLOGY BILL**

The basic content and format of the Dublin Institute of Technology Bill 1991 was almost identical to the University of Limerick and Dublin City University Acts 1989. During the protracted period while the Bill was being processed, from November 1991 when the second stage was introduced in Dáil Éireann until July 1992 when it was finally approved by Seanad Éireann, there were three different Ministers for Education — Mary O’Rourke, Noel Davern and Séamus Brennan. The Minister of State in the Department of Education, Liam Aylward, was also involved. The main education spokespersons for the different opposition parties participated actively in the debate.

The statements of these spokespersons on the Institute and the Bill as it moved through the Oireachtas, reflected the deep appreciation within Irish society of the considerable service and achievement of the DIT and indi-
icated the high standing of the DIT colleges in the wider community.

Only one aspect of the Bill divided the government spokespersons and those of all the opposition parties — the timing of the granting of degree awarding power to the Institute. The opposition side favoured the inclusion of this power in the Act while the government position, enshrined in Section 5.2(a) of the Act, was that this function “which may include the function of conferring degrees, postgraduate degrees and honorary awards ... may be assigned to it, from time to time, by order made ...” by the Minister for Education, but possibly within twelve months. There appeared to be unanimous agreement that this power was fully merited, as is evident from the official Dáil and Seanad debates.

Minister for Education, Mary O’Rourke TD

Introducing the second stage of the DIT Bill on 7 November 1991, the then Minister for Education, Mary O’Rourke TD, said:

Section 3 of the DIT Bill provides for the establishment of the Institute and that it will be constituted from the six existing colleges. ... The principal function will be to provide vocational and technical education and training for the economic, technological, scientific, commercial, industrial, social and cultural development of the State. ... Provision is also made for engaging in research, consultancy and development work. ... The DIT will, subject to the recommendation of the Academic Council, retain the power to award its own diplomas, certificates and other awards. ... Degree awarding powers could at the appropriate time be assigned to the DIT ...

Response of Teresa Ahearne TD

Responding on the same occasion, Teresa Ahearne TD, the higher education spokesperson for Fine Gael, the largest opposition party, said:

The colleges, in particular the DIT, at this stage rightly claim to have long experience of teaching to degree level... I suggest that now is the time to give the colleges this power to award their own degrees.

Other participants in the Oireachtas debate

In November 1991, the new Minister for Education, Noel Davern TD, defended the government’s position on delaying the granting of degree
Dublin Institute of Technology Act 1992

awarding power, while acknowledging the Institute’s high reputation.

On the opposition side a wide range of deputies, including the education spokespersons of all the opposition parties — Fine Gael, Labour and Democratic Left — supported an amendment to the Bill, to include degree awarding power.

The debate concluded in July 1992 and the then Minister for Education, Séamus Brennan TD, maintained the government’s position but suggested “the delay in awarding degrees for a targeted period of twelve months”.

The DIT Bill was processed through Seanad Éireann, also in July 1992, before it received final approval on 10 July. Much of the discussion in the Seanad also concerned the issue of degree awarding power for the Institute.

Responding to the debate, Minister for Education Séamus Brennan TD, said on 10 July 1992:

The DIT will be given degree awarding powers and my target, subject to discussions, would be that within twelve months, we might be able to arrive at that position. . . (We) are undertaking a major reorganisation of the DIT, the integration of the six colleges into a single structure. . . It is appropriate that, before we take that final step we should have an opportunity to consult with the new Governing Body and the Academic Council as to qualitative matters and, generally, how we might proceed. . .

Despite the Minister’s commitment, almost five years were to elapse before these powers were granted in April 1997. Before these powers were assigned, the Institute was required to undertake an audit of its quality assurance procedures (see Chapter 11). It is possible that the Department of Education delayed the process of assigning degree awarding powers to the DIT because this might have been seen as a step towards university status for the Institute and a dismantling of the binary system in higher education. This might certainly be deduced from the role set out for the DIT in the Qualifications (Education and Training) Act 1999, which was then in preparation.

Amendments Made to the DIT Legislation by the Oireachtas

A large number of amendments were introduced as the DIT Bill was processed through the Oireachtas during 1991 and 1992.
Greater autonomy for the Institute

Some amendments were introduced in response to the concerns raised during the Dáil debate, about the inclusion in relation to many functions of the Institute of the phrase “subject to such conditions as the Minister may determine”. It was felt that this would undermine the main thrust of the new legislation, which was to give the Institute greater autonomy in managing its own affairs. The DIT Bill was amended to exclude this phrase in many areas. Another important change gave the title of president to the chief officer of the Institute, rather than director, which is used in the RTCs. Provision was also made for the appointment of a number of directors in DIT, with each of them answerable to the president.

Preparing the Institute for conferring its own degree awards

Section 5.1(b) of the Bill was amended and in the Act reads as follows: “to confer, grant or give diplomas, certificates or other educational awards, excluding degrees other than degrees provided for by order under subsection (2)(a)”.

Section 5.2(a) of the DIT Bill was also amended to read as follows in the Act: “The Institute shall have such other functions, which may include the function of conferring degrees, postgraduate degrees and honorary awards as may be assigned to it, from time to time, by order made. . . .”

The Institute, under the legislation enacted, was also allowed to continue “to enter into arrangements with the National Council for Educational Awards, with any university in the State or with any other authority approved by the Minister from time to time, for the purpose of having degrees, diplomas, certificates or other educational awards conferred, granted or given”.

The DIT Bill 1991 was enacted by the Oireachtas in July 1992 as the Dublin Institute of Technology Act 1992.

Outline of the provisions of the Dublin Institute of Technology Act 1992

Having been approved by both Houses of the Oireachtas, the Dublin Institute of Technology Act became law when it was signed by Her Excellency, the President, Mary Robinson, before the end of July 1992.
Unification of the six colleges

The Act provided for the establishment of the Institute, constituted from the six colleges at Adelaide Road/Chatham Row, Bolton Street, Cathal Brugha Street, Kevin Street, Mountjoy Square and Rathmines. Provision was also made for the possible incorporation of other educational institutions into the Institute in the future.

Functions of the new Institute

The Act set out the functions of the Institute, the principal one being to provide vocational and technical education and training for the economic, technological, scientific, commercial, industrial, social and cultural development of the State. To this end the Institute was to provide courses of study and might enter into arrangements with appropriate authorities for the award of degrees, diplomas, certificates and other educational awards.

Provision was also made for the Institute to engage in research, consultancy and development work, either on its own or with other institutions and to provide services in relation to such work and enter into arrangements, including participation in limited companies, to exploit the results of this work. The Institute, subject to the recommendations of its Academic Council, retained the power to award its own diplomas and certificates but the capacity to make degree awards was not granted to it. Additional functions could be assigned to it however by order of the Minister made with the concurrence of the Minister for Finance and the approval of both Houses of the Oireachtas. These included degree awarding powers, in accordance with the provisions of the Act.

Composition and functions of the Governing Body

The Act provided for the establishment of a Governing Body with a composition comprising a chairperson, eighteen ordinary members and the president of the Institute. Of these, six persons were to be nominated by the CDVEC, two were to be members of the academic staff, one a representative of the non-academic staff, two students of the Institute, one person nominated by the Irish Congress of Trade Unions, one nominated by TCD and five by such other organisations and interests as the CDVEC considered requiring representation, having regard to the particular courses in the Institute and the overall membership of the Governing Body. These provisions were modified somewhat in the DIT (Amendment) Act 1994 to facilitate gender equity and to provide Academic Council with a role in the nomination process for the five organisations or interests requiring
representation.

It is somewhat unfortunate that the composition of the Governing Body did not provide a more even balance between academic and other representation, as would be appropriate for an institution on the verge of obtaining degree awarding powers. The composition assigned would appear to indicate a desire by the Department of Education to limit the autonomy of the Institute and ensure a continuing high level of control by the Department.

The Act set out the functions of the Governing Body which were to be exercised in accordance with the general policy and the programmes and budget approved annually. The functions included managing the affairs of the Institute, including its land and buildings and performing such functions as were conferred on the Institute by the Act. It also provided that the Governing Body might appoint committees and would have regard to national aims in relation to the Irish language and culture.

Procedures for appointing staff

The Act specified the procedures for the appointment of the president and directors of the Institute as well as other staff. The Third Schedule to the Act related specifically to the president's role and functions. It also set out more general provisions in relation to the selection and appointment of staff and their conditions of employment and superannuation arrangements. There were also special provisions that would apply to existing staff who transferred from the CDVEC to the Institute on its establishment.

Appointment and functions of the Academic Council

The Act provided for the appointment by the Governing Body of a statutory Academic Council and prescribed the functions of this Council. These included provision for designing, developing and assisting the implementation of courses of study, making recommendations on programmes for research and development work and acting in relation to the selection, admission, retention and exclusion of students.

Annual programmes, budgets and reports

The Act included provisions in relation to the annual submission, approval and implementation of programmes and budgets for the Institute and the preparation and submission of an annual report. It also made provision for such other information as might be required. It provided that annual grants might be paid to the Institute out of moneys provided by the Oireachtas.
and specified that it must keep proper accounts which would have to be submitted annually to the Comptroller and Auditor General. The Institute might charge fees or make other appropriate charges for its services.

**Transfer of property and liabilities from CDVEC**

The Act also dealt with the transfer to the Institute of property and liabilities held or incurred by the CDVEC before the establishment date. Contracts in force and legal proceedings pending before the establishment date were preserved or continued by substituting the name of the Institute for that of the CDVEC.

**Comparison of the DIT Act with the Regional Technical Colleges Act 1992**

The DIT and RTC Acts, passed at approximately the same time in 1992, had much in common, with the same general structure and identical wording in several sections.

**Awarding powers**

One of the special features of the DIT legislation was that it gave to the Institute the power to confer its own academic awards, unlike the RTC legislation which did not have such a provision. Sections 5.1(b) and 5.2(a) of the DIT Act gave to the Institute the function of granting certificates, diplomas and, possibly through a ministerial order, the power to grant primary, postgraduate and honorary degrees. In fact, as described in Chapter 11, the power to confer degrees was given to the DIT in 1997. Section 5.3 read thus:

Awards under the provisions of subsection 1(b) or under any function in relation to degrees which may be assigned to the Institute by order made under subsection 2 may only be conferred, granted or given on the recommendation of the Academic Council to or on persons who satisfy the Academic Council that they have attended or otherwise pursued or followed appropriate courses of study, instruction, research or training provided by the Institute, or by such other institution as the Minister on the recommendation of the Governing Body may approve, and have attained an appropriate standard in examinations or other tests of knowledge or ability or have performed
other exercises in a manner regarded by the Academic Council as satisfactory.

In the case of the RTCs, their legislation required them "to enter into arrangements with the National Council for Educational Awards, with any university in the State or with any other authority approved by the Minister from time to time for the purpose of having degrees, diplomas, certificates or other educational awards conferred, granted or given and to make such other arrangements as may be approved by the Minister from time to time for this purpose".

Different Academic Council functions

In the DIT legislation, provisions relating to the Academic Council, in addition to those in the RTC Act, included the following:

- according to Section 11.3(c), the Academic Council was empowered "to make recommendations in accordance with section 5(3) of this Act"
- according to Section 11.3(h), the Academic Council was required "to make recommendations to the Governing Body in relation to the appointment of external examiners"
- according to Section 11.3(i), the Academic Council had the function "to make recommendations to the Governing Body in relation to the conferment of honorary awards".

These provisions gave important functions to the DIT's Academic Council which were consistent with the DIT making its own awards.

Comparison of the DIT Act with the Acts Establishing Dublin City University and University of Limerick

The 1989 legislation which established the University of Limerick (UL) was almost identical in format and wording, and was enacted simultaneously, with that of Dublin City University (DCU).

Awarding powers

Under their earlier 1980 legislation neither of these institutions, as NIHEs, had any academic awarding powers. While one of their main functions was "to provide degree level courses, diploma level courses and certificate level courses and, subject to such conditions as the Minister may
prescribe, such other courses, including postgraduate courses, as may seem appropriate to the Governing Body ...”, that legislation prescribed that these were courses leading to awards of the NCEA. Hence, until their university legislation was enacted in 1989, both NIHEs were precluded from making their own academic awards. This was in contrast to the DIT situation, in that its colleges began making their own certificate and diploma awards some thirty years earlier, in the late 1950s.

**Similarity of the DIT Act 1992 and the DCU Act 1989**

When the legislative framework of the DIT is compared with that of the newer universities, the two sets of provisions are almost identical, with the exception of the DIT’s capacity to award its own degrees being deferred pending its formal establishment and the Minister being satisfied that suitable arrangements are in place in relation to its new structures and operations.

In the UL and DCU Acts, the new universities were given the functions:

(ii) to confer, grant or give degrees, diplomas, certificates or other educational awards, on the recommendation of the Academic Council, to or on persons who satisfy the Academic Council that they have attended or otherwise pursued or followed appropriate courses of study, instruction or research provided by the University, or by such other colleges or institutions as the Governing Body may approve, and have attained an appropriate standard in examinations or other tests of knowledge or ability or have performed other exercises in a manner regarded by the Academic Council as satisfactory,

(iii) to confer honorary degrees on persons in such manner and subject to such conditions as the Governing Body, after consultation with the Academic Council, may deem appropriate, and

(iv) to enter into arrangements with other relevant institutions inside and outside the State for the purposes of offering joint courses and of conducting research and development work and to enter into arrangements, including participation in limited liability companies, for the purpose of exploiting the results of research and development work undertaken by the University either separately or jointly.

With the ministerial order of 1997 giving degree awarding power to the DIT up to the highest postgraduate level, the Institute’s legislative base is almost identical with that of the 1989 legislation of the new universities.
Appointing external examiners

Under their university legislation in 1989 the new universities were in a position to make recommendations to their Governing Bodies in relation to the appointment of external examiners. Until then this was a function of the NCEA as the body responsible for making academic awards to students successfully completing their courses.

SUMMARY

The Dublin Institute Technology Act 1992, and as amended in 1994, set the statutory foundations for the independent unified Institute, with power to confer certificate, diploma and, as later amended by ministerial order in 1996, degree awards. In the words of the Minister for State in the Department of Education, Liam Aylward TD, in introducing the Bill to Seanad Éireann, the Act acknowledged “the outstanding contribution which the Institute (had) made in the field of higher education” and laid “the foundation for the future development of the Institute in a new and unified structure which (would) build on the solid base of achievement of individual colleges”.

This Act had some advantages over the parallel RTC Act, compared favourably with the previous NIHE Acts and was virtually identical with the DCU and UL Acts 1989. The discussions in the Oireachtas on the DIT Bill indicated the wide political recognition of the high academic reputation of DIT and its role in higher education.

The Oireachtas debate, and its culmination in the DIT Act 1992 itself, were the most significant high-water mark in the academic development and recognition of the Institute up to that time. Nevertheless the DIT Act set limits to the autonomy of the Institute and largely continued the earlier fairly direct and strong control of its activities by the Department of Education.