

# Performance-Based Research Fund Sector Reference Group: Consultation paper #7 - Review of the general and Canterbury Earthquakes Special Circumstances provisions

## Sector feedback and in-principle decisions

### Purpose

The Performance Based Research Fund (PBRF) Sector Reference Group (SRG) sought feedback from the sector and other stakeholders on proposed changes to the general and Canterbury earthquake special circumstances provisions.

This document provides:

- a summary of the responses received;
- a summary of any concerns raised relating to the proposals; and
- the Tertiary Education Commission's (TEC's) in-principle decisions on each aspect of the proposal.

### Introduction

The *Review of the general and Canterbury Earthquakes Special Circumstances provisions* consultation paper provided the sector and other key stakeholders with background information on the purpose of the special circumstances provision as it relates to both the general and Canterbury Earthquakes special circumstances, as well as the issues arising from the 2012 Quality Evaluation, information on the decisions made by Cabinet in relation to changes to the special circumstances provision (specifically the objective that fewer than 10% of Evidence Portfolios (EPs) submitted would use the provision), the proposed operational framework for the special circumstances provisions in the 2018 Quality Evaluation, and invited feedback on the proposals and any other matters not raised in the paper.

Feedback on this consultation paper was invited through the Tertiary Education Commission (TEC) from 2 June to 13 July 2015. Consultation has now closed.

A total of 13 responses were received. These were from:

- Auckland University of Technology
- Christchurch Polytechnic Institute of Technology
- Eastern Institute of Technology
- Lincoln University
- Tertiary Education Union Te Hautū Kahurangi o Aotearoa
- University of Auckland
- University of Canterbury
- University of Otago
- University of Waikato
- Victoria University of Wellington
- Three individuals

The Ministry of Education and Callaghan Innovation also provided feedback. Feedback has been anonymised.

## Process information

The SRG have considered the feedback from the sector and other stakeholders relating to each of the matters identified in the consultation paper and have indicated their preferred option, which has been recommended to the TEC.

The TEC approved these recommendations in-principle on the understanding that the consultation process is on-going and other decisions or external factors may require these recommendations to be reconsidered as part of the development of the final guidelines.

## Next steps

The SRG will use the in-principle decisions as the basis of the draft guidelines for the 2018 Quality Evaluation. These guidelines will be provided to the sector and other stakeholders for consultation before they are finalised in June 2016. The purpose of the consultation on the draft guidelines is to ensure that the guidance is clear and unambiguous, not to re-consult on matters already consulted upon and agreed.

## Organisation of summary

Each of the 13 responses has been analysed. Feedback is summarised according to the following sections:

- A. General special circumstances
- B. Canterbury Earthquakes special circumstances
- C. Any other matters

### A. General special circumstances

The SRG proposed implementing four changes set out below and sought feedback from the sector and other stakeholders on these proposals.

#### 1. Renaming the provision 'extra-ordinary circumstances'

The proposed name change was considered to provide a clearer signal to submitters that only those circumstances that are uncommon and unexpected would be considered as part of the EP submission.

A review of the responses has been undertaken and summarised below.

Do you support renaming the provision 'extra-ordinary circumstances'?	Response %	Response #
Yes	90.9%	10
No	9.1%	1

Feedback supported the proposal and agreed with the SRG's rationale for change – to emphasise that the provision should be used in exceptional, uncommon and/or unexpected circumstances to explain to the assessment panel a reduction in research and/or research-related activity in the assessment period.

***In-principle decision***

Rename the 'special circumstances' provision 'extra-ordinary circumstances'.

2. *Establishing a minimum time period of three years during the assessment period over which the circumstances need to have occurred in order for these circumstances to be submitted.*

In the 2012 PBRF Guidelines, advice was provided that made it clear that it would be unlikely that circumstances would influence the final quality category unless there was evidence that the circumstances have been sustained over at least one half of the assessment period (three years).

The proposed change formalises that advice and would mean that TEOs would not be able to submit claims for circumstances that have affected the quantity of staff members' research or research-related activity for less than three years. The three year period would not need to be contiguous and can be made up of smaller periods of time that equate to three years. A staff member would need to identify all relevant dates within their submission as a means of validating this information.

A review of the responses has been undertaken and summarised below.

<b>Do you support establishing a minimum time period of three years (non-contiguous) during the assessment period over which the circumstances need to have occurred?</b>	<b>Response %</b>	<b>Response #</b>
Yes	72.7%	8
No	27.3%	3

Feedback shows that the proposal is well supported, although some submissions indicated that three years was too long.

The SRG has considered all the feedback and acknowledges that there are a wide range of circumstances that can affect an individual; however it has been shown in previous Quality Evaluations that it would be unusual for these circumstances to influence the final quality category unless there is evidence that the circumstances have been sustained over at least one half of the assessment period (i.e. three years).

Staff members are able to claim one or more of the circumstance types, and the onus will be on the individual staff member to provide evidence of the impact that their circumstances have had on the volume of research and research-related activity within the period, and TEOs will be responsible for evaluating which EPs are submitted with provisions that meet the requirements set out in the guidelines.

It is important to recognise that the overall volume of research and research-related activities that can be presented in an Evidence Portfolio is significantly reduced for the 2018 Quality Evaluation.

***In-principle decision***

Circumstances need to have occurred over a minimum time period of three years (non-contiguous) during the assessment period, in order for the 'extra-ordinary circumstances' provision to be submitted within an EP.

3. *Not allow the submission of extra-ordinary circumstances where the EP has no reduction in quantity in either the Research Output component or the Research Contributions component.*

The basic principle of the special circumstances provision is that special circumstances can be claimed by a staff member and considered by the peer review panel only in relation to the quantity of research produced during the assessment period. This has been in place since the first Quality Evaluation exercise in 2003.

As the assessment can only be based on reductions in quantity, the proposed change would automate the process for submission of EPs claiming the provision through the PBRF IT system.

A review of the responses has been undertaken and summarised below.

<b>Do you agree that submissions of extra-ordinary circumstances where the EP has no reduction in quantity in either the Research Output component or the Research Contributions component are not allowed?</b>	<b>Response %</b>	<b>Response #</b>
Yes	90.9%	10
No	9.1%	1

Feedback indicates a clear understanding of the principle for the provision and support for the proposal. The SRG and TEC recommended that the reduction in quantity as it relates to EPs submitted was considered to be less than a 'full' EP (i.e. less than 16 Research Outputs and 15 Research Contribution items), which would allow for a specific validation rule within the PBRF IT system to allow the system to manage this process at submission.

Some concern was raised which relates to the difference between a reduction in research and research-related activity in the assessment period versus a reduction in research and research-related activity as presented in the EP, with the related issue of the potential for staff members to not 'fill' their EP in order to be eligible to claim extra-ordinary circumstances.

This concern centred on cases where, for example, a staff member had extra-ordinary circumstances which affected the overall volume of quality research and research-related activity within the assessment period, but still had sufficient (but potentially lower quality) items to "fill" their EP. Responses indicated concerns that staff members would, for example, exclude an ORO or Research Contribution item in order to allow the EP to be submitted with extra-ordinary circumstances.

The SRG and the TEC reiterate that the basis of the provision has not changed. This means that the assessment of the provision will only relate to reductions in quantity of research and/or research-related activity and not the quality of these outputs and items. The submission of a reduced number of the staff member's best outputs and claiming special circumstances has always been an option, although there is no evidence that this strategy has been applied in any systemic manner.

The SRG has considered the risk that some TEOs could more actively pursue this option in order to allow staff to use the provision if the proposal was progressed. The SRG has determined that this proposal has the potential to create a perverse incentive, and disadvantage staff with legitimate extra-ordinary circumstances who have experienced a reduction in research and research-related activity in the assessment period which is not necessarily reflected in the volume of items within the EP.

The SRG and TEC recommend that while there will be no automated restriction of EPs claiming the provision based on a reduction in research quantity, a number of systems within TEOs and by the TEC should be put in place.

These include:

- TEOs having a process for considering and endorsing/validating legitimate extra-ordinary circumstances to be included in EPs. This process would need to include internally verifying (e.g. through the Head of Department or School) that staff members have experienced a reduction in research outputs and research-related activity during the assessment period.
- The TEO audit including a review of this process during the preparatory audit and the CEO Declaration including a statement that confirms that only applicants with legitimate circumstances have claimed the provision.
- The TEC providing more detailed information on the audit and reporting on the 'extra-ordinary circumstances' provision, including analysis of the volume of research and research-related activity presented in EPs claiming the provision in the TEO audit process and reporting on results.

***In-principle decisions***

No quantity threshold will be automatically applied to EPs that claim extra-ordinary circumstances for the 2018 Quality Evaluation.

Additional systems will be put in place by TEOs and the TEC, including:

- TEO process for considering and endorsing/validating legitimate extra-ordinary circumstances.
- Inclusion of this process in the TEO audit by the TEC.
- Inclusion of a statement in the TEO CEO Declaration that confirms that only applicants with legitimate circumstances have claimed the provision.
- TEC to provide more detailed information on the audit and reporting on the 'extra-ordinary circumstances' provision, including analysis of the volume of research and research-related activity presented in EPs submitted with the provision in the TEO audit process and reporting on results.

**4. *Aligning the circumstances allowed for in the provision with the prohibited grounds of discrimination set out in the [Human Rights Act 1993](#)?***

The SRG proposed aligning the specific circumstances types with the prohibited grounds of discrimination set out in the Human Rights Act 1993, and to ensure that they reflected the exceptional nature of circumstances that can directly impact the ability of an individual to undertake research and/or research-related activity. These circumstances are generally outside the individual's control and are not part of normal academic activity.

A review of the responses has been undertaken and summarised below.

<b>Do you support aligning the circumstances allowed for in the provision with the prohibited grounds of discrimination set out in the Human Rights Act 1993?</b>	<b>Response %</b>	<b>Response #</b>
Yes	91.7%	11

No	8.3%	1
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Feedback indicated support for this proposal however, commentary indicated that additional circumstances needed to be considered outside of the three proposed (see below).

5. *Allow only three circumstances types to be claimed.*

The SRG proposed to only allow three circumstance types to be claimed:

- *Long-term illness or disability* of a nature that would reduce the quantity of research outputs or activities.
- *Extended personal leave* of a nature that that prevents research activity from occurring. This includes sick leave and parental leave. Sabbatical leave is *not* considered in this circumstance.
- *Significant family/community responsibilities* of a nature that prevents research activity from occurring. This includes responsibility for dependants and/or to specific communities, such as iwi and/or Pacific communities.

A review of the responses has been undertaken and summarised below.

<b>Do you support the three proposed circumstances types:</b>	<b>Response %</b>	<b>Response #</b>
<ul style="list-style-type: none"> <li>• Long-term illness or disability of a nature that would reduce the quantity of research outputs or activities.</li> <li>• Extended personal leave of a nature that that prevents research activity from occurring. This includes sick leave and parental leave. Sabbatical leave is not considered in this circumstance.</li> <li>• Significant family/community responsibilities of a nature that prevents research activity from occurring. This includes responsibility for dependants and/or to specific communities, such as iwi and/or Pacific communities.</li> </ul>		
Yes	37.5%	3
No	62.5%	5

Feedback indicates that while most responders support these three types, there was a strong preference for part-time employment to be considered as an allowable circumstance.

The SRG does not consider that part-time employment is an extra-ordinary circumstance, however there is agreement that consideration should be given to the impact that part-time employment can have on the quantity of research and research-related activity for some individuals.

The SRG believes that the Holistic assessment process is a more appropriate place for part-time employment to be considered, as it already allows for consideration of other factors which may impact quality and/or quantity of research. The Holistic assessment allows for the panel to take the entire content of the EP and the context that research is undertaken in into consideration. The SRG will undertake further work into the consideration of part-time employment in the context of the 2018 Quality Evaluation and consult on this with stakeholders.

The SRG would also like to reiterate that one or more of the circumstance types can be claimed within the provision, as was the case in previous Quality Evaluation rounds.

***In-principle decision***

The three circumstances types for the general extra-ordinary circumstances will be:

- Long-term illness or disability.
- Extended personal leave.
- Significant family/community responsibilities.

**B. Canterbury Earthquakes special circumstances**

The SRG acknowledged that the effects of the earthquakes in Canterbury have been, and continue to be, systemic, with an impact on peoples' personal and professional lives that extends throughout the wider community. This impact at the community level makes these circumstances unique.

The SRG proposed implementing a number of changes to the Canterbury Earthquakes provision (set out below) and sought feedback from the sector and other stakeholders on these proposals.

*a. Maintaining a separate Canterbury circumstances provision for the 2018 Quality Evaluation?*

The SRG proposed to maintain a separate provision which would continue to be assessed separately but using the same key principles as the existing framework for the provision i.e. exceptional circumstances may be cited in relation to a reduction in the quantity of research outputs produced but not the quality.

A review of the responses has been undertaken and summarised below.

<b>Do you support maintaining a separate Canterbury circumstances provision for the 2018 Quality Evaluation?</b>	<b>Response %</b>	<b>Response #</b>
Yes	100.0%	11
No	0.0%	0

This proposal received unanimous support and no concerns were identified.

***In-principle decision***

A separate Canterbury circumstances provision for the 2018 Quality Evaluation will be maintained.

*b. Do you agree that the provision:*

- a. be referred to as the 'Canterbury extra-ordinary circumstances' provision; and*
- b. have the same minimum time period and EP quantity restrictions as the general provision?*

As part of the proposal to maintain a separate Canterbury circumstances provision for the 2018 Quality Evaluation, the SRG proposed that the provision would:

- a. be referred to as the 'Canterbury extra-ordinary circumstances' provision;

- b. have a required minimum time period of three years during the assessment period over which the circumstances need to have occurred in order for these circumstances to be submitted; and
- c. disallow a submission claiming 'Canterbury extra-ordinary circumstances' where the EP has no reduction in quantity in either the Research Output component or the Research Contributions component.

A review of the responses has been undertaken and summarised below.

<p><b>If so, do you agree that the provision:</b></p> <p><b>a. be referred to as the 'Canterbury extra-ordinary circumstances' provision; and</b></p> <p><b>b. have the same minimum time period and EP quantity restrictions as the general provision?</b></p>	<p><b>Response %</b></p>	<p><b>Response #</b></p>
<p>Yes</p>	<p>100.0%</p>	<p>11</p>
<p>No</p>	<p>0.0%</p>	<p>0</p>

This proposal received unanimous support, however one submission agreed that the Canterbury provision should be aligned with the general provision but disagreed with the EP quantity restrictions, for both Canterbury and general provisions.

<p><b><i>In-principle decisions</i></b></p> <p>Rename the 'Canterbury Earthquakes special circumstances' provision 'Canterbury extra-ordinary circumstances'.</p> <p>Circumstances need to have occurred over a minimum time period of three years (non-contiguous) during the assessment period, in order for the Canterbury extra-ordinary circumstances provision to be submitted within an EP.</p> <p>No quantity threshold will be automatically applied to EPs, and the additional systems to be put in place by TEOs and the TEC relating to extra-ordinary circumstances will also apply to the Canterbury extra-ordinary circumstances provision.</p>
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*c. Accepted Manuscripts*

The SRG proposed that outputs included in the 2012 Quality Evaluation as Accepted Manuscripts under the Canterbury Earthquakes provisions be included in the 2018 Quality Evaluation in their final publicly accessible form. The inclusion of Accepted Manuscripts as eligible Research Outputs under the provision in the 2012 Quality Evaluation was considered anomalous and these outputs would be eligible for the 2018 Quality Evaluation in usual circumstances.



A review of the responses has been undertaken and summarised below.

<b>Do you agree that Accepted Manuscripts included in the 2012 Quality Evaluation as eligible outputs as under the Canterbury Earthquakes provisions are eligible for inclusion in the 2018 Quality Evaluation in their final publicly accessible form?</b>	<b>Response %</b>	<b>Response #</b>
Yes	36.4%	4
No	63.6%	7

Feedback indicates that this proposal was not well supported. Concerns centred on outputs only being counted once in the Quality Evaluation process.

***In-principle decision***

Accepted Manuscripts submitted in the 2012 Quality Evaluation under the Canterbury Earthquakes provisions are not eligible for inclusion in the 2018 Quality Evaluation in their final publicly accessible form.

*The Accepted Manuscripts provision (as it applied to Canterbury Earthquakes special circumstances) will not apply in the 2018 Quality Evaluation.*

*d. Continuing enhanced panel training on the assessment of the provision*

The SRG proposed to maintain the enhanced panel training to provide additional support and advice to panels on the assessment of the provision.

A review of the responses has been undertaken and summarised below.

<b>Do you support continuing enhanced panel training on the assessment of the provision?</b>	<b>Response %</b>	<b>Response #</b>
Yes	100.0%	12
No	0.0%	0

This proposal received unanimous support and no concerns were identified.

***In-principle decision***

Implement the proposal to provide enhanced panel training on the assessment of Canterbury and general extra-ordinary circumstances provisions for the 2018 Quality Evaluation.

*e. Special Advisor to support the Moderators and panels, and monitor the effectiveness of the provision through the Moderation process*

The SRG proposed that a Special Advisor to support the Moderators and panels be appointed. The role of the Special Advisor would be to monitor the effectiveness of the provision through the Moderation process.

A review of the responses has been undertaken and summarised below.

<b>Do you agree that a Special Advisor should be appointed to support the Moderators and panels, and monitor the effectiveness of the provision through the Moderation process?</b>	<b>Response %</b>	<b>Response #</b>
Yes	100.0%	12
No	0.0%	0

This proposal received unanimous support and no concerns were identified.

***In-principle decision***

Implement the proposal to appoint a Special Advisor to support the Moderator and panels in relation to the assessment of both Canterbury and general extra-ordinary circumstances.

*f. Five impact types proposed*

The SRG reviewed the impact types used in the provision in the 2012 Quality Evaluation and established new types that better reflected the circumstances experienced in the new assessment period.

It was proposed that one or more of the following five impact types could be claimed:

- *On-going trauma, stress and fatigue*, which could include the on-going impacts of death or injury to a family member, friend or close colleague; an injury to self; a personal psychological impact; and on-going fatigue or stress.
- *Loss or damage to house and/or contents*, which could include loss of home/displacement from home; substandard housing or alternative housing; on-going/protracted issues dealing with EQC/insurers/builders; and care and advocacy for extended family who have been displaced or need support.
- *Disruption related to facilities/resources*, which could include the on-going inability to access facilities or equipment or resources; disruption caused by temporary office or laboratory spaces, decanting, and/or deconstruction/construction nearby; lost samples or data, or resources/consumables; and damaged equipment.
- *Significant additional responsibilities*, which could include increased teaching loads; additional administration related to building activity e.g. construction and decanting; increased financial administration; additional or increased personal or community responsibilities, such as caring for family members or Board of Trustee duties; and increased Head of Department responsibilities associated with the earthquakes.
- *Reduced research opportunities*, which could include disruption to research pipeline affecting research outputs years later; disruption to postgraduates – reduced recruitment, lost students, PhDs downgraded to Masters, loss of preferred candidates, increased pastoral care; reduced research support - lost opportunities due to reduction in travel funding and research funding; lost networking opportunities due to travel restrictions; lost funding opportunities (unable to submit applications, unable to commit to new research contracts), with subsequent impact on research pipeline/publications; and reduced research time due to increased student recruitment activity and teaching loads.

A review of the responses has been undertaken and summarised below.

<b>Do you support the five impact types proposed?</b>	<b>Response %</b>	<b>Response #</b>
Yes	90.9%	10
No	9.1%	1

This proposal received strong support, with some recommendations for change made. Feedback on the detailed descriptors will be considered and included in the guidelines.

***In-principle decision***

The five impact types for the Canterbury extra-ordinary circumstances provision will be:

- On-going trauma, stress and fatigue
- On-going effects of loss or damage to house and/or contents
- Disruption related to facilities/resources
- Significant additional responsibilities
- Reduced research opportunities

**C. Any other matters**

The SRG sought feedback on any areas or issues relating to the review of general and Canterbury earthquakes special circumstances that require attention but were not already included in the consultation paper.

Concerns were raised regarding ‘evidencing’ claims submitted in the provision. The SRG and the TEC can clarify that evidence in the context of extra-ordinary circumstances means that there is sufficient information for the panel to make a judgement on the impact the circumstances may have had on the volume of research and/or research-related activity. The Quality Evaluation process does not have a requirement for evidential documentation to be submitted to the TEC. The TEC has an expectation that the TEO, which has the primary relationship with an affected staff member, has engaged with the staff member on the submission of this information and validated it sufficiently.

It was also suggested that more explicit guidance be developed and given to TEOs and Panel members in the application of ‘extra-ordinary’ circumstances. The SRG will provide a greater level of detail, including examples, on the extra-ordinary circumstances provisions in the draft guidelines.

It was also suggested that the provision only be assessed at the final moderation phase of the overall assessment. This would mean that all Evidence Portfolios (EPs) would be assessed on their content and any extraordinary circumstance considerations be applied post that assessment, giving an additional robustness to the assessment process. The SRG has proposed this approach in the consultation on the assessment process.