

Stakeholder Feedback April 2015

PBRF SRG Consultation Paper #2 - Review of the staff eligibility criteria

The information below is a summary of the Performance-Based Research Fund (PBRF) Sector Reference Groups (SRG's) second consultation paper on the review of the staff eligibility criteria. Where the organisation is not identified in the comment, the TEC has not attributed those comments to any organisation.

Organisation name

Anamata PTE

Auckland University of Technology

Christchurch Polytechnic Institute of Technology (CPIT)

Eastern Institute of Technology

Individual

Lincoln University

Massey University

Otago Polytechnic

Tertiary Education Union Te Hautū Kahurangi o Aotearoa

Unitec Institute of Technology

University of Auckland

University of Canterbury

University of Otago

University of Waikato

Victoria University of Wellington

Waikato Institute of Technology (Wintec)

A. Clarifying the underpinning principles

Answer Options	Responses
Option 1: Retaining the status quo.	31%
Option 2: Clarifying the principles that underpin the staff eligibility criteria.	69%

Comments

The University of Waikato strongly recommends revising the current wording of the underpinning principles of staff eligibility to reflect the need for staff involved in the 2018 Quality Evaluation to be making a direct and substantive contribution to the New Zealand tertiary education research environment. Waikato recommends the principles be as follows.

- The individual is expected to make a sufficiently substantive contribution to New Zealand's learning environment at the degree level; and/or
- The individual is expected to make a sufficiently substantive contribution to research activity within New Zealand.

Add 'substantial' to the text to align with the definition of eligible.

Inserting "New Zealand" to the principles of staff eligibility gives additional clarity.

We favour option 1, primarily due to concerns around defining "New Zealand" that are associated with option 2. For example, what does contributing to New Zealand's learning environment mean? If a staff member teaches for a New Zealand institution, delivering a programme overseas, is that contributing to a New Zealand learning environment? Their feedback to their home institutions in NZ would then contribute to the NZ environment, however they are geographically absent from NZ. What contribution means would have to be defined, and this may be problematic - a strictly geographical definition would be overly simplistic but anything other than this could cause significant debate and result in varying interpretations. The same ambiguities are inherent in the research activity principle in option 2. Does the research activity have to occur within NZ geographically; or be published in NZ; or be on a topic of relevance to NZ? And how will this be defined or decided? A senior researcher working for a NZ institution could have a body of research that is on a topic entirely based outside NZ, with publications solely in international journals. Is the fact they are located within a NZ institution enough to ensure their research activity is within NZ, or do they actually have to be doing research within the geographical boundaries of NZ?

We see some value in clarifying that staff involved in the 2018 QE should be making a direct contribution through their research to the New Zealand context. However we understand this is not intended to mean that researchers can only undertake research in areas that are directly relevant to New Zealand's social, political, environmental, cultural or scientific context. We would also note that our experience in regard to the PBRF principles is that whilst a competitive funding model remains, institutions and individuals are likely to continue to find ways to ignore the principles, find ways to circumvent them or breach them altogether.

No issues with the current principles of staff eligibility identified. Any change to these may also increase ambiguity around eligibility.

We agree that the PBRF investment needs to retain a (net) New Zealand focus, while noting that other government policies extol TEOs and others to be increasingly globally focussed. As a small trading nation, many of our scientific advances come from developing and 'bringing back' the best of international science. Indeed these are the principles that have traditionally supported academics sabbatical study leave. Thus, a key component of clarifying the principles would need to rest on the determination of "a sufficiently substantive contribution to research activity within New Zealand" in such a way that it does not disincentivise international engagement, whilst encouraging overall benefit to New Zealand. Much scientific endeavour is of a longer term incubation than single PBRF rounds, so care needs to be taken that changes do not focus too much on the near term, to the detriment of quality outcomes in the future.

Ensures that the benefit is to New Zealand if staff are based overseas.

Revising the current wording of the underpinning eligibility principles to include direct reference to a staff member's contribution to New Zealand will help make the purpose of the PBRF process more explicit.

Support Option 2. It would be useful to clearly articulate the purpose of the underpinning principles, these being to provide broad guidance on the approach to staff eligibility and the key reference point for interpretation of the detailed eligibility criteria. The principles do require revision. Suggested revision: The individual is expected to make, or has made, a substantial and sustained contribution to degree, or postgraduate level teaching at a New Zealand TEO; and/or The individual is expected to make, or has made, a substantial and sustained contribution to research activity at a New Zealand TEO. The principles suggested above cover; level of contribution (substantial), duration (sustained), activity (teaching or research) and primary location (a New Zealand TEO). Additional comments: Supervision as research or teaching The 2012 PBRF Guidelines make the following statement (pg. 41, 43): To meet the requirements of the substantiveness test, staff must EITHER fulfil a 'major role' in the teaching and assessment of at least one degree-level course or equivalent OR undertake the design of research activity and/or the preparation of research outputs (e.g. as a co-author/co-producer), and thus be likely to be named as an author (or co-author/co-producer) of research outputs, and/or contribute to the supervision of graduate research students. The statement underline suggests that the supervision of graduate students is considered a research activity and not a 'major role' in teaching. Clarification of that point would be very useful, it is raised here in reference to the underpinning principle statement suggested earlier that includes the term 'postgraduate level teaching'.

We support tightening the rules enabling TEOs to claim overseas-based staff, or even excluding overseas-based staff altogether. Overseas based staff should be included only if it is clear that they are making a substantive contribution to the NZ TEO claiming their research. Either expecting a greater contribution to the New Zealand environment, or using other measures (for instance, requiring that they be active on NZ research projects) would be effective ways of ensuring this.

What about people who enter and leave academia, who in any given audit may have only been engaged for a shorter time in research activity, but whose outputs are measured across the whole period?

Option 1: Retaining the status quo We are happy with the status quo, but prefer option 2, as described below. Option 2: Clarifying the principles that underpin the staff eligibility criteria If this option is incorporated in PBRF it can be used as a driver to substantiate that internationally deployed staff are still eligible. We support this. Additional comments If option 2 is used, it may simplify the eligibility of internationally deployed staff.

B. Contract duration (1 year continuous)	
Answer Options	Responses
Option 1: Retaining the status quo.	50%
Option 2: Increasing the time allowed between contracts that can still be considered continuous (review the leave provisions).	31%
Option 3: Allowing staff on non-continuous contracts (as currently defined) to be considered eligible if the TEO can evidence a long-term commitment to the organisation for example, five years including the census year.	31%

Comments

The University of Waikato recommends retaining the status quo. To be eligible to participate in a PBRF round, the staff member must have been “employed or otherwise contracted under an agreement or concurrent agreements of paid employment or service, with a duration of at least one year OR they were employed or otherwise contracted under one or more agreement(s) of paid employment or service for at least one year on a continuous basis”. This includes the requirement for any gaps between service contracts or employment agreements to not exceed one month.

We can see why option 3 might be attractive but this may prove administratively difficult to manage and audit.

The alternatives to the status quo would add complexity and confusion and, as the SRG points out on pg 16, there do not appear to be system-wide issues relating to this aspect of the staff eligibility criteria. The 2012 provision for allowing up to one month between contracts seems sufficient. TEOs have a responsibility to support their research and teaching staff with contracts of an appropriate length; options 2 and 3 could diminish the incentives to do so and added “flexibility” could also be seen as adding opportunities for “gaming”.

Options 2 and 3 both have merit and should be considered. Option 2: We would suggest that the time between contracts be extended to 3 months, to allow for staff to teach March to December, and not over the summer (or July to February), allowing for one semester of non-teaching depending on when delivery needs to occur. As workforces become increasingly dynamic in the tertiary sector, particularly in regards to industry engaged teaching, we are seeing more and more contracts that cover semesters 1 and 2, and not the summer months. These are ongoing relationships with individuals who have both an academic and professional portfolio, and do not require permanent 12 month contracts. Option 3: If the definition of non-continuous contracts remained the same, or extended to 3 months, we would argue that this provision should still be considered for inclusion. We would argue continuous engagement over half of the assessment period, 3 years, be considered as evidence of a long-term commitment. This allows for the flexible workforce models currently being explored by the sector to be implemented, without affecting an academics ability to participate in the PBRF. Long sabbaticals into practice of 1-2 years would then be able to be catered for in this model - benefiting both the staff member and the institution. A choice would not have to be made between academic currency and professional currency.

The TEU has some concerns that option 2 may have the unintended consequence of increasing the use of sessional teaching practices, which can limit the individual's ability to forge a career path as an academic. Sessional teaching or other types of insecure work also impact on an institution's ability to contribute to knowledge creation in the sector and for our communities, because over time it reduces one of its most valuable sustainable resources - permanent staff who are able to make a long-term contribution to this pool of knowledge. With regard to option 3, our view is that if an individual has been employed on non-continuous employment agreements for a period of five years or more, this indicates that the role should be permanent. There is the possibility that extending the timeframe for eligibility as suggested may contribute to discouraging these long-term insecure employment arrangements, which would be a good outcome.

Whilst this hasn't been an issue previously for Massey we favour the option to justify eligibility for staff on non-continuous contracts who have had sustained involvement with the institution. How this would be defined would need to be well described.

Allows staff who make ongoing, substantive contributions, but who may have other employment e.g. musicians, to be eligible. This is particularly important in polytechnics where staff are more likely to be practitioners. Evidence of a long term commitment minimises the risk of employment solely for the year of the census, but a five year period is too long. A two year period, including census year, would be preferable.

Option 3 allows those in professional practice who contribute on a long-term basis to cross over teaching between industry and TEOs, for example by teaching an industry-informed course at a TEO on a yearly short-term contract, to have their contribution acknowledged and valued within the New Zealand teaching and research environment. This may help encourage cross over between industry and TEOs.

Support Option 1. We do not see the validity in Option 2, if staff are on paid long leave there is no issue so long as they're not replaced by other staff as per the current Guidelines. If on long-term unpaid leave then their current (in the PBRF census period) commitment to the TEO is not sustained. Disagree with Option 3 for the same reason as Option 2. Additional comments We would not wish to see staff moved onto non-continuous contracts so they are not PBRF eligible.

Anamata chose to withdraw from the 2012 Quality Evaluation as five of our staff did not meet the criteria for contract duration due to the nature of our standard employment agreement (as noted on p9 of the consultation paper). All Anamata academic staff are employed on an annual contract basis, renewable subject to successful bid for TEC funding and successful recruitment of student numbers. Our small number of highly specialised staff have been employed over many years under this arrangement, clearly demonstrating continuous engagement by us. The issue that arose is that, as an academic institution, our one-year contract covers the academic year (40 weeks) with academic staff returning mid-late January for staff meetings and preparation of work for the coming year. Although our office is typically closed for three weeks each summer holiday, the duration of time between contracts for academic staff is greater than four weeks. We would choose Option 2 as best suiting our needs, because there will always be some academic staff new to the institution, and they would be disadvantaged under the evidence of long-term commitment outlined as a criterion in Option 3.

We have staff who are committed to the organisation and have been involved with us for many years but are currently ineligible because of their flexible contracts.

We do not support this option (3), as Wintec contracts in expertise (as fixed term staff) for contract research on a regular basis. Some individuals are contracted in this way fairly regularly based on continuity of the contract research project requirements. However, we are not able to manage this requirement and would not like these individuals to become eligible for PBRF.

C. Establishing an agreed definition of 1 FTE

Answer Options	Response
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Option 1: Defining 1 FTE as 37.5 hours per week which includes any non-research and/or teaching activities but excludes non-paid hours.	53%
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Option 2: Defining 1 FTE as a range of hours between 35 - 40 hours per week which includes any non-research and/or teaching activities but excludes non-paid hours.	47%
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Comments

The University of Waikato recommends Option 1. The University of Waikato recommends defining 1 FTE as 37.5 hours per week. The University understands the maximum FTE allowed for a staff member is 1 FTE even if the staff member works a total of 60 hours per week throughout the census period via 2 separate contracts. From a PBRF eligible FTE perspective the University of Waikato recommends retaining the status quo with PBRF eligible FTE being based on the work set out in the staff member's employment contract. As in the 2012 PBRF round, this could allow scenarios where a staff member has a 0.5FTE PBRF eligible contract and 0.5 FTE PBRF ineligible contract.

For fairness and clarity, the University endorses one standard value for 1 FTE (rather than a range), and is of the opinion that 37.5 hours per week is the minimum value acceptable for this standard. It would be our preference for this standard to be 40 hours per week, but as that has not been offered as an option, 37.5 hours per week is acceptable.

Establishing an agreed definition of 1 FTE We favour the second option. Our HR systems are currently fixed and to alter the definition of 1 FTE drastically would make competing PBRF census information administratively cumbersome. Where an institution falls outside this definition, then the TEC can solely concentrate on working with that institution to find a solution, rather than requiring the whole sector to recalculate FTE amounts for their staff (may of which are set by contractual arrangements). Keeping transaction costs to a minimum should be a priority and if the problem is not significant across the sector, then it should only be addressed in the situations where it is a problem.

In the university sector, TEU collective agreements generally do not define academic staff hours of work. However the figure used for leave calculations is most commonly 37.5 hours and we use this as a proxy for hours of work. In the ITP sector, hours of work are more defined in collective agreements, with most between 36-37.5 hours. Therefore consideration may need to be given to allowing some flexibility between the two sectors, or otherwise adopting option 2.

1 FTE should equate to 37.5 hours - the question further to this is if the employment contracts are over this hour commitment. To date Massey has been counting anything beyond this as just 1 FTE.

Both of the above preferences indicate the 'normal' range of employment, contractual and work-flow arrangements (including shorter term contacts for service).

If staff are part time and have received a funded quality category, it is not clear if the FTE would be calculated based on 35 or 40 hours. Where there are a lot of part time staff this could be significant.

Option 1: Define 1 FTE as 37.5 hours per week which includes any non-research and/or teaching activities but excludes non-paid hours. Support Option 1.

We support option 2. This provides some flexibility but avoids the negative consequences of allowing too low an FTE.

We do not believe this option (2) will add any value.

Clarifying how to calculate FTE

Answer Options	Response
Option 1: Staff member's FTE equates to at least 0.2 when calculated over the census year (12 months bridging the PBRF census date).	53%
Option 2: Staff member has a minimum of 0.2 FTE throughout the census year (12 months bridging the PBRF census date).	47%

Comments

The University of Waikato recommends Option 2. The University of Waikato recommends that the staff member must have a minimum of 0.2 FTE throughout the census year. This further addresses concerns about game playing with contract staff.

It was unclear what was meant by “census year (12 months bridging the PBRF census date)” in these two options. However, the University understands that the census year is any 12 months that includes the census date, and has answered this question on that understanding. The University prefers option 2 for robustness and clarity, and to avoid the possibility that a TEI could employ somebody at 0.1 FTE for most of the year and then at a much higher rate for a few weeks to bring up the average FTE at 0.2.

Clarifying how to calculate FTE We found these two options confusing. We interpreted option 1 as a staff members FTE being averaged over the census year in order to determine if they are 0.2 or over. Therefore if a staff member worked 0.1 for 6 months, then 0.3 for 6 months they would average at 0.2 and be considered PBRF eligible. We interpreted option 2 as stating that they must be employed for 0.2 FTE for the entire census period, therefore allowing for no fluctuation below this point. If a staff member was employed for 0.2 for 6 months, and then 0.5 for 6 months they would be eligible, however if they were employed for 0.1 for 6 months, then 1 FTE for 6 months they would be ineligible. We considered the second option to be not in keeping with the principles of the PBRF.

Option 2 seems the more logical approach to the FTE calculation, however option 1 does acknowledge scenarios such as specific short-term arrangements that allow for input from an expert from an industry or profession.

The 0.2 FTE minimum should be the average through the year, not throughout the year, which would then exclude staff on non-continuous contracts.

Both of the above preferences indicate the ‘normal’ range of employment, contractual and work-flow arrangements (including shorter term contacts for service).

The time needs to be calculated over the entire year as staff may teach below degree level in polytechnics, staff may have lighter teaching loads in one semester/term, or staff may have other employment during the year.

Option 1 with regard to the definition of 0.2 FTE allows intense bursts of activity within the census year to be counted towards eligibility. This will enable the inclusion of those in professional practice who may contribute to industry-informed TEO courses over short but intensive time periods.

Support Option 2. This option follows the principle of sustained and substantial more fully than the other option suggested and is simpler to determine. Additional comments: The period for the determination of the minimum FTE should default to looking back from the census date (i.e. 12 months prior to 14th June) when there is any existing PBRF eligible employment history (employment in a role not eligible being excluded) and looking forward beyond the census date only when there is an absence of any prior employment history.

There will not be a substantial difference between options 1 and 2 for Wintec regarding the two option how to calculate FTE. Additional comments Taking 0.2 FTE to mean “one work day a week” rather than a number of hours may work better.

D. Definition of substantiveness test and 'major' role

Answer Options	Response
Option 1: Retaining the status quo.	25%
Option 2: Revising the substantiveness test for teaching specifically a 'major role'.	6%
Option 3: Revising the substantiveness test for research.	6%
Option 4: Revising both aspects of the substantiveness test.	63%

Comments

The University of Waikato recommends Option 4. The University of Waikato recommends revising the substantiveness test for both degree-level teaching and research. The University asks the Sector Reference Group to provide additional clarification which TEOs could then consider and comment on. The 2011 revisions were intended to ensure that exclusions were rare and minimised however, as most universities reported several hundred 'supervised exclusions' the status quo wording clearly requires revising. Waikato would like the clarification to also address Professional Programmes where qualified experts are brought in to teach. Waikato brings to your attention the practice of some staff being named as authors out of courtesy rather than due to the substantial contribution they made to the research. Therefore the existing reference in the substantiveness test to staff members being named as an author of research, needs to be revisited.

Option 4. These should be reviewed, but note that changes may not need to be made.

In the University's opinion, the current definitions relating to both the teaching and the research substantiveness test are fit for purpose. Any further revisions could have unforeseen consequences and inadvertently confuse rather than clarify.

The sector is changing rapidly, and the ITP sector is increasingly using industry professionals alongside our academics. Checking the substantiveness test is appropriate in relation to teaching is important.

Greater clarity on both the substantiveness test and what constitutes a 'major role' would be beneficial.

We agree that the 2011 revisions provided clarity. These need to be re-examined to ensure they remain fit for purpose, especially those that relate to the substantiveness test for research. We concur that the 25% threshold in teaching activities remains realistic (and measurable and auditable). The definitions of research activities require a similar level of clarity (especially as they relate to clarifying entry points for career commencement - ECR criteria), and the variable roles that exist in the formal development of postgraduate supervision skills. As a common example many post-graduates now take temporary research contacts between or alongside their formal qualifications (which may or may not lead to 'evidence' as co-authors) and in so doing unwittingly or inequitably affect their ECR criteria. Past 'co-production' of art works, oral histories, waiata etc. are likely to be even more problematic.

Option 4 is consistent with the feedback. Contributing to the supervision of graduate research students should not be considered substantive research activity.

The substantiveness test does not necessarily need to be revised but should be reviewed to ensure that it is still fit for purpose, with revision only if clarification is necessary.

Support Option 4. Suggest the revision is primarily focused on clarification of the nature of a substantive contribution.

We think the threshold for research is currently too low (being listed on a single publication currently is enough to make a person eligible). One option is to require that a person be named on a research grant in order to be eligible.

Option 1 is also acceptable to Wintec.

E. Do you support the principle for overseas-based staff being based on:

Answer Options

Response

Option 1: Residential requirements e.g. a staff member who lives in New Zealand for less than 50% of the census year (12 months bridging the PBRF census date) is considered to be based overseas.

7%

Option 2: Employment arrangements e.g. a staff member who has a substantive employment agreement of more than 0.5 FTE with an overseas institution is considered to be based overseas.

40%

E. Do you support the principle for overseas-based staff being based on:

Answer Options

Response

Option 3: Research contribution in New Zealand e.g. a staff member can show a direct connection between the completed research and the TEO during the assessment period is considered to be based in New Zealand. 33%

Option 4: Another basis which can be evidenced by the TEO, for example immigration status. 20%

Option 1. Our concern with this definition is what do you consider living? Does someone have to be in the country continuously, or can they still be considered living here if they are out of the country for 4, 6 or 12 weeks of the 6 month period identified above. The IRD has a definition of what is considered residency and will this be used? Option 2 . We favour this option however more detail is required. Can the individual be contracted to an NZ institution but based overseas? Defining an overseas institution will be critical - is the overseas arm of a NZ institution an overseas institution? If someone is seconded overseas for the majority of their time in the census year, but still employed by the NZ institution, does that make them an overseas staff member? Option 3 To undefined, and open to multiple interpretations.

Option 4 is the first preference: For option 2 the issue isn't having a > 0.5 FTE employment in New Zealand, rather that the employment should be greater than 50% of the person's total employment (e.g. US staff semi-retired in NZ working on a contract of 0.4 FTE with Massey, but only contributing 0.15 FTE overseas.

Research contribution in New Zealand e.g. a staff member can show a direct connection between the completed research and the TEO during the assessment period is considered to be based in New Zealand.

Alternative Option: The principle suggested here is that to be PBRF eligible the staff member's primary research or teaching affiliation is to a New Zealand TEO and not to an overseas based organisation. Staff who have an employment relationship with an overseas based organisation would need to satisfy the following three criteria to ensure their primary affiliation is to a New Zealand TEO: 1. Able to provide evidence for residence in New Zealand e.g. staff member is a New Zealand citizen, permanent resident or has an equivalent residency status even if temporary (e.g. residence from work visa). 2. Have a minimum PBRF eligible FTE of 0.6 or more with a New Zealand TEO, continuously over a three year period over the census date. Employment may be with one or more New Zealand TEOs. 3. At least three of their nominated research outputs indicate a primary affiliation to a New Zealand TEO and at least half of their other research outputs indicate a primary affiliation to a New Zealand TEO. Indicators include; stated affiliation is a New Zealand TEO or if not a stated any other information provided e.g. contact address, email or place of work. Staff who are based permanently off-shore, e.g. at a New Zealand TEO off-shore campus would be required to meet the above criteria as they are unlikely to be contributing directly to the New Zealand research environment if based off-shore. The intent on the overseas staff exclusion clause appears to be one where only staff with a substantial and sustained commitment to a New Zealand TEO are eligible. Put another way, staff are eligible only if their 'primary' place of research is a New Zealand TEO. The residence test, 0.6FTE threshold with a minimum of three year continuous employment and the publication affiliation, would strongly indicate if the New Zealand TEO is their 'research base' or 'primary place of research' is the New Zealand TEO, regardless of any geographic movement. In the case of staff who have recently moved overseas and where the TEO has keep their appointment at 0.6, they would meet the eligibility test. This is probably reasonable since the test for publication affiliation and the three years at 0.6 FTE would suggest a strong commitment to the TEO.

We would support excluding overseas-based staff. Establishing whether or not staff are based overseas is difficult, and it is potentially possible for universities to claim research activity from people who are not making a substantive contribution to NZ research (and whose research is being funded by other mechanisms). An alternative would be to require evidence that the research and teaching contributions be clearly linked to the employing NZ TEO. One issue for instance is people who are based overseas and teach on online programmes.

We support a combination of all 4. See additional comments.

What are possible impacts for staff on sabbatical leave?

No impact. Some exemplars in the Guidelines would be beneficial

Option 2 will not impact on staff on sabbatical leave.

None - assuming proviso 2 above is taken into account.

We consider the ability to demonstrate ongoing employment important in this case. The PBRF eligibility leave provisions should be flexible enough to allow for this situation.

Don't envision any issues with staff on sabbaticals - as employment contract is still with Massey.

Sabbaticals are a non-issue. While a formal part of academic life publications (as evidence) would always refer to the employing institution.

Existing regulations (i.e. returning to the institution for a specified period of time after the leave) eliminates problem

Nil based on the criteria suggested above. Staff on long sabbatical leave, i.e. greater than 12 months, are on continuous employment by the TEO, presumably at 1.0 FTE, and will be unaffected unless their publishing affiliation changes.

The current rules about staff on leave for up to one year still being eligible seem adequate for this.

We think staff on sabbaticals should be considered NZ based

Not relevant at Wintec.

How can negative impacts on TEOs with genuine international linkages be reduced?

If it was based on the employment arrangements as in Option 2.

There should be no negative impacts on TEOs with genuine international linkages, since the decision has already been made to exclude overseas staff.

We consider it important to allow for co-teaching and sabbaticals, with the defining characteristic being that the contracting institution is NZ based, even if the staff member is not.

Genuine linkages should result in more NZ-based staff receiving a funded category, or staff receiving a higher funded category through more, and higher quality outputs. The benefits of the linkages are through those aspects, not through ranking an overseas researcher employed at 0.2 FTE.

We assume TEOs interact with international partners to enhance the quality of their research rather than for the explicit purpose of the PBRF quality assessment. High quality research and international linkages are an existing component of the PBRF quality assessment and encouraged through that mechanism. It is not expected that international linkages will suffer based on the suggested criteria, indeed it may encourage some TEOs to seek much more substantial and sustained contributions from research or teaching staff based overseas.

If the linkages are as adjunct staff, primarily unpaid or by stipend then these should be considered NZ based.

By taking into account multi-year agreements and MoUs between the participating TEOs with international institutions, with a sufficient span and being active for long enough to be seen as genuine and active collaborations.

Comments

The University of Waikato recommends Option 2. The University of Waikato recommends that any staff member with an employment agreement of more than 0.5FTE with an overseas institution, be considered PBRF ineligible. As already indicated under Section C, Waikato recommends that staff members must have a minimum of 0.2 FTE throughout the census year (as opposed to averaged throughout the census year) It would be helpful if the TEC provided example scenarios identifying when staff were classified as based overseas / not overseas.

Option 1 (with provisos) Presence in the country is perhaps the most important way (still) to ensure contribution to New Zealand's learning environment and research activity and as such, Option 1 best supports the principles underpinning the staff eligibility criteria. Provisos: 1. "Presence in the country" should be used rather than "residence". This is a clearer phrase than "residential requirements", which has other (legal) connotations which could be confusing - for example "permanent resident". 2. Staff usually present in New Zealand, but overseas on leave (whether research & study leave or annual leave) during census year should be exempt from the presence-in-NZ requirement within the census year, but TEOs should be prepared to prove these staff are usually present in New Zealand when not on leave.

It should be noted that staff employed through a tertiary provider that have international campus locations should be deemed eligible (e.g. Massey has a 1 FTE position working on a Massey campus in Singapore and should be eligible).

Evidential test (publications) is the metric. Although staff based overseas still publish under their parent organisation. Need to grow connectedness.

Option 3 provides flexibility e.g. writing papers while on sabbatical, or delivering education at international campuses, while ensuring New Zealand benefits from the research

Option 1 will still affect those staff on sabbatical for more than 50% of the census year. This may occur for a variety of reasons e.g. host/collaborator availability, teaching commitments etc. This could unfairly impact on the future opportunities for advancement of ineligible staff. By comparison, option 2 will not impact on staff on sabbatical during the census year and, by allowing up to 0.5 FTE overseas employment for individual staff members, TEOs have the capability to develop or maintain genuine international linkages.

We would not want to see this discourage international collaboration. This is not simple and needs careful evaluation.

Our preferred option in (A) informs our preference in (E).

F. Non-TEO staff criteria

Answer Options	Response
Option 1: Retaining the status quo.	20%
Option 2: Removing the non-TEO staff criteria.	13%
Option 3: Retaining the non-TEO staff criteria but review the strengthened substantiveness test.	67%

Comments

The University of Waikato recommends Option 3. The University of Waikato recommends retaining the non-TEO staff criteria but reviewing the strengthened substantiveness test. In particular Waikato recommends removing the teaching requirement from the strengthened substantiveness test for non-TEO staff. The University of Waikato recommends that the requirement for non-TEO staff to be contracted by the TEO over a period of five years preceding the census date, be reduced to two years preceding the census date. This would further reinforce the benefits to TEOs of developing inter-connected relations with external organizations. It would be helpful if the TEC provided example scenarios identifying when staff were/were not classified as non-TEO staff.

Non-TEO staff should have an employment contract with the submitting TEO. There should be consideration of how to account for staff who are sub-contracted to a TEO's subsidiary or to an external company where such staff have substantial teaching roles. Such staff should be included in the MoE SDR. Remove the requirement to have BOTH teaching and research.

Option 3. A five year employment history is too long; perhaps a reduced three year employment history or an extended secondment term of three years would be alternatives?

Non-TEO staff contracted to a TEO should be eligible if, and only if, they have an employment contract with the TEO that specifies their teaching and research duties. The basis of any audit should be the employment contract - any other relationship between non-TEO staff and a TEO is extremely difficult to apply and audit consistently. Provided the non-TEO staff member has a direct employment contract with the TEO, they should be PBRF eligible based on the same criteria as TEO staff, and not have to fulfil more stringent criteria than TEO staff to be eligible. In particular, the requirement to fulfil a major role in teaching during each of the five years preceding the PBRF census is unreasonable, since many potentially eligible staff are undertaking primarily research or collaborative supervision, and indeed, are employed by the TEO for this purpose rather than undergraduate teaching. This still contributes to the educational environment of the TEO.

We favour option 2. Some form of agreement should be in place demonstrating employment.

We concur that a five year engagement is overly restrictive, and would advocate for a three year time frame - on the basis that this period relates to a significant research project or post-graduate supervision (and might therefore be considered substantive).

Provides the flexibility required for staff who are practitioners. Substantiveness test for teaching should apply as any joint research project could count staff in a CRI (for example).

Strongly support Option 2, removing non-TEO staff as being PBRF eligible. Staff without an individual and formal employment contract and so not directly employed by a participating TEO should not be PBRF eligible. It is unclear why staff, unequivocally fully employed by an organisation not eligible for the PBRF can, without a formal employment contract with a TEO, then be returned as eligible for a TEO that is not their primary place of research. Removing non-TEO staff is consistent with the removal of staff whose primary place of research is overseas. Should "This subset of the staff-participation criteria" remain then the minimum FTE threshold should be increased to 0.6 FTE, and that for every staff member eligible through this 'special clause' evidence is provided for financial payment from the TEO to the staff member concerned (see page 45 of the Guidelines where "TEOs may be required to provide evidence that the employing/contracting TEO had paid the non-TEO staff member). Further to this we would expect that the principle would be reciprocated and TEOs should reduce the PBRF eligible FTE of staff who have secondments that meet the non-TEO criteria. Additional comments: The argument presented in the consultation document that not recognising incoming secondments (non-TEO staff) within the PBRF eligibility mechanism would not support the Tertiary Education Strategy 2014-2019. This is inconsistent with the Ministerial confirmation that overseas-based staff are excluded when Priority 6 of the Tertiary Education Strategy 2014-2019 is Growing international linkages. A further argument for the exclusion of non-TEO staff is the notion of 'double dipping'. In effect the New Zealand government is funding CRI research capability and capacity (research staff), and then funding the same resource 'again' (those CRI or other state sector research staff who were eligible through the non-TEO staff clause) through the PBRF scheme at the expense of genuine TEO staff. This is a worse scenario than the now excluded overseas-based staff. We believe that in line with additional reporting of performance indicators, the number of staff of non-TEO staff should also be reported following the PBRF principle of transparency.

The main issue here is ensuring that Universities claim only those people who have a significant relationship to the university. One way of doing this could be to allow inclusion of these people only if they are active in both teaching and research. Another is by allowing inclusion only if they are named on a research grant.

In our case it may be staff co-employed between Wintec and a commercial company rather than a CRI.

G. New and emerging researcher criteria

Answer Options	Yes	No	Possibly
1: Clarify the intent and purpose of the criteria to ensure that it is explicit which staff are and are not considered to be new and emerging.	100%	-	-
2: Revise the definition of an 'equivalent PBRF-eligible position' outside of a TEO to ensure that this definition is unambiguous and applied consistently across the sector.	100%	-	-
3: Provide better guidance regarding PBRF-eligible research outputs and creative outputs completed as part of standard professional practice.	100%	-	-
4: Develop additional criteria to ensure that TEOs receiving the new weighting for "C(NE)" are meeting the policy intention of recruiting, developing and retaining new and emerging researchers. For example, evidence of long-term employment of new researchers.	90%	-	10%

Comments

The University of Waikato considers Option 2 would be helpful. The New Zealand degree-level teaching / research nexus does not apply to all overseas institutions. For example if a staff member was in a teaching-only lecturing position at an overseas institution and came to a New Zealand TEO to completed a PhD and subsequently became a lecturer at that TEO, then the overseas lecturing should not exclude them from being considered for the new and emerging researcher category. The University of Waikato recommends Option 4. The University of Waikato recommends additional criteria be developed to ensure there is evidence of an ongoing commitment to the new and emerging staff member. One option could be for a requirement that before staff members can be considered eligible for the C(NE) or R(NE) categories, they must be on an on-going contract. This means staff on anything but an on-going contract are eligible to be considered for a C or an R, but not a C(NE) or R(NE).

Eligibility for NE status should apply where, for the first time, teaching or doing research is a part of the job description. Staff who come to academic positions from professions should be able to be NE. Having a significant professional career should not preclude staff from being new and emerging as in most cases the development of a research base is not a normal part of that work. Clinicians for instance may have one or two papers from a professional career. These may be editorials or case reports and not meet the definition of research. They may even have provided samples for a research project. This does not equate to having developed a research base as a function of a job description. Similarly, professional performers may have outputs (such as records, books, artistic works). In such cases, these professionals do not have job descriptions requiring a research component. Likewise such staff should be able to be considered NE. Similarly PhD students regularly publish 2-3 papers before they finish their PhDs. They should still be considered new and emerging staff if these papers appeared during the last assessment period and their PhD was not awarded until the current assessment period. That is, such PhD students were publishing as students, not as paid employees. If they were employees, they would need to meet the substantiveness test.

The aspects of an equivalent position outside of a TEO that make it PBRF-eligible should be as similar as possible to the aspects that make a TEO position PBRF-eligible; namely, teaching at the equivalent of tertiary level and/or PBRF-eligible research. The statement on pg 18 that "Staff who have produced outputs that meet the PBRF definition of research before the assessment period cannot be considered as 'new and emerging' " does not acknowledge that doctoral and even masters students can publish papers during their studies; nor does it acknowledge that practitioners in such areas as medicine and the creative sector can produce research and creative work before they become emerging academic researchers as such. Postgraduates and practitioners are but two examples of the type of person a TEO should be wanting to attract as NE researchers. As such, the example Option 1 'clarification' on pg 18 is highly problematic. The University would also be concerned if Option 4 was implemented, especially as employment arrangements of new researchers are given as an example. This would set a dangerous precedent; contractual and employment eligibility should be the same for all PBRF-eligible levels. Implementation of C Option 2 above (at least 0.2 FTE over the census year) would mitigate the possibility that TEOs would contract C(NE) for shorter periods. Any requirement for a longer contractual period would be difficult to audit, and would provide a disincentive for employment of emerging researchers; something that the additional weighting for NE researchers was intended to support.

Option 1 One thing to consider in relation to this is graduate students? Doctoral students will have produced research outputs, possibly before the assessment period, and the example used here would then exclude them from being considered new and emerging, even though they are obviously undertaking a degree-level teaching and a research career for the first time. The real problem with change 1 is the assumption that a new and emerging will not have produced research outputs before the assessment period. We have employed staff from DHB's who have been practitioners, who due to collaborations with researchers, have been named on journal papers. They technically have research outputs, however they were an active researcher or teacher. Option 2 Agree this needs to be done. Option 3 This is very important, however it is important there is significant sector wide consultation in relation to the specifics of this. The line between academic practice and professional practice is blurring, not just in relation to the creative industries, and this needs careful consideration. Option 4 How do we evidence this if they start in the census year and are on a fixed term contract? Short term contracts are becoming more and more common in the sector, and often staff are employed on additional contracts once the fixed term expires. However, this is a decision the institute needs to make depending on their needs, and influencing this through the PBRF, either way, could cause problems,

The intent of the criteria for new and emerging researchers is to ensure that these staff are not disadvantaged because they are at an early stage of their careers (for example by institutions not employing, because of fears those at the beginning of their careers may 'drag down' the overall institutional score). We recognise there has been some misunderstanding of what the term 'new and emerging' means, and so support clarifying that it does not apply to those who are employed in the sector for the first time, but may already have a significant body of research from their career outside the sector.

The proposed criteria present a very restrictive view of 'new and emerging' research careers. (Refer to comments in box "D" above). As noted the PBRF provides a broad interpretation of what constitutes research, while young academics increasingly employ various funding (teaching and research) activities to both fund their qualifications and improve their employment opportunities. As one example a 'post-doc' is increasingly regarded as a 'training' contract. The answer potentially lies in providing evidence of 'long term employment' of new researchers as this addresses the goals of the PBRF and academic staff demographic profile directly.

With the new weighting for C(NE) criteria need to be establish to ensure that staff are correctly identified.

Each of the changes suggested above are supported.

Support item one, clarification of the intent and the intent of the criteria. However we disagree with the example provided: In order for a staff member to be considered for the 'new and emerging' researcher Quality Categories ("C(NE)" or "R(NE)"), the key principle is that the staff member is undertaking either research or degree-level teaching for the first time in their career. Staff who have produced outputs that meet the PBRF definition of research before the assessment period cannot be considered as 'new and emerging'. The example suggests that a PhD student who finishes their PhD within the census period and then gains full-time work as a Lecturer and is so PBRF eligible and typically would be New and Emerging, but is disqualified from the New and Emerging category because they completed a Masters thesis (an output that meets the PBRF definition of research) before the assessment period. Suggest revising the last sentence to "Staff who have produced outputs that meet the PBRF definition of research [as a function of their employment or professional activity] before the assessment period cannot be considered as 'new and emerging'." Support item two, clarification of equivalent PBRF-eligible position is critical to ensuring consistent application and was the cause of mis-interpretation in the last assessment. Support item three, clarification of this is essential given the misunderstandings in 2012. Support item four. A potential solution is to require New and Emerging staff to have an employment contract of three years or more inclusive of the census date.

The criteria could be improved as currently, a number of people miss out on new and emerging status because they have had roles prior to their first substantive academic appointment (for instance, research roles which did not provide them with opportunities to develop their own research career - a common issue for people with a high number of short term contracts). This could be resolved by refining the rules so that a person is eligible for this status if they have no or very few publications before gaining their first academic appointment (that is, basing new and emerging status on evidence of research career rather than time since first appointment).

In ITPs we often have staff coming to teach mid-career and are beginning research degrees at this time, we argue they are still 'new and emerging' researchers despite the fact they may have undertaken tasks as part of professional practice that may be considered as research. This is particularly the case in the creative arts. Where does TEC see professional practice stop and research begin?

It is important to be unambiguous in this area, as existing staff at Wintec may enter the environment of teaching on degree level and/or becoming research active, and we would like those staff members to be seen as "emerging" as that is their actual status in terms of being engaged in research.

H. Supervised exclusions

Answer Options

Responses

Option 1: Retaining the status quo.

40%

Option 2: Removing the supervised exclusions provisions from the staff eligibility criteria.

60%

Comments

The University of Waikato recommends retaining the supervised exclusions but asks that the Sector Reference Group revise these with a view to further reducing game-playing. The Sector Reference Group's recommendations could be circulated for TEO consideration and feedback.

There is no clear opinion as to why the supervised exclusion rule should or should not be retained. However, this may be a 'non-issue' if AQS(N) means that TEOs may choose to exclude whoever they wish.

Note that the substantiveness test and definition of a 'major role' needs to be clear to ensure staff members normally covered by the supervised exclusions provision are not included in the assessment erroneously.

The intention of the supervised exclusions provisions was to exclude from eligibility staff such as tutors, technicians, research assistants etc who are employed to contribute to the teaching environment only under the strict supervision of academic staff. This provision is even more important given the changes to the AQS calculations, to ensure that such staff who would not normally be considered as "academic staff" are not included as eligible under the staff returns.

We see no need for supervised exclusions considering the PBRF has moved to an inclusive eligibility model, rather than exclusive. The only use we see for this is in relation to the new and emerging researcher issues identified above. Some form of supervised exclusions may be necessary to determine when the production of research outputs makes an individual eligible or ineligible for new and emerging criteria.

The TEU supports removing the supervised exclusion provisions from the staff eligibility criteria. This exclusion has led to some institutions changing the status and nature of specific roles, which has been personally distressing for individual staff, and is in our view a deviation from the intent of the criteria.

Remove, there are too many opportunities for different interpretations. If TEOs employ professionals for either teaching or research purposes then presumably they are 'fit for purpose' and any supervision should be minimal.

Remove staff whose highest qualification is a Bachelor degree, or who are undertaking a Master degree from exclusion, as this excludes staff who have been employed based on their standing in the industry. Exclusion should be based solely on the requirement for supervision in one of the two criteria that make them eligible (teaching or research).

With the changes to the reporting of results and the reporting of the AQS, provisions for excluding staff who act in a strictly supervised fashion are no longer relevant.

Support Option 2. Support removal of this provision as it was primarily used to exclude staff with no research activity. Removal will eliminate a possible mechanism to manipulate the yet to be specified Ministry of Education Staffing Report.

We support removing this rule (ie Option 2: not allowing supervised exclusions). If a person is teaching and/or researching enough to meet the substantiveness test, then they should be included.

Please describe and detail any areas or issues relating to the staff eligibility criteria that require our attention but have not already been included in the consultation paper.

The University of Waikato understands the denominator of the AQS(S) will be based on a rolling average of data taken from the SDR. Waikato asks which SDR figures are being included in these calculations.

If the TEC is pursuing an AQS(N) reporting environment, then all the rules about eligibility exclusion can be left out of the guidelines, as TEOs may exclude whoever they choose to exclude. It would be much clearer to have only inclusion rules in the guidelines in this case. This would be far easier to deal with for everyone and save a huge amount of time and effort. If the Ministry of Education is going to utilise the TEC's exclusion rules to determine who is not eligible and thus may be excluded from the denominator, then it is important that the rules are kept as near as possible to previous rounds to avoid unnecessary compliance costs for the sector. The current set of rules is understood by the sector.

Many aspects of eligibility are intertwined with the formula that will be utilised for the calculation of the quality scores under the assessment. Determining the number of academics required to submit and then reported on is the important aspect.

It is imperative that the eligibility Guidelines are as precise, reliable and robust as possible. We would hope that the PBRF auditors are involved in the process to help 'test' the specification and numerous test cases are evaluated before the criteria is finalised. Wherever possible a number of examples should be provided to clarify various scenarios. We thank you for the opportunity to respond to this important consultation paper and would be happy to provide clarification on any points offered.

Victoria University has concerns about replacing the PBRF staff census with a single framework to be developed and used as the denominator. The PBRF census is a much more suitable denominator, since each borderline case has been assessed against the substantiveness and strengthened substantiveness test. That is, each person listed as eligible has been assessed as meeting all employment requirements and participating significantly enough in teaching and/or research, and the AQS based on this is a reasonable indication of research intensity. Unless the proposed single framework also has rigorous and auditable rules so that each University completes their return in a consistent way, the AQS would no longer be a reliable indication of research intensity. There would no longer be a relationship between the numbers of people being assessed, and the denominator. It may also be possible to manipulate the rankings by finding ways of lowering the overall denominator. The main issue with the staff census, besides the supervised exclusion rule which we feel should be removed, is that it is submitted once every six years, and there is a possibility for contract dates to be chosen based on the census date. This could be solved by requiring Universities to provide census information every year. This way, movements of staff leading up to Quality Evaluations would be visible and could be investigated. If the single reporting framework is to replace the staff census, then it would need to be based on rules that establish whether a person is connected enough to the University and participating enough in teaching and research to count as academic staff. These rules are already in place through the staff census.. We acknowledge the existing reporting mechanisms have been tightened, but we do not think these rules are as tight as the existing staff census rules. Victoria University would strongly recommend annual submission of the existing staff census, without supervised exclusions and overseas staff. This would retain the integral relationship between the population being assessed, and the denominator used to arrive at the AQS.
