

# Performance Relative to Opportunity Guidelines

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## INTRODUCTION

The University is committed to achieving equality of opportunity in education and employment, while recognising and valuing the diversity of career and life experiences. The University recognises its responsibility to adopt procedures to ensure the absence of discrimination and harassment in relation to all facets of student and staff member participation, in accordance with prevailing community standards of best practice and relevant legislation.

These guidelines have been informed by the Australian Research Council's [Research Opportunity and Performance Evidence Statement 2014 \(ROPE\)](#), which emphasises the quality of contribution, not just the quantity and draws significantly on policy development undertaken by the G08 Directors of HR 2010.

## COMPLIANCE

This is a compliance requirement under the:

- [ARC Research Opportunity and Performance Evidence Statement 2014](#); and
- [Charles Darwin University and Union Enterprise Agreement](#)

## INTENT

These guidelines apply to decision-makers assessing candidates for recruitment and selection, and promotion. It is also designed as a point of reference in annual PDRS reviews and planning.

## RELEVANT DEFINITIONS

In the context of this document

**Australian Research Council (ARC)** means the Australian Government agency responsible for allocating competitive research funding to academics and researchers at Australian universities;

**G08** means the Group of Eight, which consists of eight member universities. The Australian National University, Monash University, the University of Melbourne, the University of New South Wales, the University of Queensland, the University of Sydney, the University of Western Australia and the University of Adelaide;

**Productivity** means a measure of production, which implies comparison of the quantity with the rate of output;

## GUIDELINES

### Background

Consistent with their obligations under equal opportunity and anti-discrimination legislation, universities have adopted the practice of merit-based assessment in employment-related decisions including appointments, access to career development and progression, and promotion. When evaluating merit within universities, the following factors are usually taken into account:

- The **quality** and **impact** of achievements, and whether these are consistent with expectations of performance at the relevant academic or professional staff level; and
- The overall **productivity** of achievements, including the quantity, rate, or consistency of achievements over time, and relative output across key functions.

While assessment based on merit might appear to be a fair and objective system for evaluating achievements, it becomes problematic when the conceptualisation of merit itself is based on long established notional standard of performance that have been framed by historic expectations of the contribution of the 'ideal worker' (Acker, 1992).

Traditional academic notions of merit have been based on the idea of a worker who has consistently been available to work full time and has had an uninterrupted and linear career history (Cockburn 1991; Bell & Yates 2015).

In contemporary universities, this traditional norm of cultures of long hours and an uninterrupted, linear career history no longer matches the profile of many staff members, particularly those who come to the academy from an established professional career or those with significant caring responsibilities or with disability. Universities now comprise staff members with a diverse range of personal circumstances, career histories, and working arrangements. Relevant circumstances may include:

- Time working in industry or the professions;
- Carer responsibilities for children, elderly parents, or ill family members;
- Ill-health, impairment or medical conditions, whether temporary, episodic or permanent;
- Part-time or flexible working arrangements; and/or
- Career 'interruptions' and delays such as parental leave, or late entry to academia.

Personal circumstances or working arrangements may affect career performance and progression because they affect the overall time available for employment-related activities and the capacity to undertake certain types of activity. These, in turn, may affect productivity over time. All of these factors contribute to the accumulation of merit.

In contrast with a "special consideration" approach that highlights the negative impact of personal circumstances on performance, consideration of merit relative to opportunity facilitates **positive acknowledgement of what can be and has been achieved given the opportunities available**. It provides a performance development and evaluation framework in which the overall quality and impact of achievements is given more weight than the quantity, rate or breadth of particular achievements. It is not about diluting academic quality but rather re-examining the concept of merit and the associated normative expectations regarding quantity, rate, consistency and breadth of outputs

### **Application of Consideration of Merit Relative to Opportunity in Employment-related Decisions**

When the principle of consideration of merit relative to opportunity is included within employment policies and practices, individuals are invited to disclose relevant professional/personal circumstances and working arrangements. Employment-related decision makers are then provided with the opportunity to give appropriate consideration to these circumstances or arrangements and the effect they can have and have had on overall time available, the quantum or rate of productivity, the opportunity to participate in certain types of activities and the consistency of activities or output over the period of consideration.

Decision makers (such as supervisors or decision-making panels) can then appropriately plan for performance and make merit-based assessments that privilege the assessment of quality, ensure that all relevant standards have been met, and take into account how individual circumstances can affect opportunity and productivity during a given period. When consideration is given to the opportunities that are available to accrue merit, individuals can be assessed fairly and holistically in the context of a 'whole-of-career' basis. This is to avoid inadvertent assessment against a notional standard of full-time, uninterrupted career progression where this does not apply. In this way, staff can be assessed on an individual basis in terms of how well they meet the relevant expectations and not on a comparative basis with other individuals in the pool. When decision makers are required to make comparisons between individuals (for example, in recruitment) the tendency to privilege the individual with the "most merit" should be avoided when the opportunities to accrue merit are not evenly distributed amongst the individuals.

The ARC ROPE policy (2014) is a useful resource in this context. It aims to ensure that assessment processes accurately evaluate career history relevant to current career stage/career age, and considers whether productivity and contribution are commensurate with the opportunities available.

### **Achievement Relative to Opportunity**

Achievement relative to opportunity is an evaluative framework in which there is a positive acknowledgement of what a staff member can or has achieved given the opportunities available to him or her. The approach gives more weight to the overall quality and impact of achievements rather than the quantity, rate or breadth of particular achievements, which in many instances is directly related to time available rather than talent, merit or excellence. Assessing achievements relative to opportunity involves calculating the overall time available for a given period and then measuring the performance of the staff member in light of this time. This approach enables a more nuanced and contextual assessment of achievements rather than placing undue emphasis on the quantity, rate or breadth of achievements over a defined period.

### **Assessing Achievements Relative to Opportunity**

The Academic Promotion Panel is responsible for assessing the merit of an application for Academic Promotion. The assessment includes the staff member's previous experience and/or past achievements, that demonstrate that she or he has the capacity to perform the position to which she or he is aspiring. For example, an academic staff member who has completed his probation period will apply to be confirmed based on his achievements during that period. These achievements will inform the decision-maker of the candidate's capacity to meet performance expectations in the future.

In applying an achievement relative to opportunity approach, merit should be determined by assessing the staff member's past achievements relative to the opportunities available to the individual candidate and his capacity to produce work that reflects the quality and impact expected of a staff member at the level to which the candidate is aspiring.

### **Disclosure of Relevant Information**

During recruitment, performance development, confirmation of appointment and promotion, staff should be encouraged to disclose personal circumstances, working arrangements and career histories. This could include current circumstances and/or past circumstances.

You should be aware that some individuals may be reluctant to do this. The achievement relative to opportunity approach challenges the traditional divide between public and private and some staff may see the request to disclose this information as an invasion of their privacy.

Assurances should be provided to the staff member that the information disclosed will:

- Only be used for the purposes of assessing performance and will form the basis of a contextual and holistic assessment of the staff member's achievements; and
- Be kept confidential.

### Assessment of Achievements

In making an assessment, you should give appropriate consideration to the disclosed circumstances, working arrangements or career histories and the effect they can have or have had on overall time available. Having calculated this, appropriate consideration can then be given to:

- The quantum or rate of productivity;
- The opportunity to participate in certain activities; and/or
- The output produced over a defined period.

Assessing achievement relative to opportunity involves considering productivity relative to the actual time and specific opportunities available to the individual while maintaining a focus on pertinent performance standards, especially those relating to the quality and impact of the work. In this way, the candidate can be assessed on an individual basis in terms of how well they meet the relevant expectations and not on a comparative basis with other individuals in the pool, where the tendency may be to privilege the person with the "most merit".

Assessing achievement relative to opportunity does not mean that you are "expecting less" of the staff member/candidate. Quantity, rate, consistency and breadth of activities are seen as reflecting amount of time available and not necessarily or only talent, merit and excellence. It means you are placing a greater emphasis on the quality and impact of the work that the candidate has produced and is capable of producing, rather than the quantity and rate at which it is produced.

## ESSENTIAL SUPPORTING INFORMATION

### Internal

[Academic Staff Promotion Policy](#)

[Academic Staff Promotion Procedures](#)

[Charles Darwin University and Union Enterprise Agreement 2013](#)

[Equal Opportunity Policy](#)

[Gender Equity in Science Policy](#)

[Human Resources Policy](#)

[Indigenous Employment Policy](#)

[Teaching and Teaching Scholarship at Charles Darwin University](#)

[Research Active Staff Definition Charles Darwin University](#)

## External

[Anti-Discrimination Act 1992](#) (NT)

[Anti-Discrimination Regulations 1995](#) (NT)

[ARC Research Opportunity and Performance Evidence Statement 2014](#) (Commonwealth)

[Human Rights and Equal Opportunity Commission Act 1986](#) (Commonwealth)

[NHMRC Administering Institution Policy 2015](#) (Commonwealth)

[Workplace Gender Equality Act 2012](#) (Commonwealth)

### Document History and Version Control

<b>Last amendment:</b>	15 Dec 2017	<b>Next Review:</b>	Dec 2017
<b>Sponsor:</b>	Deputy Vice-Chancellor, Operations		
<b>Contact Officer:</b>	Director, People and Capability		

Version	Date Approved	Approved by	Brief Description
1.00	2 Dec 2015	Vice-Chancellor	Creation of original document and upload to CDU website.
1.01	15 Dec 2017	Governance	<ul style="list-style-type: none"><li>• Conversion to new Governance template due to new University branding</li><li>• Reference to Workplace Gender Equality Agency Act 2012 changed to Workplace Gender Equality Act 2012</li><li>• Updated hyperlinks</li><li>• Updated Sponsor and Contact Officer from DVC to DVC, Operations and Director, OPC</li></ul>