

**RESEARCH REVIEW**

# **ERASMUS SCHOOL OF LAW**

**2009 – 2015**

**ERASMUS UNIVERSITY ROTTERDAM**

**MARCH 2017**

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Project number: 0619  
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# REPORT ON THE RESEARCH REVIEW OF ERASMUS SCHOOL OF LAW OF ERASMUS UNIVERSITY ROTTERDAM

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## **1. FOREWORD COMMITTEE CHAIR**

It is with great pleasure that this Committee presents its report on research at the Faculty of Law at the Erasmus University Rotterdam. The quality and vibrancy, and indeed diversity of the research at the Faculty is very impressive, and the research management of the Faculty particularly so. The Faculty has presented its research very well and in a clear and transparent manner. This made the task of the Committee less onerous than it otherwise might have been. We are grateful to the Faculty for the way in which we were received, and for the open and constructive manner in which the site visit took place.

As Chairman, it is also my privilege to express my thanks to the members of the Committee, all of whom made very positive contributions to the discussions and the evaluation exercise. Last, but not least, and on behalf of the whole Committee, thanks to dr. Meg van Bogaert, from QANU, who acted as Secretary to the Committee. She and her staff have done sterling work, which has greatly facilitated the proper and efficient running of this research assessment exercise.

Prof. dr. L.W. Gormley,

Chairman



## **2. THE REVIEW COMMITTEE AND THE PROCEDURES**

### **2.1 SCOPE OF THE REVIEW**

The review Committee Erasmus School of Law has been asked to perform an review of research at the Erasmus School of Law conducted. In accordance with the Standard Evaluation Protocol 2015-2021 (SEP) for research reviews in the Netherlands, the Committee's tasks were to assess the quality, the relevance to society and the viability of the scientific research at the research unit as well as the strategic targets and the extent to which the unit is equipped to achieve these targets. Furthermore, a qualitative review of the PhD training programme, research integrity policy and diversity is part of the Committee's assignment.

### **2.2 COMPOSITION OF THE COMMITTEE**

The composition of the Committee was as follows:

- Prof. dr. Laurence Gormley, professor of European Law & Jean Monnet Professor, University of Groningen;
- Prof. dr. mr. Barbara Bier, professor of Corporate Law and Governance at Nyenrode Business University, counsel (formerly partner) with Stibbe;
- Prof. dr. Katharina Boele-Woelki, President Bucerius Law School, Hamburg, Germany;
- Prof. dr. Michael Dougan, Professor of European Law, and Jean Monnet Chair in EU law, Liverpool Law School, United Kingdom;
- Prof. dr. Helle Krunke, Head of PhD School at the Faculty of Law, University of Copenhagen, Denmark;
- Prof. dr. Martin Moerings, professor emeritus penology at the Institute of Criminal Law and Criminology, Leiden University.

The Curricula vitae of the Committee members are included in Appendix 2.

The Committee was supported by dr. Meg Van Bogaert, who acted as secretary on behalf of QANU.

### **2.3 INDEPENDENCE**

All members of the Committee signed a statement of independence to safeguard that they would assess the quality of research at the Erasmus School of Law in an unbiased and independent way. Any existing personal or professional relationships between Committee members and the research unit under review were reported and discussed in the first Committee meeting. The Committee concluded that there were no unacceptable relations or dependencies and that there was no specific risk in terms of bias or undue influence.

### **2.4 DATA PROVIDED TO THE COMMITTEE**

The Committee has received the self-evaluation report of the unit under review, including all the information required by the SEP.

The Committee also received the following documents:

- the Terms of Reference;
- the SEP 2015-2021;
- lists with an overview of publications;
- the previous Erasmus School of Law report;
- the midterm review on the ESL (2012).

## **2.5 PROCEDURES FOLLOWED BY THE COMMITTEE**

The Committee proceeded according to SEP. Prior to the first Committee meeting, all Committee members independently formulated a preliminary assessment of the unit under review based on the written information that was provided prior to the site visit. The final review is based not only on the documentation provided by the research unit, but also includes the information gathered during the interviews with management, representatives of the research programmes and representatives of the Faculty of Law. The interviews took place on 11 -13 December 2016 (see the schedule in Appendix 3) in Rotterdam.

Preceding the interviews, the Committee was briefed by QANU about research reviews according to SEP. Also, the Committee discussed its preliminary assessments and decided upon a number of comments and questions. The Committee also agreed upon procedural matters and aspects of the review. After the interviews the Committee discussed its findings and comments in order to allow the chair to present the preliminary findings and to provide the secretary with argumentation to draft a first version of the review report.

The draft report by Committee and secretary was presented to the ESL for factual corrections and comments. In close consultation with chair and other Committee members, the comments were reviewed to draft the final report. The final report was presented to the Board of the university and to the management of the research unit.

The Committee used the criteria and categories of the Standard Evaluation Protocol 2015-2021 (SEP). For more information see Appendix 1.

## **2.6. USE OF SEP SCORES BY COMMITTEE**

The SEP scores for very good and excellent explicitly have an international component. There are disciplines in Law with a predominantly national focus, for example in criminal and administrative law as well as some parts of private law. The research programmes with this primary national focus would therefore not be able to get a score that is higher than *good*. The Committee is of opinion that research programmes with a mainly national focus should be able to get the scores *very good* and even *excellent* if the research in this programme qualifies according to the research quality standards: one of the few most influential research groups at national level in its particular field (excellent) or conducts very good, nationally recognised research (very good); and according to the standards in respect of relevance to society and viability.



## **3. RESEARCH REVIEW ERASMUS SCHOOL OF LAW**

### **3.1. THE STRATEGY AND TARGETS OF ESL**

#### **Organisation**

The Erasmus School of Law (ESL) is made up of 11 departments, which form its main organisational units. These departments are also used for the organisation of educational programmes. ESL features five research programmes that are organised in accordance with thematic lines and open to participation by researchers from different legal disciplines. Each programme is headed by one of several programme directors.

The five research programmes are:

- Behavioural Approaches to Contract and Tort: Relevance for Policymaking (BACT)
- Rethinking the Rule of Law in an Era of Globalisation, Privatisation and Multiculturalism (RRL)
- Monitoring, Safety and Security (MSS)
- Lex Mercatoria – Globalising Business Law in the 21<sup>st</sup> Century (LM)
- Fiscal Autonomy and its Boundaries (FA)

Participation in a research programme is possible for academic staff with research time and an ESL research qualification (the 'Sanders qualification'). Formal admittance to a research programme is subject to approval from the programme director concerned. Programme directors consult with heads of department when deciding on whether to admit a researcher to a research programme or discharge her or him from a research programme, since the heads of Departments are in charge of attracting qualified research staff. Research programmes are supported by an annual budget and additional funds have been available for innovation in research.

The Committee discussed the somewhat complex structure of programmes and departments during the site visit and learned that individual researchers indeed take the initiative in participating in a programme and it is the responsibility of programme directors to make the programme attractive to join. If the research of an individual staff member does not fit the research programme, it is suggested to the researcher that she or he should move to a programme that better fits her or his research interests. Though, the structure might appear complex it seems to work in practise and seems to serve the purpose of supporting both the main disciplines (which can also be important education wise) and more topical based interdisciplinary research (which might meet special and novel research needs and have a good chance of attracting external funding). The annual reports produced by the research programmes were very helpful enabling the Committee to understand the research topics as well as the internal processes of the programmes and of ESL.

Also, it is not mandatory for research staff to participate in a research programme. The Committee heard of some examples where the research topics of individuals did not fit any of the programmes. The ESL permits such independent research outside the structure of the research programmes, although in practice very few members of staff are in this situation. According to the Faculty Management it is important to have room for new research initiatives and innovation outside the established programmes. Such initiatives can develop new ideas, attract external funding and end up as future research programmes. Although it has not yet happened, the Faculty management stated that it is possible for research staff to develop a new research programme as long as it fits the profile of ESL and there is sufficient leverage and critical mass. The Committee finds such space for new initiatives and innovation positive and important.

In general, the impression from the interviews with staff members was that the Faculty Management is very good at supporting new initiatives and ideas also within the established research programmes

The reorganisation in education in 2012 had a major impact during the evaluation period. This created an enormously increased workload at that time, the dust of which has still not completely settled. Although number of staff members decreased as a consequence of the reorganisation, it seems that this had no substantial impact on the research output in the Faculty. The management of the Faculty seems aware that work still has to be done on educational development, and as a consequence the workload on educational tasks remains very high. Although the Committee only talked to a few staff members at the middle level and can therefore not verify that all have adapted, the Committee got the impression that most staff members of ESL have indeed embraced the new curricula. The Faculty management stated that in the near future the focus will lie on increasing research staff. During interviews with research staff it became clear that indeed the workload had been very high, but was now coming down. However, on different occasions people seemed concerned about the lack of time for research as a result of the reorganisation of education. This is not necessarily the total amount of time for research, which is on average 40%, but members of staff mentioned that research time was fragmented due to teaching obligations. The Committee recommends that the Faculty management looks into this matter, since frequent disruption of research time will almost inevitably have its effect on the quality of research output.

The Committee would like to compliment ESL on the benchmark it included in the self-evaluation report. ESL decided not to focus on comparing output in terms of productivity but to look at how trade-offs in research strategy, policy and management are dealt with; this approach to benchmarking for reflective and inspirational purposes as opposed to making value judgments about (potential) competitors is very commendable, and should be viewed as best practice use of benchmarking in future research assessments. The extensive exercise must have already paid off while doing it, and the Committee was provided with a clear comparison with the Faculty of Law of the University of Copenhagen.

### **Faculty objectives, mission, strategy**

The ESL mission is to conduct innovative research on the function of law in its economic and social context. ESL research has a strong social- and business-driven orientation and its motto *Where law meets business* reflects this approach. Furthermore, ESL is committed to promoting international and interdisciplinary research. Some programmes are more concerned with the former, and others with the latter. The Committee notes that these objectives are addressed in the total package of research undertaken by ESL. The Committee saw clear evidence that all understood and welcomed the benefits of flexibility and pragmatism in the Faculty management's agenda. Both the approach and the support for it are very much welcomed by Committee.

The Committee was pleased to learn that the Faculty does not automatically impose the objectives of internationalisation and interdisciplinarity on all research in all programmes. The Faculty clearly acknowledges the difference between international, national and interdisciplinary research and the value of combining these elements. In principle internationalisation of the Faculty's research is aimed for, but when certain research topics can be better disseminated towards a Dutch audience (either academic, society or professional), a national approach is chosen. Similarly, interdisciplinarity is stimulated, but only when it adds an extra dimension to the research being undertaken. The Committee appreciates the vision that international, national and interdisciplinary fora for research are not mutually exclusive islands but can be combined very effectively and appropriately in certain circumstances.

The Committee concluded that the balance was right across the programmes. BACT was emblematic of a more international and interdisciplinary approach. FA was more representative of greater national and doctrinal focus – though even there, the Committee heard evidence of seeking to collaborate and expand the international and interdisciplinary aspects of the work. Regarding the RRL programme, interdisciplinarity as well as internationalisation is implemented in the programme, which in this research area is a natural and valuable approach. The MSS has a relatively strong national approach because of much contract research for the Ministry of Security and Justice. It is not self-evident that MSS has such a national approach, because criminological research offers by its research topics and methods very good possibilities for international and comparing research. With respect to the corporate law, it is very important to continue to publish in Dutch. Reflections on new legislation and jurisprudence need to be published in Dutch journals as the Dutch legal profession reads these journals. The active contribution by academics to the discussion about developments of Dutch company law is of great importance.

Although the writing of the self-evaluation report the paragraph on diversity was not yet included in the SEP, the Committee feels that it should observe that it was not convinced by the data (empirical evidence) provided during the discussions with the Faculty management on developments regarding diversity, as the data covered only one year and such policy as there was seemed vague. The Faculty is optimistic on the natural development of gender diversity, although this view is not shared by the Committee. The Faculty is strongly encouraged to consider more proactive and visible measures to pursue and promote (gender) diversity and equality in the coming years, while ensuring that quality is the lead criterion. It is worth mentioning that this predominantly applies to male/female diversity; the Faculty management seems to have a more clear strategy to include more ethnic minorities in the research.

### **Leadership**

The Committee observed a dynamic Faculty, full of energy and enthusiasm. Within the reality of limited funds ample opportunities are provided. Throughout the interviews, the Committee was told about the open-door policy of management and the fact that management was actually listening to complaints and suggestions. Good initiatives are encouraged by management, there is a framework provided and the Faculty's mission is clearly formulated. Within this framework there is a lot of freedom for initiatives and new proposals.

The vision and ambition of the Faculty is very clear and the Committee noticed committed, energetic and imaginative leadership in management with respect to research in the Faculty. The combination of strong leadership providing frameworks and regulations on the one hand, and the bottom-up approach when it comes to the content of research seems to be working very well. The mission and strategy is not imposed top-down; the programme leaders were clearly involved in shaping the mission and strategy, and they made a strong impression during the site visit. Twice a year all professors meet with the Faculty management to discuss strategic questions and challenges, involving many senior research staff members in defining the direction of ESL.

Although not all the Committee members might necessarily agree with all the choices that are being made, the Committee highly appreciates the fact that management is taking a clear direction in its mission, but not forcing it downwards into the organisation. The Faculty management not aims to obtain only support from research staff, it requires and facilitates participation of (senior) research staff in development of the Faculty's mission and objectives. The fact that management is looking for a new system in which research staff is not only evaluated on the number of publications is strongly supported by the Committee.

The proposed system of relative performance measurement, known as the toolbox, might not work for all staff members and might lead to undesired strategic actions by staff members. However, it might work within the framework as long as continuous reflection is given to the working of the model. The ESL staff seemed confident that the ambition of the system in which outstanding research is rewarded will be effective.

### **3.2. RESEARCH QUALITY**

The Committee has read the selected key publications prior to the site visit. Taking into consideration that the output submitted for reading is considered the best work in the period under review, the Committee is of opinion that overall the quality of output is very good. Some publications are of extraordinarily high quality and influence, and are manifestly excellent; others are certainly very good or good. Because the Committee was asked to evaluate the Faculty's research as a whole, rather than at or also at the level of the research programmes, the Committee feels that it would be invidious to single out one programme above others, but the evidence of the research reports of the programmes speaks for itself, and some have been remarkably successful, producing work of clear international quality. That level of quality is not confined to international or European-oriented research; it also embraces top level work dealing with national law. International quality work is work at the top level of legal (including socio-legal and interdisciplinary) scholarship and research. The research programme themes all address issues of importance in the discipline of law; they function as targeted yet also broad churches, enabling scholars from various areas of legal expertise to produce results which are far more than merely the sum of the component parts of the programmes.

The scale, diversity, quality and quantity of the work that is produced by the staff as a whole, both in terms of academic and societal relevant output, is particularly impressive. The Faculty is very clearly on the right course for the future. ESL has some world-leading figures in its midst, and national-leading figures of international quality are also identified. On the other hand, there are perhaps inevitably, a few research staff members with a less pronounced presence during the site visit who have been at ESL for a long time and whose quality of work is less than what could be expected. Since the Committee only met a very limited number of research staff, it is difficult to give an evaluation of academic reputation that includes the entire ESL. However, there are plenty of examples of true international excellence amongst the staff.

In line with the interpretation of the internationalisation objectives, the Faculty recognises differences between on one side international research and on the other side more national oriented research. The Faculty runs a mixed economy and encourages research staff to do what is appropriate for their users. The publication outlet (international, national, interdisciplinary or straightforward legal periodicals or publishers) is chosen based on the objective of the research; if the researcher wants to influence primarily Dutch policy makers, the journal or publisher has to be selected according to this goal. The Committee considers this to be a very good strategy, also for academics to become visible within their own community.

Regarding resources the Committee fully agrees with the Faculty management that the biggest potential is its staff, its human capital. Another important resource is the Faculty Management itself which is very engaged, enthusiastic and visionary. It reflects on and is very clear in its future strategy for the Faculty.

As mentioned earlier, the Faculty was involved in a major reorganisation in 2012, which lies in the middle of the period under review. This makes it difficult for the Committee to look for trends in funding streams, since it is understandable that a

reduced number of staff members may well attract less funding from external sources. One of the Faculty's priorities is to professionalise the grant proposal process and talent management. Based on the results so far, the strategy seems to be working. In the period under review funding from research grants as well as contract research fluctuated, but was good. More recently some major successes were reported as the result of the diverse strategy, for example an ERC grant. Although these more recent examples do not count for past performance in the period under review, they clearly show that the strategy on stimulating grant proposals seems to be working.

Administrative support is given to research staff members by way of a grant officer although this position has recently become vacant. Based also on the interviews with staff, the Committee recommends that when hiring a new grant officer, the objectives regarding grant applications should be taken into consideration. Should ESL not only want to focus on national grants, like VENI, VIDI and VICI, but also on ERC grants, the grant officer should have expertise in this area as well.

ESL is developing a system for relative performance management (involving the toolbox referred to above), which should be helping on focussing on other aspects in addition to number of publications. The new system should partly replace the current system, the Sanders Qualification, which is considered a threshold for the minimum standard of quality. The risk in the Sanders qualification is that it could stimulate small publications in less prominent journals and does not seem to stimulate excellence; it is quantity-based rather than quality-based. ESL is recommended to keep this new system under regular, continuous and close review after introduction. It should be prevented that some sub-disciplines or even individuals more easily receive an outstanding evaluation as the result of the external situation. Also, chances are that research staff may try to influence or even manipulate the system by only focusing on ticking the right boxes; this risks creating an unhealthy competitive environment, rather than a healthy cooperative environment. Despite taking a risk, the proposed new approach is innovative and is clearly a good step that has to be taken in order to get to the next level.

### **3.3. RELEVANCE TO SOCIETY**

Specific products of societal relevance output were not provided in the self-evaluation report, ESL claimed that it was too difficult to make a clear distinction between academic papers and publications with societal relevance. The Committee was pleased, however, to read the narratives in the self-evaluation report, which gave clear examples of societal quality and impact of the research. The narratives provided a rich and diverse body of evidence of societal relevance and benefits across both research programmes and end users. The overall quality is very good with contributions to the academic and social debate, influencing policy makers, and clear consideration is given as to where to publish products of research and scholarship. Examples are the White Collar and Corporate Crime in Europe.

The strategy at Faculty level for societal dissemination of its research output entails, like its strategy for academic performance, a bottom-up approach. Each sub-discipline within the broad discipline of law has its own specific requirements, and, depending on the targeted audience, a specific output strategy is chosen. Faculty funds are available for 'valorisation' activities, but are predominantly used for more academic initiatives.

In addition, frameworks and mechanisms are in place according to which the societal relevance of output is measured and stimulated. First, the system for relative performance management will also take into consideration societal output and 'valorisation' activities. At the moment, societal relevance of research and scholarship is explicitly taken into consideration in the yearly performance talks with staff

members, in addition to scientific results, teaching performance and management tasks. By raising awareness and clearly displaying best practices – for example through a prominent position of results on the Faculty’s website – research staff are stimulated to respond accordingly. The Committee is specifically positive about the fact that the HR staff are involved in the preparation of the yearly performance interviews, ensuring a broad implementation of the Faculty’s policies.

The Faculty is clearly on the right track by stimulating but not forcing staff to perform in this area. Currently staff members are stimulated to report on activities that contribute to the societal relevance of their work, as they do with their academic activities. It might help research staff to have more explicit support in ‘valorisation’ activities and what the best way might be to ensure maximum impact. It seems that the general idea is that where societal relevance and ‘valorisation’ are concerned, a national approach is considered more frequently, and international ambition seemed to be quite a bit less prominent. Although it might be more difficult to be societally relevant on international or European level, it certainly is not impossible.

The Committee concludes that at Faculty level there is clear awareness of the importance of activities that are societally relevant, and these are stimulated.

### **3.4. VIABILITY**

At the final interview the Committee discussed with the Faculty management the question of anticipation of expected changes. The Faculty management wants to stay on the current line, but envisages retuning opportunities and is not closed to them within parameters.

Strategically the Faculty aims at a very high level and with very good results. However, it has not yet led to the *excellent* results it strives for. Taking into consideration what has been achieved, which is a great deal, and extremely laudable, it needs to raise its game even further in some aspects to live up to its own high ambitions. Thus those (few) colleagues who appear to be (relatively) underperforming need to raise their level of achievement in quality terms or risk being left behind in particular by those who are truly outstanding.

The vision of ESL for the following years seems very clear, with a strategy that is strongly influenced by the bottom-up approach. Content of research, new ideas, initiatives and entrepreneurship has to come from within the research programmes. The vision at Faculty level is clear and permits research staff to decide on the way they want to implement this vision. The innovation fund is a stimulating incentive to promote entrepreneurship. Although it is a relatively small amount, it seems to have a lot of effect.

The Faculty staff is flexible within the framework that was set by management, which regulates the bottom-up approach. For example, the planned implementation of the toolbox to evaluate performance of staff and stimulate outstanding work is centrally organised. The Committee is confident that this mixture of set principles and a framework, combined with the bottom-up approach provides certainty and confidence for the future. The Committee compliments the Faculty on the clear and direct manner in which internal communication within the Faculty is run. All the people to whom the Committee talked during the site visit were engaged, confident and proud to be part of ESL and felt that their voice was heard if they felt that this was needed.

The robustness of the Faculty is very good, with a competitive research innovation fund as an important fuel to innovation.

### **3.5. PHD PROGRAMMES**

The Committee is extremely pleased with the progress the Faculty has made since the previous evaluation by the Koers Committee. Although the ESL has a very good PhD programme, the Committee has a number of relatively minor observations, which offer recommendations for making a very good programme into an excellent one.

Several quality measuring mechanisms are built into the programme for instance the so-called 'review day' at the end of the educational programme and the annual meetings with the Doctorate Committee. The Committee finds this very positive. Furthermore, from the interviews it was clear that the PhD candidates are integrated well into the relevant research environments and research programmes. According to the Committee this is also an important feature of the PhD education at the Faculty.

The PhD programme has an educational programme of 60 ECTS. By the Committee this is considered to be quite extensive. In comparison, the Danish educational requirements for PhD students is 30 ECTS and also at other Law Faculties in the Netherlands less ECTS are usually part of the educational programme. In general, the courses seem relevant and will provide the PhD students with general basis knowledge and skills on how to write a successful PhD thesis. It is especially positive that the PhD student can work on his/her own thesis as an integrated part of the provided courses. The Committee considers it important that the PhD students have some flexibility on which courses to follow when fulfilling the 60 ECTS requirement allowing them to fit courses better with their concrete research topic. Other courses could for instance be followed at other universities and not only during the first year of the programme. The Faculty Management assured the Committee that this is possible and has actually taken place. The Faculty Management could consider whether one way of giving incitement to include an international dimension stronger into the PhD programme could be to provide ECTS for presenting a research paper at an international conference.

International outlook could be stimulated further and even be built into the PhD programme at a more formal level. Though some of the PhD students the Committee interviewed had taken part in international conferences none of them claimed to go abroad for a longer period of time. As part of an internationalisation strategy it would be useful if PhD students were encouraged explicitly to go abroad, in line with the objectives of the Faculty. Especially for smaller countries the international element in the PhD programme is important. Networking possibilities are also very important elements in international conferences and longer research stays abroad. Hence, each programme and research project could have an international aspect. As regards the joint programme between Rotterdam, Hamburg and Bologna this is naturally fulfilled.

As regards employability it is very positive that the Dean of the PhD programme EGSL and the HR meet with the PhD student about future career possibilities during the last year of the programme. However, the Committee observes that more regard could and should be had to the employability of PhDs, and to providing more teaching opportunities to make graduates more attractive to the labour market. The Committee considers it important that teaching experience is integrated better into the PhD education. When applying for positions as post doc or assistant professor (also internationally) the competition is hard and teaching experience is necessary in order to stand a realistic chance. The Committee understands that the Faculty does not want PhDs to be milked as cheap teaching fodder, and seeks to protect them from mere exploitation. The Committee also agrees that there should be a limit on their teaching time, but the balance must not go so far that they have no opportunities for teaching experience, as selection Committees for lectureships tend to prefer those who have some teaching experience. Giving the occasional guest lecture is not considered teaching: module and/or group supervision, preparing exams etc. should

be part of the teaching experience, during the second and third year of the four-year PhD programme, and kept within boundaries.

The Committee recommends that PhD students be encouraged to participate in and where possible present papers at (inter)national conferences (these are particularly valuable for networking); PhD students should also be encouraged to publish articles relevant to their research projects. The Committee has the impression that this does not always happen at the moment in all areas. Taking the opportunity, where relevant, of spending a period abroad to conduct part of their research work should be encouraged. It was not clear that all the PhD students were as aware as they might be of the Faculty's strategy and aims, or of all the opportunities open to them.

The Committee feels, responding to comments in the discussions with staff in the Faculty, that more flexibility for external PhD students is required, but quality assurance is of course something of which sight should not be lost. For such students, participation in a light programme, involving the most important courses (including, where appropriate, methodology) and a compulsory course on academic integrity, should be required. However, occasional problems involving the quality of work by external PhD students should not be taken out of proportion or context. The quality of external PhD students is often very good to excellent; they produce many publications, and bring the benefits of considerable practical experience; they often have excellent academic standards without being academics. Nevertheless, it is important to set minimum standards and to offer quality supervision, even if it is not necessary to integrate them fully into the department. The admission procedure is particularly important.

As regards the PhD students enrolled under the China programme, the Committee got a very positive impression of how the Faculty welcomes and integrates them in the research programmes and the research environment in general.

Concluding, the Committee notes with satisfaction that the Faculty seems to manage to create both a PhD cohort and at the same time have the individual PhD students feel that they are part of the research programmes and of the departments. Specifically, the international PhD students seemed to be well-integrated in the Faculty. The Committee, responding to comments by those involved, agrees that there should be options in the training programme, and a greater degree of flexibility than seems currently to be available. The Graduate School is considered independent of Faculty management by PhD students: this is very positive with respect to confidentiality issues.

### **3.6. RESEARCH INTEGRITY POLICY**

The research integrity policy was clearly formulated and seems to be applied at many levels in a clear and conscious manner. The Committee did not need to extensively discuss the matter. Throughout the interviews it became clear that at all stages the awareness of integrity issues is well developed. Also from the interview with PhD students it became apparent that they are much aware of research integrity issues and are trained on this subject as should be expected.

### **3.7. CONCLUSION**

Based on the very informative documentation and interviews, the Committee came to a number of conclusions. The overall impression is that ESL was not only doing very well in the evaluation period, it is also continuously working on further improvement.

ESL has clear, committed, ambitious and imaginative leadership which nevertheless appears to be carrying the clear majority of the academic staff along with them. That is very impressive, the Committee considers the excellent leadership and structure of research management one of the more striking and inspiring parts of the site visit.



There is a strong and distinctive commitment to an interdisciplinary approach to legal studies - to the fostering of an international profile and reputation - and to the creative of a competitive but collaborative atmosphere in which success is rewarded and encouraged. At the same time, the leadership is not dogmatic about these issues. They seem sufficient flexible and pragmatic. Some of the innovations should be kept under review for the future, e.g. the development of the toolbox to identify and reward outstanding contributions. This toolbox is very welcome, but should not risk creating a two-tier system in which academic success creates academic privilege which naturally reinforces existing patterns of performance and could create or perpetuate exclusionary effects for other members of staff.

The self-evaluation report provided extensive examples of a buoyant and impressive level of activity, output and societal impact. Despite the impact of the educational reforms during this assessment period, the School has succeeded in ensuring that it maintains an ambitious programme of research activity.

Several staff, in different fora, commented on the desirability for greater administrative support, particularly when it comes to securing and managing external funding income as well as promoting the societal relevance and impact of academic work.

The School should be congratulated on the extensive reforms it has undertaken to its system of PhD training and support. This was identified as a potential weakness in previous assessment exercises. The School responded with a thorough and impressive agenda of reform and improvement. However, the School should be careful not to let the pendulum swing too far in the other direction: broad and extensive teaching experience, including both large lectures and regular tutorials, is an important component of PhD employability, particularly on the international academic recruitment market in law.

The Committee has some reservations about the effectiveness of the School's plans to secure greater gender equality.

#### **Overview of quantitative assessment**

Research quality:	very good (2)
Relevance to society:	very good (2)
Viability:	very good (2)



## 4. RECOMMENDATIONS

1. The Committee recommends that the Faculty management looks into fragmentation of research time due to teaching loads, since frequent disruption of research time will almost inevitably have its effect on the quality of research output.
2. The Committee recommends that when hiring a new grant officer, the objectives regarding grant applications should be taken into consideration. Should ESL not only want to focus on national grants, like VENI, VIDI and VICI, but also on ERC grants, the grant officer should have expertise in this area as well.
3. The Committee recommends that PhD students should be encouraged to go abroad; to present and/or participate regularly in (inter)national conferences, and to publish articles relevant to their research project.
4. The Committee recommends that PhD students be encouraged, within reasonable boundaries, to gain experience in teaching during the second and third years of their four-year research programmes.
5. The Committee recommends that the Faculty further develop its diversity policy, particularly with regard to gender.



# APPENDICES



## APPENDIX 1: EXPLANATION OF THE SEP CRITERIA AND CATEGORIES

There are three criteria that have to be assessed.

- Research quality:
  - Level of excellence in the international field;
  - Quality and Scientific relevance of research;
  - Contribution to body of scientific knowledge;
  - Academic reputation;
  - Scale of the unit's research results (scientific publications, instruments and infrastructure developed and other contributions).
- Relevance to society:
  - quality, scale and relevance of contributions targeting specific economic, social or cultural target groups;
  - advisory reports for policy;
  - contributions to public debates.

The point is to assess contributions in areas that the research unit has itself designated as target areas.

- Viability:
  - the strategy that the research unit intends to pursue in the years ahead and the extent to which it is capable of meeting its targets in research and society during this period;
  - the governance and leadership skills of the research unit's management.

Category	Meaning	Research quality	Relevance to society	Viability
1	World leading/excellent	The unit has been shown to be one of the most influential research groups in the world in its particular field.	The unit makes an outstanding contribution to society	The unit is excellently equipped for the future
2	Very good	The unit conducts very good, internationally recognised research	The unit makes a very good contribution to society	The unit is very well equipped for the future
3	Good	The unit conducts good research	The unit makes a good contribution to society	The unit makes responsible strategic decisions and is therefore well equipped for the future
4	Unsatisfactory	The unit does not achieve satisfactory results in its field	The unit does not make a satisfactory contribution to society	The unit is not adequately equipped for the future

## APPENDIX 2: CURRICULA VITAE OF THE COMMITTEE MEMBERS

**Laurence Gormley** (chair) Laurence Gormley was appointed to the Chair of European Law in the Law Faculty at the University of Groningen in September 1990. He also holds a Jean Monnet Chair awarded to the Faculty in 1995 and leads the Jean Monnet Centre of Excellence at Groningen, recognized by the European Commission in 1999. He graduated from the University of Oxford in Modern History and Modern Languages in 1975 (M.A., 1979); took a M.Sc. in European Studies at the London School of Economics in 1976, and he was called to the Bar of England and Wales by the Middle Temple in 1978. In 1978 he received the Hon. Sir Peter Bristow Award from the Middle Temple, and held a Rotary Foundation Fellowship at the Europa Institute at Utrecht. He took his doctorate in 1985 at Utrecht, with a dissertation on '*Prohibiting Restrictions on Trade within the EEC*'. After completing pupillage in 1979, and then being a Lecturer in Law at the University of Liverpool and a door tenant in chambers in London, he worked as an official of the Commission of the European Communities in Brussels from 1983 to 1990 (dealing with competition; free movement of goods, and public procurement). Gormley's principal publications are in the field of European Union Law, with the main emphasis being in the areas of the free movement of goods; customs law; public procurement; taxation, and the internal market, although he has also published a number of articles on the judicial architecture of the EU and judicial review. Gormley has twice been a co-holder of the Generale Bank (later Fortis Bank) Chair at Leuven, and was a Professor at the College of Europe, 1993–1999 (Bruges, then Natolin) and has again been so at Bruges since 2004; Over the years he has been *inter alia* : Visiting Professor of EC Law at University College, London, at the University of Bremen, and at the KULeuven; *Stiftungsprofessor für Europarecht* at the University of Bonn; Visiting Fellow of Sidney Sussex College, Cambridge and of the Centre for European Legal Studies, University of Cambridge; and Visiting Fellow at the CIEL at the University of Sheffield. He has on myriad occasions given guest lectures at universities in Europe and in the United States. He has for various periods been an external examiner in various British and Irish universities. He Chaired the Assessment Committee for Advanced Master's courses in Law at the Flemish Universities 2006–2007. From 1995-2005 he was Chairman of the Dutch Association for Procurement Law (of which he is now an Honorary Member). From 2004–2006 he was a member of the Advisory Group on Market and Regulation of the Dutch Health Supervisory Authority (in formation)(*CTG / Zorgautoriteit i. O.*). He is a member of the European Association of Tax Law Professors and of the European Law Institute. He was President of the European Law Faculties Association 2015-2016.

**Barbara Bier** is professor of corporate law and corporate governance at Nyenrode Business Universiteit. Her specific areas of interest are capital protection rules and the legal aspects of (Corporate) Governance and governance in specific sectors. She is actively involved in contract research of Nyenrode i.a. in the field of Corporate Governance, particularly with respect to compliance to the Dutch Corporate Governance Code by shareholders and the voting- and engagement behavior of Dutch and foreign institutional investors. In 2013 she participated in the Nyenrode research team that produced the report on 'Ten Years Corporate Governance in The Netherlands' and in 2014 in the more general research regarding compliance by listed companies, all commissioned by the Dutch Monitoring Committee Corporate Governance Code. She has been practicing law for many years, advising national and international (listed) clients on various matters of Dutch company law, such as (financial) restructurings, codes of conduct/ethics, corporate governance, capital protection rules, liability of managing directors and supervisory directors. She has studied both Business law and Notarial law at the University of Leiden. She holds a PhD (2003) from the Erasmus Universiteit Rotterdam on the topic 'Distributions to shareholders'. In addition to her work at Nyenrode Business Universiteit, Barbara Bier is of counsel (formerly partner) with Stibbe, an internationally oriented large Dutch



law firm. Furthermore, she is a member of the Combined Committee on Company Law, instituted by the Dutch Royal Notarial Association and the Dutch Bar Association to advise on new legislation. Barbara is a member of the Board of the Commercial Law Association (Vereeniging Handelsrecht) and the Board of the Foundation for Scientific Research (Notarial) Corporate Law.

**Katharina Boele-Woelki** is Dean of Bucerius Law School in Hamburg, Germany. During 1995-2015 she was Professor of Private International Law, Comparative Law and Family Law at Utrecht University, The Netherlands and Extraordinary Professor at the University of the Western Cape, South-Africa. Since 2001 she has been the chair of the Commission on European Family Law which was established upon her initiative. She is president of the Dutch Association of Family Law, member of the board of the Dutch Association of Comparative Law, and member of several editorial boards of Dutch and European and South-African law journals. She is also a member of various associations, such as the *Deutsche Gesellschaft für Völkerrecht* as well as the *Wissenschaftliche Vereinigung für Familienrecht*. Since 2003 she has been one of the editors of the European Family Law Series. In 2007 she established the Utrecht Centre for European Research into Family Law (UCERF). She is a titular member of the International Academy of Comparative Law. She has organized prestigious international conferences, delivered numerous guest lectures at various universities around the world and has acted as a reporter, speaker, expert and panel member in many international conferences. In 2011, 2015 en 2016 she has been awarded an honorary doctorate from the University of Uppsala, the university of Lausanne and the University of Antwerp. In 2012 she has received the *Anneliese Maier Forschungspreis* of the *Alexander von Humboldt Stiftung* (Germany) for her work in the field of international and European family law. In 2013 she has been elected member of the International Advisory Board of the *Alexander von Humboldt Stiftung*. In 2014 she has been elected President of the International Academy of Comparative Law and in 2016 member of the curatorium of the Hague Academy of international law and the Academia Europaea.

**Michael Dougan** received a BA (Hons) in Law from the University of Cambridge in 1996 and a PhD in Law from the University of Cambridge in 2002. He previously worked at the University of Cambridge (2000-2003) and University of College London (2003-2004). He has been Professor of European Law at the University of Liverpool since 2004. Dougan specializes in EU Law, particularly EU constitutional law, the Single Market and EU welfare law. His work on the EU constitution and institutions covers processes of constitutional reform as well as the relationship between Union law and the national legal systems. He has published widely on the EU's constitutional framework after the Lisbon Treaty, on the principle of direct effect of Union law in national courts, and on the enforcement of Union law. Dougan has also written extensively on single market law, especially the free movement of goods, persons and services, and processes of harmonization of Member State laws. Together with other members of the Liverpool European Law Unit, his research has contributed to wider public and political debates about European law. Dougan is Joint Editor of *Common Market Law Review*. He was awarded a Jean Monnet Chair in EU Law (2006-2009).

**Helle Krunke** is professor of Constitutional Law at the Faculty of Law, University of Copenhagen. She has been Head of the PhD School since January 2016 and is part of the management team at the Faculty of Law. From 2012-2015 she was Head of the Centre for European and Comparative Legal Studies (CECS) of which she is still a member. Krunke is a member of the Executive Committee of the International Association of Constitutional Law (IACL). Her research lies within Constitutional Law, Comparative Constitutional Law, EU Constitutional Law and EU Law. She is especially interested in the interplay between the EU legal system and the national legal systems. She has been a visiting academic at University of Bristol, UK, the European University Institute, Italy, and LUISS, Italy. She is a member of IMODEV on Open

Government led from the University of Sorbonne. She has contributed to many international research projects and published extensively with international publishers. She has given invited paper presentations at among others University of Oxford, University of Sorbonne and the European University Institute. Her PhD thesis from 2003 is on foreign affairs and separation of powers.

**Martin Moerings** is emeritus professor of penology at the University of Leiden (emeritus since 2016). He graduated from the University of Tilburg in Sociology (1970) and in Law from Utrecht University (1988). He took his doctorate in Utrecht with a dissertation about the social consequences of imprisonment: *Out of prison, into society* (1977). He worked for many years as assistant professor at Utrecht University, where he taught in criminology, penology and criminal law. In 2002 he became full professor of penology at the University of Leiden. Moerings principal publications are in the field of implementing and executing criminal sanctions from a law and sociological perspective, sexual offenses, legal and societal aspects of homosexuality. He was President of the Dutch organisation for Criminology. He worked as a part time judge at the Criminal court of Arnhem. He was chair of the Complaint Committee for prisoners in the prison of Amsterdam and chair of the Court of Appeal in The Hague, which reviews the decisions made regarding prisoners. Moerings was chair of the Council for the Administration of Criminal Justice and the Protection of Juveniles, an advisory Board for the Ministry of Security and justice.

### APPENDIX 3: PROGRAMME OF THE SITE VISIT

Sunday 11 December 2016

Time	Programme	Attendees
17.00	Welcome, instructions and preparation	Committee
20.00	Dinner in hotel	Committee

Monday 12 December 2016

Time	Programme	Attendees
9.00	Preparation	Committee
10.00	Faculty Management	Dean Vice Dean Manager Research
11.00	Management Research Programmes	Directors of LM, BACT, FA, MSS and RRL
12.30	Lunch and evaluation by Committee	Committee
13.30	Board Erasmus Graduate School of Law (EGSL), Board European Doctorate in Law and Economics (EDLE)	Director EGS Dean of Educational Programme/PhD coordinator EGSL PhD coordinator EGSL Managing Director and Rotterdam Director EDLE Vice Dean Research Manager Research
14.30	PhD researchers	PhD researchers from EDLE and EGSL
15.30	Break	Committee
16.00	Staff members	Assistant professors and Full professors from RRL, BACT, LM, FA and MSS
17.00	Research Talent Management & Board of Research	Vice Dean Research Director EGSL Manager Research
17.45	Evaluation by Committee	Committee
20.00	Dinner	Committee and Board ESL

Tuesday 13 December 2016

Time	Programme	Attendees
9.00	Preparation	Committee
9.45	Final interview Faculty management	Dean Vice Dean Research Manager Research
10.30	Formulation preliminary results	Committee
12.30	Lunch	Committee
13.30	Presentation preliminary results by chair	All attendees of site visit
14.00	Closing by Dean and drinks	

## APPENDIX 4: QUANTITATIVE DATA

The quantitative data provided in this appendix are similar to those presented in the self-evaluation report by the Erasmus School of Law. These data cannot be compared as such with the quantitative data in other reports reviewing research in Law at other universities. Although the tables may appear to provide similar data, there has been no synchronization of these data between Faculties of Law. Furthermore, the definition of research unit to be assessed differs between universities.

### Research staff at Faculty level

Faculty	2009		2010		2011		2012		2013		2014		2015	
	#	FTE	#	FTE	#	FTE	#	FTE	#	FTE	#	FTE	#	FTE
Tenured staff	143	33.1	136	33.7	135	33.2								
Non-tenured staff	18	7.2	27	10.8	27	12.1								
PhD researchers (employed)*	44	-	43	-	39	-								
Scientific staff							121	27.0	118	26.7	110	28.0	98	24.3
Post-docs							6	2.7	5	3.3	8	4.1	10	6.5
PhD researchers							52	-	66	-	67	-	66	-
Total academic staff (ex. PhD)	161	40.3	163	44.5	162	45.3	127	29.7	123	30.0	118	32.1	108	30.8

Note 1 SEP 2009-2015:

Tenured: professor, associate professor and assistant professor with employment status

Non-tenured: scientific researcher, junior lecturer or post-doc

PhD researchers with employment status

Note 2 SEP 2015-2021:

Scientific staff: tenured and non-tenured staff, excluding post-doc and scientific researcher.

Standard PhD researchers: with employment status

Contracted PhD researchers: externally and internally funded but not employed

### Research funding at Faculty level

ESL in K€	2009	2010	2011	2012	2013	2014	2015
Funding	€	€	€	€	€	€	€
Direct funding education	10.345	10.351	11.310	11.595	12.241	13.676	13.542
Direct funding research (1)	5.479	5.518	5.840	5.626	6.512	6.740	6.584
Special funding research EUR (4)	47	285	371	379	397	444	567
Special funding education EUR	0	0	151	1.369	1.570	905	262
Subtotal direct funding	15.871	16.154	17.672	18.969	20.720	21.765	20.955
Research grants (2)	830	924	811	560	655	635	648
Contract research (3)	716	883	935	1.344	1.309	718	565
Other (education)	3.941	3.358	3.536	2.605	2.615	2.260	2.267
Total funding research	7.072	7.610	7.957	7.909	8.873	8.537	8.364
Total funding	21.358	21.319	22.954	23.748	25.299	25.378	24.435
Expenditure	€	€	€	€	€	€	€
Personnel costs education	7.808	7.892	7.992	8.055	8.139	8.223	8.391
Personnel costs research	5.746	6.067	6.206	6.121	6.151	6.182	6.492
Personnel costs other	4.632	4.643	4.806	4.883	5.600	5.820	5.002
Subtotal personnel costs	18.186	18.602	19.004	19.059	19.891	20.225	19.885
Other costs	3.965	3.710	3.558	3.541	3.590	4.192	4.763
Total expenditure	22.151	22.312	22.562	22.600	23.481	24.417	24.648

### In- and output statistics ESL PhD researchers (employed ( $\geq 0.8$ FTE) and contract) cohorts 2007-2012

Starting year	Enrolment		Output				Total			
	M	F	Graduated within 4 years (<31 Dec)	Graduated within 5 years (<31 Dec)	Graduated within 6 years (<31 Dec)	Graduated within 7 years (<31 Dec)	Total graduated	Not yet finished	Discontinued	Average months to defence
2007	8	4	3	7	9	9	9	2	1	49
2008	2	5	3	5	6	6	6	0	1	54
2009	6	3	2	3	4	4	4	2	3	52
2010	6	6	1	3	3	-	3	7	2	55
2011	4	6	2	1	-	-	3	7	0	48
2012	10	8	-	-	-	-	-	16	2	-
Total	36	32	11	21	22	19	25	34	9	51

Note 1: Cohorts T-3 until T-8 are included (for which success rates can be calculated).

Note 2: 2012 first year of Erasmus Graduate School of Law (EGSL).

Note 3: 8 part time PhD researchers not included in this SEP table.

### Research output at Faculty level

Faculty research output	2009	2010	2011	2012	2013	2014	2015
PhD theses	16	12	27	24	17	21	23
Academic International							
Refereed articles	76	92	90	75	85	73	80
Non-refereed articles	4	2	7	8	13	15	10
Books & reports	7	7	9	22	22	13	7
Book chapters	85	96	103	97	96	62	53
International total	172	197	209	202	216	163	150
Academic Dutch							
Refereed articles	66	76	91	75	86	63	56
Non-refereed articles	65	53	49	51	45	45	29
Books & reports	30	15	20	24	32	18	19
Book chapters	63	87	79	88	104	35	37
Dutch total	224	231	239	238	267	161	141
Academic total	396	428	448	440	483	324	291
Professional							
Articles	159	169	131	159	156	147	111
Books & Reports	14	17	19	20	17	11	27
Book chapters	91	56	79	58	84	45	41
Annotations	104	141	178	168	189	161	146
Professional total	368	383	407	405	446	364	325
Academic & professional total	764	811	855	845	929	688	616
Other							
Editorships	34	31	68	55	61	35	20
Lectures	69	120	266	249	284	227	275
Scientific Positions	17	16	28	44	51	33	23
Media Appearances	18	16	32	32	30	32	45
Other output	85	113	185	149	91	90	89
Other total	223	296	579	529	517	417	452
Grand total	987	1107	1434	1374	1446	1105	1068

Note 1: See Appendix 9 for the list of refereed journals.

Note 2: Non Dutch articles in Dutch journals are classified as Dutch publications.

Note 3: Some underreporting may occur in the category 'other output'.