

Evaluation report for the research review of the

Erasmus School of Law

at

Erasmus University Rotterdam

for the period 2016-2021

Research review according to the
Strategy Evaluation protocol 2021-2027

February 2023



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Preface

This report presents the findings of the research assessment committee for Erasmus School of Law, following a site visit in November 2022. The committee read the school's self-evaluation report with interest and gained a deeper understanding of the research ambitions and the organisational structure supporting it during the two days of interviews with staff members. Erasmus School of Law has adopted a new departmental structure aimed at creating new synergies between different fields of law and interdisciplinary research. This new structure lends support to a vibrant research community. The committee was impressed by the quality of the research carried out at the school and the enthusiasm of researchers who have expressly chosen ESL as the home for their research.

The committee's findings address the strengths of the school, such as its leading position in 'law in context' research and its position as a frontrunner in creating a diverse and inclusive academic community. The report also contains a number of

recommendations for the future, that we hope will be of service in consolidating the research initiatives currently being developed within the new governance structure.

As chair, I owe a debt of gratitude to the other committee members for their collaboration. They are, in alphabetical order, Pauline Jacobs, Rowin Jansen, Daan Molenaar, Edoardo Traversa and Ellen Vos. I would also like to express my thanks to the secretary of the committee, Meg van Bogaert, whose guidance and coordination were of invaluable importance throughout the assessment.

We hope that this report can serve as a reflection on Erasmus School of Law's current research, and that it provides markers for future directions.

Professor Vanessa Mak
Committee chair
December 2022

I. Introduction

Scope of the assessment

The Executive Board of Erasmus University Rotterdam (EUR) commissioned a review in 2022 of the research conducted in the Erasmus School of Law. The review is part of the regular six-year quality assurance cycle of the university; it is intended to monitor and improve the quality of the research and fulfil the duty of accountability towards government and society. The quality assessment in this report is based on the assessment system in the Strategy Evaluation Protocol for Public Research Organisations 2021-2027 (SEP, appendix 1), drawn up by the Universities of the Netherlands, the Netherlands Organisation for Scientific Research (NWO) and the Royal Netherlands Academy of Arts and Sciences (KNAW).

The review committee

The Executive Board of the EUR appointed a review committee (hereafter: committee) of external peers, including a mid-career researcher, a (recently graduated) PhD candidate and a societal stakeholder's representative. The committee consisted of:

- Prof. Vanessa Mak (chair), professor of Civil Law, Leiden University;
- Prof. Edoardo Traversa, professor of Tax Law and European Law, UCLouvain, Belgium;
- Prof. Ellen Vos, professor of European Union Law, Maastricht University;
- Mr. dr. Pauline Jacobs, assistant professor of Criminal Law and Criminal Procedure, Utrecht University;
- Mr. Rowin Jansen, PhD researcher at the Interdisciplinary Hub for Digitalisation and Society, Radboud University;
- Mr. Daan Molenaar, Director Inspection and Enforcement, DCMR, Milieudienst Rijnmond.

Dr. Meg van Bogaert was appointed as independent secretary to the committee. Members of the committee signed a declaration and disclosure form to the effect that they would

judge without bias, personal preference, or personal interest, and their judgement would be made without undue influence from the school, the departments or other stakeholders. Any existing professional relationships between committee members and programmes under review were disclosed prior to the site visit. The committee concluded that there was no risk in terms of bias or undue influence.

Assessment criteria

The Strategy Evaluation Protocol 2021-2027 ('SEP') was the starting point for the committee's review. This protocol describes the aims and methods used to assess publicly funded research in the Netherlands.

SEP 2021-2027 identifies three main assessment criteria: (1) research quality, (2) relevance to society and (3) viability. Furthermore, SEP asks committees to take four specific aspects into account when assessing the three central criteria. These are: (1) Open Science, (2) PhD Policy and Training, (3) Academic Culture and (4) Human Resources Policy.



In addition to the guidelines and criteria suggested by the Strategy Evaluation Protocol, the committee considered the Terms of Reference issued by the Executive Board of the university. In this document additional questions were formulated with the request to the committee to take these into consideration:

1. How does the research conducted at the faculty contribute to the research profile that Erasmus School of Law strives for?
2. To what extent do the measures in talent management and in research infrastructure contribute to strengthening the research culture?
- 3a. To what extent does Erasmus School of Law succeed in showcasing the impact driven nature and the relevance of its research?
- 3b. How does Erasmus School of Law succeed in further embedding research insights in (master) education?
4. How does Erasmus Graduate School of Law balance and maintain the inflow of new PhD candidates, quality assurance, and further stimulating healthy PhD practices?

In this report, the committee includes most of these questions in its findings. Only question 3b cannot be answered by the committee. The conversation about (master's) education has not been conducted sufficiently to address the embedding of research insights in the (master) education.

Documentation

The committee received detailed documentation consisting of:

- Self-evaluation reports 2016-2021, including appendices;

- Strategy Evaluation Protocol 2021-2027;
- Discipline protocol 2022.

Furthermore, the committee had access to a companion website with additional information and documentation.

Working method

The site visit took place in Rotterdam on 9, 10 and 11 November 2022. The schedule for the site visit is included in appendix 2. Prior to the site visit, the committee members were asked to read the documents provided above and formulate questions for the interviews. In an online kick-off meeting, one week prior to the site visit, the committee agreed upon procedural matters. At the start of the site visit the committee discussed its preliminary findings.

During the site visit, the committee met with representatives of the school and programmes and discussed its findings. To conclude the site visit, the committee chair presented the main preliminary conclusions.

After the site visit, the chair and the secretary drafted a first version of the committee report, based on the assessments drawn up by the committee members. It describes the findings, conclusions, and recommendations of the committee. This draft report was circulated to the committee for all members to comment on. Subsequently, the draft report was presented to the Erasmus School of Law for factual corrections and comments. After considering this feedback in close consultation with the chair and other committee members, the secretary finalised the report. The final report was presented to the Executive Board of the university and the faculty board of the Erasmus School of Law. The report was completed on 22 February 2023.

II. Erasmus School of Law

Organisational structure

ESL has just undergone a major revision of its governance structure. During the evaluation period, ESL was organised in eleven departments (sections) and research was embedded in five research programmes. Early 2022, the organisational structure was reformed into four departments (started early 2022) in order to make its structure leaner and to further stimulate substantive and methodological cross-fertilisation between researchers. In addition, there are several cross-cutting major research lines, including two National Sector Plan projects and an EUR-wide initiative. The four departments are:

- Law & Business;
- Law & Markets;
- Law, Society & Crime;
- Law & Tax.

The wide acceptance of the departmental structure within the school is in part due to the careful process that preceded its introduction; this is to be commended. Since the current departmental structure was introduced less than a year ago, it is difficult for the committee to give substantiated feedback on the effects and impact. Nevertheless, the committee would like to share its observations and reflections that ESL could use when further monitoring the functioning of the new structure in the upcoming period.

The first comment concerns the names of the four departments. The committee wonders if the names sufficiently cover the research that is actually being performed within each department. More specifically, based on the names it is difficult to make a distinction between Law & Business and Law & Markets. Further, those names seem not to do justice to part of the research carried out in these departments, such as in the fields of legal theory and legal philosophy, constitutional and administrative law or labour law. The committee recommends rethinking the names of these departments, in order to make more visible the institutional and human dimension of legal sciences, for example changing them to Law, Business & People and Law, Institutions & Markets.

The committee is positive about the level of interaction between the (heads of) departments and the school (vice dean of research), e.g., regular meetings are organised. Also, the committee establishes that most researchers seem happy with the new structure and support the changes that were made. They clearly feel at home within one of the four new departments. Those who do not fit seamlessly within any of the four departments seem to have plenty of room to develop their own research focus. The committee does have questions about the level of interaction, collaboration and synergy between researchers, research groups and themes within departments, and between departments and with the horizontal research lines. The committee recommends promoting more cohesion and cooperation within and between departments. One could hereby think of organising an annual research day as an effective way to create interaction within and between departments. The biennial professors' day was also mentioned as an instrument to coordinate research between departments. While this is a great start, the committee thinks that attention to interdepartmental cooperation is also needed at other levels. ESL should be alert to the emergence of silos and avoid them wherever possible. On a practical level, more could be done with 'best practices' that have been developed in various departments in order to share them across the faculty. For example, experiences with external funding and maintaining independence, attracting entry-level lecturers from diverse backgrounds and research culture could be shared broader than is currently done.

To the committee, the position and role of the institutes and centres in the school is not clear. In combination with the departments and cross-cutting research lines, the organisational structure is complex and unclear. The committee suggests to critically review existing structures (what is their function, added value and embedding) and considering whether and how departments, institutes and centres are connected and fit in the general overall organisational structure.

Mission and strategy

According to the self-evaluation report, the mission of ESL is to conduct innovative research in law, tax law, and criminology on the functions of law, its implementation, and its use in specific economic and social contexts. Law cannot be considered in isolation or as an end in itself but is embedded in the economic and societal context and the law itself shapes society and defines economic relationships. ESL states that purely doctrinal legal methods will in many cases not suffice to fully grasp the way in which the economic and social context shapes law and vice versa. As a result, in addition to classic methods of legal research, empirical research and economic analysis of law as well as multidisciplinary research are increasingly part of the research at ESL. In 2017, ESL updated its strategic priorities and measures to the following:

1. Catalysts in developing the research profile;
2. Impact-driven research and research-based education;
3. External research funding;
4. A home for leaders in research and cherishing research talent;
5. Infrastructure for academic culture and open science;
6. Centre of Excellence for the education of the next generation of researchers.

The ESL research profile is 'Studying law in its economic and social context', while the motto is 'Where law meets business'. The renewed organisational structure and governance explicitly leave freedom to the departments and the individual researchers to develop initiatives and bottom-up research. At the same time, research should preferably stay within the ESL profile. Hence, the profile is important in the hiring policy of new research staff, for cross-departmental research projects and for the positioning of ESL in relation to other Dutch law faculties. In meetings with the committee, representatives of ESL indicated that the clear profile actually attracts researchers with matching profiles. As a result, research forms a unity without being top-down driven.

According to the committee, ESL has set a clear profile and aims to do research in an economic and social context. The committee appreciates

the balance between freedom and the setting of frameworks at all levels. The profile seems to work and helps to attract research staff that recognise their own research profiles and ambitions in the specific ESL themes. One minor remark by the committee concerns the Sustainable Development Goals (SDGs), that are mentioned in the self evaluation report. Although some examples are given of research related to SDGs, no clear elaboration is found on the strategy or objectives on SDG that ESL aims to pursue. This leads the committee to question the extent to which the SDGs were actually integrated into the research and exactly what role the SDGs play in the ambitions of ESL.

HR policy

Talent management

Although often informal, future perspectives are already discussed at the PhD level. PhD candidates informed the committee that prior to finalising their thesis, supervisors ask about their future plans and if those involve staying in academia (and at ESL). To the committee it remains unclear if any training is provided that helps to guide PhD candidates in deciding about their future careers.

Based on the interviews, the committee concludes that it is not always clear to the groups of assistant professors and associate professors what is expected of them, including the promotion criteria to the next level. By providing transparency and clarity, clear frameworks should be established, and ESL is recommended to look for a balance between transparent guidelines and custom-made opportunities for individual researchers. ESL is working on the implementation of the *Recognition & Reward* initiative, which is currently being completed in an operational framework. It offers opportunities for differentiated job profiles. Starting at the assistant professor level, ESL indicates that it offers custom-made career development. Although the committee appreciates the initiative of custom-made opportunities, there is a risk of arbitrariness and lack of transparency.

The HR-policy for the upcoming years focuses on

the employee 'in the driver's seat'. The committee notes that the guidance by coaches (at least twice per year) has attractive sides, e.g., control and autonomy lie with the employee. At the same time, the committee sees potential drawbacks, especially the fact that the responsibility lies entirely with the researcher and the coach is only advisory. To the committee it remains unclear what the role of the coach is in the more formal aspects of the researcher's career, in what way the department head receives information on the various researchers, and if it is sufficient to form a judgement on promotion. Finally, the committee sees a vulnerability in the system if the employees themselves have to arrange matters with the department head and wonder if, how and when the coach is involved. The committee recommends ESL to take these concerns and risks into account in the further development of the plans.

In conclusion, the committee notices that ESL is actively considering implementing the Recognition & Reward initiative. Customisation is emphasised, while at the same time criteria have been established. This is a positive development, although the committee notes that the informal circuit still dominates, and the criteria are not (yet) perceived as clear by everyone. In practice, this does not lead to major problems as yet, partly because of labour market shortages. Nevertheless, to further strengthen the research culture, the committee recommends paying attention to providing clarity and transparency to (young) researchers and including them in the process of HR policy.

Workload

Like in many other law schools in the Netherlands, the workload at ESL is high. The tension between research and teaching leads to the necessary peak load, for example when someone with specific expertise drops out and Dutch-language teaching has to be taken over. The ESL board indicates that in cases where colleagues take over the teaching this is very much appreciated and that this is compensated for. At the same time, the committee notes that not all staff members

recognise and feel this is the case.

For some subject areas, the labour market is very tight, resulting in vacancies and therefore further increase in workload. This means the school needs to be creative and make effective use of its own network. ESL also aims to conclude permanent contracts more often and more quickly, in line with the collective labour agreement for universities. ESL cannot compete with law firms on the basis of salary, so it is working to facilitate sufficient research time for researchers. This seems a logical approach, although ESL should prevent teaching obligations from encroaching on research time.

Diversity

Diversity management is certainly one of the strengths of ESL. It is reflected in the management structure, such as the presence of a diversity council, and the appointment of an active diversity officer. Moreover, attention to diversity seems to be embedded in the research and teaching practices. This does not mean that ESL already has a diverse staff in all areas but the school is already further ahead in thinking and actions and developing action plans than many other law faculties in the Netherlands.

Diversity at universities has various dimensions. An important dimension is gender diversity. The committee establishes that women are represented at all career levels, and even at the most senior levels, the percentage of women exceeds the targets. Informal initiatives, such as a women's network play a significant role in bringing gender diversity issues on the agenda. The second dimension that was discussed during the site visit, was cultural diversity. PhD candidates, as well as post docs, and assistant professors come from quite different geographical areas (European and outside). Even at the level of associate professors and professors, there is a great (European) diversity. The committee is impressed by the efforts ESL makes to work on social diversity, focusing in particular on first generation students. Further reflection could be undertaken as regards specific actions to stimulate first-generation students into a research

career. The mentoring programme is a promising initiative. The use of entry-level teaching positions as steppingstones towards a PhD trajectory ('WD-plus positions') is also promising. In that regard, the committee recommends that best practices with regard to such positions are shared more structurally across departments.

Since diversity management is well developed within the school, the committee is of the opinion that it should be more visible from to the outside world that this is a priority. It could contribute to making the school even more attractive for diverse groups of prospective students and staff. Furthermore, active contribution to promoting effective diversity should be part of the talent management and be recognised in the career assessment.

The committee appreciates that some research topics already reflect diversity concerns, e.g., in criminology or within the inclusive prosperity programme. Impact on gender, cultural and social diversity should be one of the criteria systematically weighted in the selection of research topics.

Research quality

It is not easy to define what good quality research is in the broad discipline of law. In the self-assessment report ESL describes that the quality of the research is discussed between the researchers and their supervisors and is related to the contribution to the body of scientific knowledge. Furthermore, a journal list has been adopted, which serves to coach young researchers when developing a research plan and publication strategy. ESL is not the first law school to introduce a journal list and the committee is curious to see what effects it has. Even though it was clearly expressed that this list is a guideline rather than an assessment tool, there is a risk that such a list will limit researchers' choice of outlet. Researchers, in particularly those who are still climbing up the academic career ladder, may interpret it as a mandatory list on which to focus their publications. It is important therefore to keep emphasizing the status of the list as a

guideline. Good research can lead to impact and should be published, if needed in specialist or less mainstream journals. That said, the committee is positive about how Recognition & Reward developments are reflected in the assessment of research quality. As an example, the committee mentions impact; it is accepted if extensive media performance or socially relevant publications (for policymakers) result in someone having fewer scientific publications.

Despite the challenge of defining research quality in the broad discipline of law, the committee considers ESL to be performing very well across the board with a number of researchers and research lines standing out as excellent. The committee observes a consistent and positive trend since the last site visit with ESL constantly performing high quality research. The interviews revealed, for example, impressive research on organized crime, access to justice research, and corporate law and sustainability. The excellent academic reputation of several top researchers was translated into the awarding of prestigious research grants (ERC, VICI) and awards and memberships (KNAW member, young Erasmus Academy). The high quality of the research is not limited to the national level, but several groups and research lines are internationally competitive and even world-leading. By the introduction of the four sections, ESL is able to even better address issues of importance in the discipline of law, building on its interdisciplinary expertise.

Academic culture

The atmosphere within ESL seems good and inspiring; the researchers the committee met were all well able to explain their reasons for joining and staying at the school. Researchers feel the freedom to conduct research based on their own interests and motivation. This does not mean that there is no collectivity. On the contrary, researchers indicate that the ESL motto – 'Where Law meets Business' – is an important reason for working there. Of course, points for improvement were also mentioned, including the lack of clarity of the criteria for promotion, but also the great responsibility placed on individual researchers for

this. Based on the interviews, the committee concludes that there is a good research climate. The bottom-up approach to research contributes to this. Satisfied and enthusiastic researchers feel sufficient freedom to make their own choices within the frameworks provided.

Collaborations and partnerships

ESL has the ambition to collaborate with external partners. The committee fully supports this ambition although it would have expected a more proactive policy; dealing with questions such as with whom does ESL want to work as partners, what kind of financing and how is independence secured.

Important for school policy, research coherence and internal collaboration, are the cross-cutting research lines. The committee finds that the coordinators of these research lines see their role as involving all researchers from their own research perspective, with the aim of integrating that into the research line. The coordinators take an active role in encouraging everyone to participate. According to the committee, this is reflected in the increasing degree of multi- and interdisciplinary research.

As for international partnerships, the committee recommends the setting-up of a specific faculty committee for international relations, which would allow the elaboration and the regular monitoring of an international strategy.

Funding

At ESL, as at other Dutch law faculties, the sector plans have boosted research. The two horizontal lines of research from the sector plan run nicely across departments. The committee sees that they indeed bring together contributions from different departments. Looking ahead, ESL is considering which concrete plans to adopt for the structural embedding of the sector plan funds. These plans have not been publicly shared and the committee did not obtain specific details during the interviews, but understands that the Board of ESL intends to continue a number of staff positions created as part of the sector plans. ESL is

increasingly focusing on larger research initiatives, e.g. through NWO, with sector plan themes returning more frequently. It may still be early to have very concrete plans, but the committee encourages ESL to include this issue in its strategic considerations.

Within ESL, there is also an increasing focus on supporting researchers who want to submit applications for second stream funding. Besides professors who can function as coaches, there is also concrete support from the faculty support staff and from the central EUR level. Researchers who spoke to the committee were positive about the administrative support they receive, especially for large EU applications. The service is embedded in the faculty, making customisation possible. As yet, there is no visible increase in second-stream funding, but the committee believes that the school has a good overview of which (young) researchers may be eligible for certain grants and that sufficient support is provided.

Relevance to Society

To the committee it is clear that the relevance to society has always been and still is at the forefront of the research at ESL. Already in the 1960s, when the school was founded, the societal and economic context of the law was at the centre point of research and education at the EUR. This is furthermore reflected in ESL's motto: 'Where law meets business'.

In one of the interviews during the site visit, it was pointed out that the connection between society, impact and research is a unique selling point in the recruitment of new researchers. ESL's proximity to practice, business and society is considered important by a substantial proportion of researchers. Although impact is not yet formally a criterion, department heads informed the committee that it is encouraged and welcomed to pursue research with societal impact and that it will be an explicit and formal part of the Recognition & Reward initiative. The department heads also rightly mention in the interview that impact starts with high quality research and that within a department and within

ESL, there should be a balance between scientific and societal impact. According to the committee, this might indicate that team functioning as well as impact should be part of the Recognition & Reward initiative.

Societal relevance is defined by ESL in a number of indicators, listed in the self assessment report. Output has been defined as books, articles, and reports but also media appearances. Impact is measured by contract research, research products used in education and references in case law and policy making. Marks of recognition are secondary appointments, membership of governmental advisory committees and civil society organisations. Also taken into consideration are PhD alumni working outside academia and societal prizes. The ESL provides numerous examples and scores on all these indicators in its self-assessment report. According to the committee, the emphasis on contract research, media impact and memberships of external committees and organisation have a strongly enhancing effect on the relevance to society.

Overall, the results are impressive when it comes to relevance and impact. Given the deeply rooted society-oriented culture within ESL faculty, this does not come as a surprise. Nevertheless, it is clear to the committee that ESL is keeping up with its reputation. The narratives on the specific research cases provided in the self assessment are compelling. They provide a clear insight into how the researchers contribute to society and to the school's profile, e.g., with regard to content, partnership and impact through media outlets and scientific journals.

Integrity

Impact is important for ESL, which explicitly seeks cooperation with third parties. The committee notices that the research at ESL is indeed strongly connected with actual and relevant topics in society and government. The intertwinement is strong, on occasions so strong that it might evoke questions about the scientific independence of the research. A key point of attention is the scientific integrity and independence of studies (co)financed by other organisations, such as

Ahold. The committee was reassured in the various discussions that the school is well aware of risks, thinks carefully about how to formalise and frame the collaboration and has some experience with this kind of collaboration. Erasmus-wide, there is also a strict policy for the contract phase. This leads to the conclusion that the issue is dealt with in a transparent and firm manner.

One important aspect that may deserve more attention is the continuous monitoring of the agreements made. Especially when young researchers participate in such projects, it is important to ensure their independent status not only beforehand, but also during the entire process. Also, the ethical research committee has by now become an integral part of the process of establishing partnerships. The committee suggests that this research committee may also have a role to play in the monitoring of the projects. Expertise about how to monitor is present at the university and the school, e.g. among the criminologists, but could be better shared. The school might want to have a broad internal discussion about the (un)desirability and risks of this kind of financing structure.

Open science

Open science is an important objective for all research that is performed at Dutch universities. As is common, the ESL has an open science policy and supports its researchers when dilemmas are encountered. Education in this area is part of the training programme within the ESL.

For open access publications in law, the struggle lies with publishing houses. The EUR provides legal advice in this area in individual cases. The committee embraces the suggestion that faculties across the country might combine forces to deal with this challenge.

Viability

In its self-evaluation report, ESL identifies a number of issues that it wants to work on in the (near) future. In the following paragraphs, the committee will briefly reflect on these issues.

Apart from this, the committee is convinced that ESL's performance in the evaluation period offers every confidence in a bright future. For instance, the committee notes that there is outstanding research quality, a clear mission and motto and that the school employs good researchers with an eye for impact in addition to scientific quality. There are challenges and hurdles, but ESL is well aware of them and is actively working on solutions.

Throughout the site visit, the questions formulated by the committee based on the self-assessment report were answered. ESL was able to provide good examples on, for example, contracts with commercial parties and diversity issues. This gives the impression that initiatives and developments are well considered. At the same time, the committee noted that some issues within ESL are addressed and solved in parallel, without knowledge and expertise being shared between departments. This is a missed opportunity, and the committee therefore advises ESL to look for a structured way to share best practices within ESL – and even with other EUR schools.

During the review period, ESL worked hard on several initiatives. A major change is the new organisational structure introduced since the beginning of 2022. The aim is to make the school leaner, but above all to foster more cross-collaboration and become future-proof. The committee fully supports these objectives, but thinks it is too early to conclude that these goals are being realised. ESL itself also indicates that there are still steps to be taken. As far as the committee is concerned, it is therefore very important to monitor, evaluate and - where necessary - adjust properly in the coming period.

With diversification and tailor-made career developments leading to individual tracks, ESL works on talent management according to the Recognition & Reward initiative. The interviews revealed that there are concrete ideas among the ESL management on how to implement multiple career paths. The committee finds these developments encouraging, although again it

notes that it is still too early to judge the impact and effectiveness of the plans. So again, the committee recommends close monitoring and evaluation of the implementation of the plans. One explicit point of attention the committee would like to mention is the active involvement of researchers from the various groups, such as postdocs, assistant professors, and associate professors. These are the researchers who are still building their academic careers and – more than senior researchers – will feel the consequences and impact of the changes, both positive and negative.

While ESL rightly indicates that there is room for improvement, the committee believes that the school already is doing well on diversity in its research staff. Within EUR, but also compared to other law faculties in the Netherlands, ESL does well in terms of gender diversity, with high percentages of women at all career levels. More broadly, diversity is also a focus area that is being actively pursued. Although there are certainly still steps to be taken, the committee thinks ESL is a frontrunner and an example of how to tackle diversity issues.

Societal relevance and impact are already a strength of ESL, but the school has even more ambitions, for example to more actively pursue third-party funded contracts. The committee notes that attention is paid to the independence of researchers in the drafting of contracts. It is important to ensure this independent status also during the carrying out of the projects.

In the future, ESL aims to further expand its outward focus, through participation in consortia, EUR initiatives and in collaboration with TU Delft and Leiden University. This is an effective way to strengthen the research and validate it externally. According to the committee, it is important in this respect to be able to substantiate – for example, by means of a strategic plan – how these developments contribute to ESL's own mission, vision, and strategy.

Finally, one of the issues the committee did not get a good grip on was the high workload. It is indicated in the self-assessment report that the

workload is high, and this was confirmed in the interviews. At the same time, the topic is made minor by the representatives the committee talked to, as if it is not particularly important. The committee thinks that the increasing tightness on the labour market could lead to an inability to fill vacancies and thus further increase the workload. It is important that ESL considers how to deal with further increases in workload. The committee recommends to develop internal indicators to gauge the collective and individual workload of faculty members and institutionalising compensation mechanisms for extra work (monetary or non-monetary, such reduction of obligations in the following year or, for permanent staff, the possibility to take a research leave for one semester or a whole year).

Erasmus Graduate School of Law (EGSL)

In terms of PhD policy, considerable strides seem to have been made by EGSL, especially in terms of investing in an education/training programme. This is evidenced not only by specific (national) discussions, but especially by solid supervision of PhDs. PhD candidates seem happy and motivated; no structural problems became known during the interviews.

Recruitment

EGSL does a lot to recruit new PhD candidates (e.g. by involving candidates early in research activities through student assistantships and a form of tutorship for first-generation students). There is undoubtedly inflow potential in the research master's programme in Law, but this was not discussed during the site visit. Involving the research master's students as actively as possible seems sensible and useful regarding the recruitment of new PhD candidates.

A psychological assessment test is part of the recruitment of PhD candidates and other scientific employees. Its purpose is to identify personality and character traits and also to see whether there is a match with the intended supervisors.

However, it is not entirely clear to the committee how thorough or probing this assessment is, what the role of the assessment results is in the recruitment process and whether a particular assessment result can lead to a negative outcome of the procedure.

Training programme

EGSL underwent a professionalisation process in the evaluation period. A major change was the reduction of the training programme from 60 to 28 EC, although this change is due to deletion of the part already reserved for drafting the thesis. In terms of courses, most has remained the same. In current curriculum, the committee believes there is adequate consideration of methods (pluralism), interdisciplinarity and scientific integrity. The committee furthermore appreciates the courses 'Managing your PhD' and 'Communicate your PhD research'. According to the PhD candidates the committee interviewed, part of the first course emphasises 'managing your supervisor' and the second course is in line with the school's and university's mission: impact. Besides compulsory courses, there are optional courses being offered, including courses focused on empiricism. It is also possible to take courses elsewhere in that context, for example at the Netherlands Network for Human Rights Research NNHRR, other law schools or other EUR graduate schools.

EGSL's programme seems relevant and challenging – it looks sufficiently heavy, but not too heavy to be completed alongside doctoral work. There is the necessary attention to both content (methodology) and process (trajectory, contact with supervisor, etc.).

PhD supervision

With regard to supervision, the rule is that each PhD candidate has at least two supervisors. Often, there is also a daily supervisor. Situations with more supervisors occur. Each PhD track (including those of external PhD candidates) is monitored by a doctoral committee, which includes at least the (co-)supervisors, a representative of the EGSL and

an external member with specialist knowledge. The members of this committee may not also serve on the reading or dissertation committee. This ensures the independent assessment of the scientific quality of the thesis. The doctoral committee takes the go/no go decision and subsequently meets periodically with the PhD candidate to discuss the progress and quality of the research.

According to the committee, the doctoral committee is a best practice, ensuring the quality of research throughout the process. Its members function as advisers and enquirers. PhD candidates find its existence useful and beneficial. The advantage of this structure is that PhD candidates are not solely dependent on their supervisor(s) but can discuss any concerns and dilemmas with a wider group of stakeholders. The committee suggests that the structure of doctoral committees might also be used as an opportunity for creating a network throughout the PhD project.

The number of supervision moments varies from one PhD candidate to another. This is justifiable and understandable, as it depends on the wishes of the PhD candidate and the supervisor. The minimum agreements are laid down at the beginning of the PhD trajectory in the Training and Supervision Plan (TSP). There does not seem to be a mandatory number of supervision moments. The committee's question is to what extent this is necessary or desirable, given that PhD candidates can turn to a wider group of stakeholders with their questions (doctoral committee). Of course, it is important to make mutual expectations as explicit as possible at the beginning of the process.

There are university and faculty confidants. PhD candidates find their way to these persons when necessary. In addition, there are other points of contact within the faculty, to which PhD candidates can turn if required.

In some disciplines, it is not unusual for a supervisor and a PhD candidate to jointly publish a scientific contribution. Although not actively

encouraged, the school allows such duo publications as part of an article based dissertation, as it serves two purposes and can benefit the quality of the publication. Moreover, the doctoral regulations require the PhD candidate to be first author. However, duo publication not only has advantages, but can also bring challenges for the PhD candidate. From the interviews, discussions have sometimes arisen about who is first and who is second author. The confidential advisors were involved in some cases to resolve issues. It is good that such a solution is possible, although to avoid later discussions as much as possible, it is vital to clearly communicate to the PhD candidate the EUR PhD regulations, and make clear agreements between PhD candidate and supervisor in advance. It should be clear to a thesis committee exactly which parts of the text were written by the PhD candidate, and which were not.

The committee also notes that several activities around 'Healthy PhD Practices' have already been set up at ESL, some of them with a national character. Having a discussion about this by means of an exchange of experiences and thoughts is important. The form in which this has taken place so far (symposia, with smaller sessions) is suitable and appealing for this purpose.

Teaching

For not all PhD candidates, teaching is part of their contract. Some do want to teach, partly because teaching experience is important for further academic careers. It seems that the faculty is taking notice and increasingly trying to facilitate this. The committee encourages paying increased attention to the possibilities for PhD candidates to teach. An important precondition here, however, is that teaching should always be on a voluntary basis.

Career prospects

Towards the end of the PhD trajectory, it is useful to start a proactive discussion with the PhD candidate about (academic) career possibilities. Coaching on the post-doctoral period is pleasant

for the PhD candidates and good in the context of talent retention for the school. However, as many PhDs will find careers outside academia, it is equally important to give orientation and preparation for such careers.

External PhD candidates

External PhD candidates follow a separate training programme, which is entirely digital. That programme is lighter in terms of the number of ECs, but if preferred, external PhD candidates may

also join courses taking place on campus.

External PhD candidates are quite firmly embedded in the school, according to the committee. For instance, their research plans are reviewed and monitored by the doctoral committee; the trajectory is limited in terms of duration, in principle lasting six years. Overall, the committee is positive about the registration and monitoring of external PhD candidates. Other law faculties in the Netherlands can learn from this.

Recommendations

The committee provides several suggestions in this report. This section reiterates the main recommendations. The committee emphasises that these recommendations should be seen as further improvements to the high-quality research that is already being performed. The committee also compliments the good working atmosphere, great care for PhD candidates and the outstanding diversity policy. Finally, the committee sees that the ESL's new structure offers opportunities for further profiling of research.

The recommendations by the committee are:

- The committee recommends reconsidering the naming of some departments. The overlap in names makes distinction difficult and also the naming does not seem to cover the research conducted well.
- The committee recommends promoting more cohesion and cooperation within and between departments. One could hereby think of organising an annual research day as an effective way to create interaction within and between departments.
- The committee recommends to critically reviewing existing structures (what is their function, added value and embedding) and considering whether and how departments, institutes and centres are connected and fit in the general overall organisational structure.
- A minor point of concern relates to internationalisation and international partnerships. Setting up an ESL-wide international relations committee could strengthen international strategy and outreach.
- During the site visit, best practices emerged in dealing with challenges faced by multiple departments. By increasingly and consciously sharing these best practices across departmental boundaries, each department does not have to reinvent the wheel. For example,

how best to deal with independence in third-stream research funding.

- Like other law faculties, the workload is high, which will be further exacerbated by increasing tightness in the labour market. The committee recommends developing internal indicators to gauge the collective and individual workload of faculty members and institutionalising compensation mechanisms for extra work (monetary or non-monetary, such as a reduction of obligations in the following year or, for permanent staff, the possibility to take research leave for one semester or a whole year).
- ESL is actively working on a well-functioning HR policy. The committee thinks this policy could be sharpened on aspects, e.g. division of responsibilities between coach and department head, transparency regarding career opportunities for assistant professors and PhD candidates. By providing clear frameworks, a balance between transparent guidelines and custom-made opportunities for individual researchers can be obtained. The committee is positive about the ambitions for implementing different career paths although it is too early to assess the impact and effectiveness. The committee therefore recommends close monitoring and evaluation of the implementation of the plans.

Appendices

Appendix 1: The SEP 2021-2027 Criteria and Categories

The committee was requested to assess the quality of research conducted by the UHS as well as to offer recommendations to improve the quality of research and the strategy of the UHS. The committee was requested to carry out the assessment according to the guidelines specified in the Strategy Evaluation Protocol. The evaluation included a backward-looking and a forward-looking component. Specifically, the committee was asked to judge the performance of the unit on the main assessment criteria and offer its written conclusions as well as recommendations based on considerations and arguments. The main assessment criteria are:

- 1) **Research Quality:** the quality of the unit's research over the past six-year period is assessed in its international, national or – where appropriate – regional context. The assessment committee does so by assessing a research unit in light of its own aims and strategy. Central in this assessment are the contributions to the body of scientific knowledge. The assessment committee reflects on the quality and scientific relevance of the research. Moreover, the academic reputation and leadership within the field is assessed. The committee's assessment is grounded in a narrative argument and supported by evidence of the scientific achievements of the unit in the context of the national or international research field, as appropriate to the specific claims made in the narrative.
- 2) **Societal Relevance:** the societal relevance of the unit's research in terms of impact, public engagement and uptake of the unit's research is assessed in economic, social, cultural, educational or any other terms that may be relevant. Societal impact may often take longer to become apparent. Societal impact that became evident in the past six years may therefore well be due to research done by the unit long before. The assessment committee reflects on societal relevance by assessing a research unit's accomplishments in light of its

own aims and strategy. The assessment committee also reflects, where applicable, on the teaching-research nexus. The assessment is grounded in a narrative argument that describes the key research findings and their implications, while it also includes evidence for the societal relevance in terms of impact and engagement of the research unit.

- 3) **Viability of the Unit:** the extent to which the research unit's goals for the coming six-year period remain scientifically and societally relevant is assessed. It is also assessed whether its aims and strategy as well as the foresight of its leadership and its overall management are optimal to attain these goals. Finally, it is assessed whether the plans and resources are adequate to implement this strategy. The assessment committee also reflects on the viability of the research unit in relation to the expected developments in the field and societal developments as well as on the wider institutional context of the research unit.

During the evaluation of these criteria, the assessment committee was asked to incorporate four specific aspects. These aspects were included, as they are becoming increasingly important in the current scientific context and help to shape the past as well as future quality of the research unit. These four aspects relate to how the unit organises and actually performs its research, how it is composed in terms of leadership and personnel, and how the unit is being run on a daily basis. These aspects are as follows:

- 4) **Open Science:** availability of research output, reuse of data, involvement of societal stakeholders.
- 5) **PhD Policy and Training:** supervision and instruction of PhD candidates.
- 6) **Academic Culture:** openness, (social) safety and inclusivity; and research integrity.
- 7) **Human Resources Policy:** diversity and talent management.

Appendix 2: Programme of the site visit

Wednesday, 9 November 2022

19:00 21:30 Dinner Committee and kick-off meeting

Thursday, 10 November 2022

08:30 08:45 Arrival and welcome at Erasmus School of Law

08:45 09:30 Preparatory Committee meeting

09:30 10:15 Meeting with Faculty Board

10:15 10:30 Break

10:30 12:00 Meeting with Portfolio holders research of the departments and former Directors of the research programmes

12:00 13:15 Lunch and Committee meeting

13:15 14:00 Meeting with (co)chairs of the major research initiatives PPI, ECELS, and DoIP

14:00 15:00 Meeting with Postdocs and Assistant Professors

15:00 15:30 Break

15:30 16:30 Meeting with senior researchers

16:30 17:30 Meeting with PhD researchers

17:30 18:00 Committee meeting

20:00 Dinner Committee

Friday, 11 November 2022

08:45 09:00 Arrival at Erasmus School of law

09:00 10:00 Thematic discussion about Recognition & Reward at Erasmus School of Law

10:00 10:15 Break

10:15 11:00 Meeting with Board of Erasmus Graduate School of Law

11:00 11:45 Committee meeting

11:45 12:30 Concluding conversation with Faculty Board

12:30 14:30 Committee meeting and lunch

14:30 14:45 Feedback by Chair / preliminary results

Appendix 3: Quantitative data

Table 1: Research staff in FTE

	2021		2020		2019		2018		2017		2016	
Funding:	kE	%	kE	%	kE	%	kE	%	kE	%	kE	%
Direct funding (1)	7.871	83,6%	7.260	84,4%	7.290	80,9%	7.507	81,9%	6.476	84,1%	6.712	86,7%
Research grants (2)	357	3,8%	80	0,9%	277	3,1%	203	2,2%	356	4,6%	429	5,5%
Contract research (3)	812	8,6%	909	10,6%	1.047	11,6%	1.089	11,9%	348	4,5%	131	1,7%
Other (4)	373	4,0%	348	4,0%	393	4,4%	368	4,0%	521	6,8%	471	6,1%
Total funding	9.413	100%	8.597	100%	9.007	100%	9.167	100%	7.701	100%	7.743	100%
Expenditure:												
Personnel costs (5)	8.215	89,2%	7.819	90,2%	6.582	79,3%	6.209	75,9%	5.772	74,1%	5.493	76,5%
Material costs (6)	666	7,2%	625	7,2%	1.037	12,5%	1.125	13,7%	1.205	15,5%	960	13,4%
Other costs (7)	330	3,6%	221	2,6%	685	8,2%	846	10,3%	815	10,5%	732	10,2%
Total expenditure	9.211	100%	8.665	100%	8.304	100%	8.180	100%	7.793	100%	7.185	100%

Note 1: Direct funding (basisfinanciering / lump-sum budget), calculated as 30% of total direct funding.
 Note 2: Research grants obtained in national scientific competition (e.g. grants from NWO and KNAW).
 Note 3: Research contracts for specific research projects obtained from external organisations, such as industry, government ministries, European organisations and charitable organisations.
 Note 4: Funds that do not fit into the other categories, calculated as 30% of other income.
 Note 5: 30% of total personnel costs.
 Note 6: 30% of total material costs.
 Note 7: 30% of total costs.

Table 2: funding in FTE

	2021		2020		2019		2018		2017		2016	
Funding:	kE	%	kE	%	kE	%	kE	%	kE	%	kE	%
Direct funding (1)	7.871	83,6%	7.260	84,4%	7.290	80,9%	7.507	81,9%	6.476	84,1%	6.712	86,7%
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 Note 5: 30% of total personnel costs.
 Note 6: 30% of total material costs.
 Note 7: 30% of total costs.

Table 3: Research output

YEAR KUOZ output type	2021				2020				2019				2018				2017				2016				TOTAL 2021-2016				GRAND
	Ac	Prof	Pop	Other	Ac	Prof	Pop	Other	Ac	Prof	Pop	Other	Ac	Prof	Pop	Other	Ac	Prof	Pop	Other	Ac	Prof	Pop	Other	Ac	Prof	Pop	Other	Total
A: 'Refereed' journal article	113	34			190	46			174	47			175	46			168	52			166	69			986	294	0	0	1280
B: 'Non-refereed' article	59	69	21		54	43	51		60	54	38		64	55	26		45	72	47		40	53	32		322	346	215	0	883
C: Book (authored)	19	10	0	0	20	6	0	0	13	10	0	0	31	5	0	0	24	7	0	0	18	15	0	0	125	53	0	0	178
D: Book chapter	87	21	0	0	120	27	0	0	148	37	0	0	132	36	1	0	141	48	0	0	148	49	0	0	776	218	1	0	995
E: Dissertation				20				21				22				22				20				13	0	0	0	118	118
F: Refereed conference publication	1	0			1	0			2	0			3	0			0	0			1	0			8	0	0	0	8
G: Non-refereed conference publication	0	0	0		0	1	0		0	3	0		1	0	0		0	0	0		0	0	0		1	4	0	0	5
H: Case note	7	152			1	154			0	146			0	158			0	177			1	187			9	974	0	0	983
J: Report	6	5			16	19			19	8			15	13			16	13			21	11			93	69	0	0	162
L: Book review	2	0	0	0	1	1	0	0	3	4	0	0	0	6	0	0	0	14	0	0	0	12	0	0	6	37	0	0	43
M: Inaugural lecture			2				1				1				5				2				2		0	0	13	0	13
N: Other conference contribution	14	3	0	0	14	4	0	0	60	22	0	0	56	9	0	0	159	14	0	0	95	5	0	0	398	57	0	0	455
Q: Digital or visual product	2	10	0	0	0	0	0	0	0	22	0	0	0	4	0	0	0	1	0	0	0	0	0	0	2	37	0	0	39
T: Web publication	17	18	6	0	28	67	8	0	10	38	7	0	3	38	7	0	3	58	0	0	1	46	1	0	62	265	29	0	356
U: Other research output	0	10	0	0	1	1	0	0	8	1	0	0	4	0	0	0	14	0	0	0	22	0	0	0	49	12	0	0	61
Total	327	332	29	20	446	369	60	21	497	392	46	22	484	370	39	22	570	456	49	20	513	447	35	13	2.837	2.366	258	118	5.579

Table 4: PhD success rate

Starting year	ENROLMENT		Total (M+F)	SUCCESS RATES					
	Enrolment (male/female)			Graduates in year 4 or earlier	Graduated in year 5 or earlier	Graduated in year 6 or earlier	Graduated in year 7 or earlier	Not yet finished	Discontinued
T-8 2013	14 (48%)	15 (52%)	29	2 (7%)	5 (17%)	11 (38%)	15 (52%)	3 (10%)*	11 (38%)
T-7 2014	16 (55%)	13 (45%)	29	6 (21%)	11 (38%)	14 (48%)	15 (52%)	1 (3%)	13 (45%)
T-6 2015	9 (50%)	9 (50%)	18	6 (33%)	10 (56%)	12 (67%)	12 (67%)	1 (6%)	5 (27%)
T-5 2016	8 (50%)	8 (50%)	16	3 (19%)	7 (44%)	7 (44%)		8 (50%)*	1 (6%)
T-4 2017	10 (42%)	14 (58%)	24	0(0%)	0(0%)			21 (87%)**	3 (13%)
Total	57 (49%)	59 (51%)	116	17 (15%)	33 (28%)	44 (38%)	42 (36%)	34 (29%)	33 (28%)

* One of these PhD researchers graduated in 2022

** Four of these PhD researchers graduated in 2022