



UNIVERSITY OF AMSTERDAM
Amsterdam Law School

Quality indicators for legal research

17 April 2019 Final



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Introduction

This document serves to provide guidance to researchers and supervisors of the Amsterdam Law School in the assessment of quality and the societal relevance of academic research.¹

The indicators should:

- assist researchers in making choices for publication and other forms of output, also in view of their choices for career paths inside or outside the law school;
- provide a basis for assessment of research in annual consultations (*jaargesprekken*);
- provide a basis for allocation of individual research time;
- inform decisions in the framework of the appointment and career development policy (*aanstellings- en loopbaanbeleid*), for instance in relation to possible tracks leading to the promotion of individual researchers.

This document is divided into two parts. Part one contains general considerations that inform and explain the choice of indicators and their application. Part two contains the indicators themselves, with comments.

This document replaces the ‘academic staff performance criteria for research’ that have been used in the Amsterdam Law School since 2011.

¹ This formulation conforms to the basic principle of the Standard Evaluation Protocol in the Netherlands: ‘The primary aim of SEP assessments is to reveal and confirm the quality and the relevance of the research to society and to improve these where necessary’.

General considerations

For all relevant decisions concerning the career development of individual researchers (e.g. promotion, agreement on tracks, allocation of research time), the quality of their academic work should ultimately be decisive. Quality will also matter for purposes of the Standard Evaluation Protocol (SEP), the key performance indicators (KPIs) of the Amsterdam Law School, and for building individual CVs that will be competitive for career tracks and grants.

Assessing quality requires engaging with the contents of scholarly output. Given that it will be impossible for research leaders, department chairs and others charged with decisions on performance and promotion to read and assess the contents of all scholarly work of researchers in their group, it is necessary that use is made of proxies. The present quality indicators provide such proxies. Quality indicators are defined as 'all actually determinable indications of scholarly and societal quality *other* than the content of the scientific output itself'.² These indicators are to a large extent, but not exclusively, based on the evaluation and recognition of academic work by peers. Hence, the indicators make use of peer-reviewed journals, individual grants, invitations as keynote speaker, etc.

In particular cases, for purposes of determining quality, research leaders and department chairs must be informed by expertise from outside the group in question by using broad committees (as provided for in the *aanstellings- en loopbaanbeleid*) and – where appropriate – external referees.

The quality indicators do not refer to bibliometric indicators such as h-indexes or downloads, since the usefulness of such indicators varies between disciplines or sub-disciplines. However, where relevant, such indicators can be taken into account in assessing the performance of researchers.

While quality is the dominant criterion in evaluating scholarly work, the quantity of output is also a relevant criterion for the main aims of the quality indicators identified above: assisting researchers in making choices for publication and other forms of output, providing a basis for assessment of research in annual consultations, providing a basis for allocation of individual research time and informing decisions in the framework of the *aanstellings- en loopbaanbeleid*.

Quantity is always an important consideration in decisions by assessment committees. It is also relevant for scientific and societal impact, career tracks and chances to obtain external grants.

While discussions on academic performance often distinguish quality and quantity as mutually exclusive criteria, they can be related in a positive way. There is ample evidence that there is also a positive relationship, in that researchers with the most scientific impact score high in terms of quality and quantity. It is therefore appropriate that the quality indicators also provide guidance as to the number of publications that are expected of researchers.

The indicators are drafted to express what is expected from researchers in three-year periods. This allows researchers to spread their efforts over longer periods and to compensate periods with less output by a period where prior research is published.

The criteria set common minimum standards that apply across the Amsterdam Law School. The criteria do not distinguish between types of appointments (or UFO profiles). This means that in applying the UFO profiles (for instance, with a view to making decisions on career tracks), it may be necessary to assess in a more differentiated way the quality and quantity of academic output.

The quality indicators do not provide lower standards for junior researchers (postdocs, early-career assistant professors). It is precisely in the early stage of their career that researchers must build a

² KNAW, Quality Indicators for Research in the Humanities (2011) 20-21.

track record; in addition, they can be expected to build on their PhD research. To support junior researchers in building their research profile, it is important to protect and where possible extend the research time of young researchers. This has been incorporated in the *aanstellings- en loopbaanbeleid*.

Research groups may raise the minimum level of expected output (in terms of quantity and/or quality) for researchers in these groups.

Given that the assessment of academic research in the Netherlands will be based on the SEP, the formulation of the criteria and the definitions of relevant terms should connect as closely as possible to the SEP and to the *Definitieafspraken Wetenschappelijk Onderzoek* published by the VSNU in August 2018. This applies in particular to the definition of peer review.

The indicators are drafted in terms of what should be aspired by and expected of *individual* researchers. They cannot be directly used to assess research groups, including RPAs. While the criteria set out below are relevant for reviewing the performance of RPAs and other groups, they have to be embedded in a wider approach to quality assessment of research groups (for instance, as formulated in the SEP and the Faculty Framework for RPAs).

These indicators should be an integral part of the research strategy of the Amsterdam Law School as a whole and of individual research groups. The ability of researchers (in particular younger researchers) to meet the criteria and to provide high-quality academic work will often be greatly facilitated by their participation in and support from research groups with a dynamic research culture. The law school should therefore enable all researchers, also those outside well-functioning research groups, to receive proper support and guidance that will allow them to meet these criteria and create high-quality academic output. Given that the system of academic assessment (including quality indicators) affects career prospects, the Amsterdam Law School and supervisors should provide guidance on publication strategies to younger researchers in particular, also as part of the *loopbaanbeleid*.

Quality indicators

1. In principle, researchers (assistant professors/associate professors/professors) with a 0.3-FTE research appointment should publish at least four academic, peer-reviewed publications every three years, of which at least three as a rule are published in English.

Comments:

Academic publications

- a. For this criterion, only academic (or 'scientific') publications count. Based on the work of e.g. the Stolker Committee, a scientific publication is defined as a publication based on a concrete problem definition which provides an exhaustive analysis of it and which leads to results that contribute to increasing the body of academic knowledge.³ The research question guiding the article should be embedded in a broader theoretical framework and the answer to that question should be relevant in the context of this framework, in that it increases the body of academic knowledge.
- b. Annotations ("Annotaties") and loose-leaf interpretations of acts ("losbladige wetsinterpretaties") in principle do not fit this definition: they do not start from an explicit problem statement or research question, nor do they add new scientific knowledge. Even though they might be very helpful and relevant for the legal field (and in that sense can qualify as examples of societal impact), that relevance does not make them academic articles. It is, however, possible that a discussion of a judgment or section of law is so much embedded in the broader jurisprudence or theoretical academic literature (or both) that it does contribute to the body of academic knowledge.
- c. For identifying whether a publication is an academic publication, length is also relevant. Based on standards that currently apply in various research groups in the Amsterdam Law School,⁴ an exception will be made for a scholarly publication in a respected scholarly journal that uses a word limit of less than 6,000 words. In principle, the minimum amount of words for a publication to qualify as an academic publication is 6,000 words.

Peer review

- d. For purposes of this indicator, only peer-reviewed publications count. The definition of peer review is in line with the broad VSNU definition: 'Als er sprake is van een tijdschrift met een uitgebreide *editorial board* / *staff* en aannemelijk gemaakt kan worden dat de leden ervan gelden als expert op hun vakgebied die onafhankelijk hun oordeel kunnen uitspreken (in feite dus functioneren als referee), dan kan een artikel beschouwd worden als *refereed*.' This broad definition makes this criterion relatively less reliable as an exclusive indicator for quality, but it is preferable – in particular with a view to comparisons between universities – to conform to the VSNU definition.
- e. This indicator primarily covers publications in journals, since edited volumes generally do not work with peer reviews. However, some publishers do use such reviews (Oxford University Press, Cambridge University Press, Hart Publishing and some other international publishers of equal repute). More generally, chapters in edited volumes usually provide a less reliable proxy for quality, given the lower rejection risk, the lower expected impact and the different way of selection, which is often based on reputation rather than the quality of the submitted piece. Researchers should therefore be encouraged to publish primarily in journals.

³ Commissie-Stolker, *Oordelen over rechten. Rapport Commissie Voorbereiding Onderzoeksbeoordeling Rechtsgeleerdheid* (VSNU, October 2005).

⁴ LJXB/CESCL and ACIL 6,000 words, ACELG 8,000 words.

Number of publications

- f. The criterion requires four publications per three years. This number is identical to the number used in the 2011 performance criteria. In the 2011 criteria, the standard was based on 0,4 FTE of research time, whereas the default research time in 2019 is 0,3 FTE. However, it should be taken into account that in 2011, a narrow category of peer-reviewed journals was used and it was attempted to objectify this criterion by using a limitative list of journals. In 2019, as noted above, a broad definition of peer review is used and – outside RPA groups – no use will be made of a limited list of journals.

It is recognised that researching and writing high-quality publications may take more time. In particular if researchers publish in top journals (with higher rejection rates), the number of publications that is required may be reduced. Research leaders can identify particular top journals in their respective fields; a publication in one of these journals could count for two publications. This has been done in, for instance, the RPA groups ACELG, ACIL and CSECL. Apart from publication in certain journals, research leaders can also make assessments that the quality of one or more publications is such that it reduces the requirements in terms of quantity. The nature of the research (e.g. in terms of data collection) may also be taken into account for this purpose.

Language

- g. The criteria require that, as a rule, at least three publications are written in English. This choice is based on the considerations that – in many respects – research on law involves research questions that are comparable across legal systems, that – in most legal fields – international publications are the standard for career development and that they are necessary in order to have realistic chances for external grants.
 - h. It is also recognised for researchers who work in fields of law where English is the norm that there can be good reasons to publish in Dutch with a view to having an impact on discussions in the Netherlands (in terms of academic and/or societal impact). However, in principle, this should not replace the preference of English publications but should rather be based on prior English publications or (conversely) as a first step towards an English publication.
2. In sub-disciplines where the subject matter of research is closely related to Dutch law and where the academic debate is almost exclusively conducted in Dutch, the requirement of publishing in English is less relevant. This will generally be the case in those fields of law where teaching is conducted in Dutch. In these areas, researchers should publish at least four academic, peer-reviewed publications in the language of that debate every three years.

Comments:

- a. A choice for publishing in Dutch as indicated in this criterion should not affect the ambition to publish academic contributions of a high quality. There is therefore no necessary implication that writing in Dutch should lead to a requirement of a higher number of publications.
- b. Even when the academic debate on a given field of law takes place primarily in Dutch, researchers should be encouraged to engage with the international debate on relevant aspects of the field of law concerned. After all, law is a universal phenomenon and while the law itself will differ between states, choices made at some level of abstraction in defining and implementing laws can be comparable. International debate may enrich academic debates on Dutch law; conversely, insights into Dutch law may enrich the academic debate.

- c. Moreover, English-language publications will be critical for the chances of individuals for external grants. For this reason, supervisors should provide guidance to younger researchers in particular to identify possibilities for English-language publications.
- 3. A monograph replaces at least two and at most four academic publications, depending on the publication's scope, originality and publisher (national/international, refereed/non-refereed).

Comments:

- a. A first edition of a textbook may count as a monograph where it is a new book that systematises the subject matter. Given that – in principle – such books do not aim to contribute to the body of academic knowledge, they can generally replace only two academic publications.
- 4. One edited volume can replace at most one academic publication as referred to under 1 and 2, and can do so only if it is an academic publication, the editor has contributed a substantive introduction and/or concluding chapter, and the volume has been subject to peer review.

Comments:

- a. Editing volumes is highly time-consuming and reflects only very indirectly and to a limited degree the original academic contribution by the editor(s). While it can serve as an indicator of recognition, young researchers in particular are not advised to engage in editing as a replacement for individual scholarly work. Only if the criteria above are fulfilled can such edited work count as academic work; even then, it can only replace one academic publication as referred to under 1 and 2.
- 5. Researchers should work towards creating social impact with their academic research. Such activities include, but are not limited to, professional publications. Activities aimed at social impact should be a part of an integrated research strategy. As such activities are necessarily based on prior academic work, they cannot replace academic publications. The assessment of societal impact will be of a qualitative nature rather than of a quantitative nature. For purposes of assessment, including annual consultations, researchers are requested to present a short 'narrative' on the impact of their work on non-peers, including the reception of their work (e.g. through references in policy documents or court judgments).

Comments:

- a. On this criterion, the indicators deviate from the previously used performance standards. These provided that 'subject to agreement with the research leader, professional journal publications may replace at most one academic publication every three years, where ten professional publications equal one academic publication.' This starting point is now abandoned, as in all relevant assessment criteria (notably the SEP), social impact is not a replacement for academic work but must be seen as an extension of it.
- b. Social impact for purposes of these indicators is only relevant if it reflects a valorisation of academic research. While researchers may have impact in many ways based on reputation, networks or knowledge, none of that necessarily counts in itself as an indicator of academic quality if it is not based on prior academic work.
- c. Criteria and best practices for creating and assessing societal impact will be subject to further discussions within the Amsterdam Law School.
- 6. In the case of co-authored publications, whether a publication counts in full for each author depends on the respective contributions of the co-authors. This will have to be assessed on a case-by-case basis. In this context, the interdisciplinary nature of the publication may be taken

into account: if cooperation transcends sub-disciplinary boundaries and leads to the integration of knowledge, there may a presumption that the publication counts in full for each author.

7. Grant applications in principle do not replace academic output referred to under 1 and 2. It is assumed that the research leading to such an application will find its way into one or more scholarly publications, even if the grant application has not been awarded. Given the time involved in grant application, writing a successful or nearly successful grant application may extend the period for which publications are required from three to four years.
8. In larger research groups, members often have various other research-related activities to perform (preparing new programmes and research proposals, taking part in public discussions, writing reports for government and similar bodies, organising conferences and international collaborations, etc.). Such activities vary in nature and scope, and cannot easily be represented in criteria for quality assessment. Supervisors can give weight to them in assessing research activities. However, such activities cannot replace the requirements for academic output. For purposes of the career tracks of researchers inside or outside the law school, ultimately, academic output will count. It would not serve the interests of researchers if such output were subordinated to the interest of activities referred to in this indicator.



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