

Report on the evaluation of the Research Unit in Law
(RUL) at the University of Luxembourg

Based on a peer review as commissioned by the Ministry of Higher Education
and Research of Luxembourg

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COMPANY INFORMATION

Authors

Andreas Balthasar, Prof. Dr. rer. pol.
Kristin Thorshaug, MSc

INTERFACE

Policy Studies, Research, Consulting
Seidenhofstrasse 12
CH-6003 Lucerne
Tel +41 (0)41 226 04 26
interface@interface-politikstudien.ch
www.interface-politikstudien.ch

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I INTRODUCTION

The Ministry of Higher Education and Research (MESR) of Luxembourg mandated *Interface Policy Studies, Research, Consulting*, Switzerland, to organize and lead a research evaluation of the University of Luxembourg. Simultaneously, the Institutional Evaluation Programme (IEP) of the European University Association carried out an institutional evaluation of the University of Luxembourg. The results of the IEP evaluation are published in a separate report.

The research evaluation was conducted in 2016 and followed two earlier evaluations carried out in 2008 and 2012.

The University of Luxembourg has three Faculties with research units conducting research in different scientific disciplines. In addition, there are three interdisciplinary centres.¹ The evaluation focused on the research performance of the University research units and interdisciplinary centres. This report presents the evaluation of the Research Unit in Law (RUL).

The observations and recommendations presented in this report are based on a peer review by the following three experts working in the research unit's research fields:

- Estella Baker, professor of European criminal law and justice at De Montfort University Leicester, United Kingdom
- Vito Roberto, professor of private, commercial and business law at the University of St. Gallen, Switzerland
- Hans-Heinrich Trute, professor of public law, media and telecommunications law at the University of Hamburg, Germany

The peer review consisted of a self-assessment report written by RUL and a hearing at the research unit that took place in September 2016. The evaluation assessed the period 2012 to 2015. The hearing, which was organized and moderated by Interface, consisted of a self-presentation by the research unit, a group discussion of the self-assessment report, and several individual and group interviews. These included interviews with representatives of the management team, professors, PhD candidates,² and further members of the research staff. Based on the experts' assessments, the report was finalized by Andreas Balthasar and Kristin Thorshaug of Interface. The report has been approved by the experts.

¹ The Interdisciplinary Centre for Contemporary and Digital History was established in 2016. It is not part of the evaluation, as the assessed period ranges is 2012 to 2015.

² The University of Luxembourg calls its PhD students 'PhD candidates'.

The overall results of all unit evaluations are summarized in a synthesis report.³ The synthesis report includes the findings from the interviews with representatives of the management team at the University of Luxembourg.

The report is divided into two parts: The first part discusses the expert team's observations gathered during the evaluation process. This part will focus on the input, the output, and the outcome/impact of the research unit:

- *Input* includes the preconditions for the research conducted, such as strategies, financial and human resources, infrastructure, organization, and quality assurance systems.
- *Output* includes the performance of the research unit, exemplified through research results and their dissemination.
- *Outcome and impact* refer to the medium- and long-term effects as well as the relevance of the output on science, society, economy, and politics.

The second part presents the expert team's recommendations for further development of existing strengths and overcoming observed weaknesses.

The evaluation team would like to thank everyone involved for preparing and implementing the hearing at the RUL, for making the documentation available, and for participating in interviews.

³ Rieder, Stefan et al. (2017): Evaluation of the University of Luxembourg, Interface Policy Studies, Research, Consulting, Lucerne.

2.1 OVERALL ASSESSMENT

The RUL conducts excellent work in a number of areas. The rapid development in the quantity and quality of the output since its foundation in 2004 is impressive. The research unit demonstrates a broad range of impact through its publications, its collaborations with public and civil society, and its extensive work in the Luxembourg law area. The reach of the RUL's research also extends to the European level. Despite these achievements, the research unit is in clear need of a distinctive strategy in its research and service activities.

2.2 INPUT

Research strategy

The RUL was established in 2004 as a part of the then newly created Faculty of Law, Economics and Finance (FDEF) at the University of Luxembourg. The research unit conducts research in a broad number of areas. It is not organized in sub-units. Instead, the researchers group around nine discipline-specific research areas: Business Law; Civil Law and Civil Procedure; European Law; Criminal Law; Tax Law; Constitutional and Administrative Law; Employment Law; International Law; and Legal Theory. In addition, the research unit conducts research in the specialized area of Space and Telecommunication Law.

In the experts' opinion, the researchers at the RUL have done remarkable work in bringing together a wide variety of legal fields. However, its heterogeneous research activities make it difficult to gain an overview of the research foci of the research unit and to understand what makes it distinctive. This may in turn create confusion among stakeholders and potential clients regarding its mission and expertise and the services that it is able to offer. The experts note that the RUL would benefit from developing a clear identity (a unique selling point) that can be used to further develop its research strategy. Developing a distinctive focus would enable the research unit to maintain and enhance its competitive edge. It would also promote understanding of the distinctive competence(s) for which the RUL wishes to be known.

Human and financial resources, infrastructure, and equipment

The experts assess the available financial resources at the RUL as sufficient to produce scientific output of high quality and quantity. Further, the research unit has been able to recruit postdoctoral researchers and PhD candidates of high quality. The experts note that the Luxembourg National Research Fund (FNR) has restructured its funding of PhD candidates. Through the new PRIDE programme,⁴ a block of PhD grants is awarded to a consortium of excellent researchers grouped around a coherent research and training programme (a Doctoral Training Unit, DTU). This arrangement means that research themes must be determined in advance and then advertised accordingly.

⁴ PRIDE is the programme of the FNR for funding doctoral research in Luxembourg (see <www.fnr.lu>).

In order to secure support for innovative ideas of young researchers, the experts see a need for continued funding of individual PhD projects. The experts encourage the RUL to monitor established DTUs within the PRIDE scheme in the research unit and to simultaneously secure funding for PhD projects outside of this scheme.

The experts identify two issues concerning human resource management at the RUL:

1. There is a lack of internal administrative support. At the hearing, the research unit informed the experts that they have three secretaries providing basic administrative services to 24 academic staff members and more than 50 PhD candidates. This ratio between the number of researchers and the number of administrative personnel is insufficient and poses a threat to the productivity of research staff, as it causes a need for them to take on time-consuming administrative tasks.
2. The career paths and promotion possibilities at the RUL are not clear to all of its researchers. Especially for PhD candidates and postdoctoral researchers on temporary contracts, the temporality of their positions creates insecurities. It should be in the interest of the University as well as the research unit to retain highly qualified people. This demands the implementation of career development schemes within the research unit. Further, varying promotion policies seem to operate across the research units at the University. This strengthens the insecurities among the researchers concerning their future career possibilities. The experts encourage the University to secure a transparent and coherent promotion policy across its research units.

Organization

The research culture and environment within the RUL is flourishing. It is clear that the research unit engages with the research and legal communities at many levels through its organization of seminars, workshops, and other events. The research unit demonstrates a collaborative team spirit, and staff members report good working relations. The culture seems to be welcoming, with present, visible and accessible staff, and this is beneficial for collaboration between researchers and for support of PhD candidates.

Despite the overall positive assessment of the organizational elements, the experts note that the governance structures and procedures linked to research activities are at times unclear. In the experts' opinion, the research unit would benefit from a more transparent governance structure as well as more effective decision-making processes. The planned appointment of a director of research presents a good opportunity to redefine the governance structures and procedures. The experts further note that the RUL has no information technology strategy regarding its research activity. In the experts' opinion, the research unit should consider developing such a strategy to enhance its research activity.

External research collaborations and service provision

The RUL collaborates with a number of research institutions in Luxembourg and abroad and provides extensive services to national and European public bodies. In the experts' opinion, these activities clearly enhance the national and international visibility of the research unit and the University of Luxembourg.

According to the external evaluation of the University of Luxembourg in 2012, the establishment of the Max Planck Institute of International, European and Regulatory Procedural Law created clear potential for synergies through common research activities with the RUL.⁵ In the present evaluation, the experts identify some progress in cooperation between the two research bodies, bearing in mind that the Max Planck Institute has only recently been set up. The experts encourage the RUL to continue and build upon this fruitful line of collaboration.

Quality assurance system

There are no formal internal processes for reviewing the quality of output at the RUL. This includes a lack of procedures for research integrity issues. The experts note that the research unit has started an internal discussion regarding the desirable balance between different forms of output. This is beneficial, as it should generate reflection upon relevant considerations and potential innovations in dissemination. Nevertheless, the experts stress that the research unit should consider the issue of quality and not just the type of output in its internal processes.

Regarding competences, the experts raise the concern that there seems to be a lack of training in formal empirical research methods for researchers at the RUL. The experts were informed of very interesting research projects that included social scientific elements. With this in mind, the experts encourage the research unit to look into possibilities for collaboration with social sciences programmes at the University in the development of formal training in research methods.

2.3 OUTPUT

The RUL demonstrates excellent work in a number of areas. Through its research, the RUL is able to bring together a large variety of legal sub-disciplines that span both classical and innovative legal areas. Taking into consideration that the research unit started in 2004, the rapid development of its output, both in quantity and quality, is impressive. The research output of the RUL stands out as even more impressive, given the other tasks that the research unit fulfils - notably, its advisory services for the Luxembourg government, its general impact on Luxembourg society and on a European level, and its teaching obligations with 180 teaching units per academic year for members of the academic staff.

Based on the documentation available, the experts assess the quantity of the research output during the evaluation period as high and as including a healthy variety of types of output. It includes a significant body of scientific publications in peer-reviewed journals, monographs, and edited books, as well numerous contributions at conferences. The number of refereed journal publications is impressive, particularly in the year 2013, when the volume peaked prior to a decline throughout the rest of the evaluation period.

⁵ Second External Evaluation Report of the University of Luxembourg (2013).

The experts acknowledge that there may be sound reasons to expect some fluctuation in the production of publications. For example, the production of monographs might be offset against peer-reviewed articles. There can also be strategic reasons for engaging in other forms of research activity, such as writing grant applications, which might affect the flow of publications. Involvement in larger projects may also lead to a decline in output during some periods. Nevertheless, the experts encourage the RUL to take steps to address the fluctuation in the publication rate, including thorough analysis of the possible causes and of the research unit's publication strategy.

Concerning the quality of the output, the experts would like to note that, contrary to other disciplines, it is difficult to judge the quality of legal publications concerning other legal systems. Nevertheless, the high amount of refereed publications indicates output of high quality. Further, the experts identify publications of high academic quality in their respective fields of expertise.

A large share of the output of the RUL focuses on transnationalization and European law. The experts encourage the research unit to configure its research strategy around these themes in order to communicate its expertise more effectively, differentiate itself from competitors, and secure recognition for the special character of its scholarship. In the experts' opinion, there is particular potential for the RUL to promote its concept of transnationalization by means of research that compares various approaches to legal issues in other legal systems and evaluates their strengths and weaknesses.

2.4 OUTCOME AND IMPACT

The research unit demonstrates a broad range of outcomes and impact through its publications, its collaborations with public and civil society nationally and abroad, and its extensive work in the Luxembourg law area, including constitutional work. The experts would especially like to highlight the impact of the RUL on Luxembourgish law, which they assess as remarkable. Further notable examples are found in the representation of Luxembourg internationally.

The academic staff members at the RUL have expertise in a wide variety of legal systems, which they are able to use for the benefit of the Luxembourg government by providing advice on an impressive number of legal issues. This expertise covers both European and national laws. The reach of the RUL's research also extends beyond Luxembourg to the European level and beyond.

2.5 STRATEGY FOR THE FUTURE

In the self-assessment report, the RUL states that the vision, mission, and objectives of the research unit need not and will not change in the years to come. As noted, the experts identify clear issues concerning the current research strategy and encourage the research unit to develop a distinct research approach. In the future, the new strategy should be reinforced to avoid the scattering of research areas and appearance of fragmentation within the RUL.

To secure a successful restructuring, the experts encourage the RUL to develop a system to assess its strategy and keep it under review. Here, the Research Committee of the Faculty could take on responsibilities concerning the formulation, monitoring, and development of the research areas.

3.1 SUMMARY

Based on the documentation available and the research unit's engagement with a variety of external audiences, there are strong indications that the RUL produces excellent work in a number of areas. Taking into consideration that the research unit started in 2004, the rapid development of its output, both in quantity and quality, is impressive. This is all the more so, given the other tasks that the research unit fulfils - notably, its advisory services for the Luxembourg government, its general impact on Luxembourg society and on a European level, and its teaching obligations. The experts identify a flourishing research culture and environment within the RUL, with a collaborative team spirit and good working relations.

The research unit has been able to recruit postdoctoral researchers and PhD candidates of high quality. The academic staff members of the RUL have expertise in a wide variety of legal systems, which they are able to use for the benefit of the Luxembourg government by providing advice on an impressive number of legal issues. This expertise covers both European and national laws. The RUL collaborates with a number of research institutions in Luxembourg and abroad and provides extensive services to national and European public bodies.

Although the experts note output and impact of high quality, there is room for improvement in a small number of areas. The most important point is that the focus of the research unit needs to be clarified. Other areas that would benefit from attention are: (1) its governance structures, (2) research integrity procedures and quality assurance systems, (3) staff development, and (4) administrative support.

3.2 RECOMMENDATIONS

Based on the observations stated above, the expert team formulates the following recommendations for the research unit, the University, and the MESR.

Recommendation 1: Develop research strategy

The experts propose the following two alternative routes of development: The first option is to consolidate around a smaller number of research areas. The second and more promising strategy is to adopt a particular thematic approach as the focus. The one that stands out as the obvious candidate is transnationalization, as according to the RUL, this already characterizes the founding identity and work of the research unit. If this approach were to be adopted, the RUL should then organize its research activities, recruitment strategies, acquisition of funds, and impact activity around that concept. This offers flexibility within the research areas and gives the research unit the opportunity to react to new societal and legal issues through innovative research and to carry forward a focus on classical legal approaches that are of strategic interest to them. Their existing European comparative research would be a clear asset in such a

strategy. Parallel to the focus on transnationalization, the RUL should continue its important work on the heritage and further development of Luxembourg law.

Recommendation 2: Improve governance structures

The experts recommend that a more transparent governance structure and more effective decision-making processes should be established within the research unit. The experts view the appointment of a director of research as a good opportunity to do this. As part of this exercise, the research unit could consider expanding the role of the Research Committee of the Faculty to support the development and implementation of its research strategy.

Recommendation 3: Develop research integrity procedures

The understanding of the experts is that at present there are no policies and procedures at University level to handle research integrity issues (although the University of Luxembourg is implementing research integrity mechanisms at present). The experts recommend that for the time being the RUL develop such policies and procedures and ensure that all relevant staff and students are made aware of them. This would enhance quality assurance.

Recommendation 4: Further develop a monitoring system

The experts recommend that the RUL discuss further steps to implement a procedure to monitor the quality of output and the balance between different types of publications (defined as an “incisive management matrix” in the self-assessment report). Similar procedures may also be considered at a central University level. This might be useful in terms of quality assurance and securing engagement in novel types of output. At the same time, the RUL should make sure that such a procedure does not cause negative effects on the scientific work and the academic freedom of the research unit’s researchers.

Recommendation 5: Establish staff development programmes

The experts recommend the establishment of a staff development programme within the RUL. This should include obligatory formal training in empirical research methods for those engaged in this type of research. It should also consider offering mentoring support for both newly arrived staff and those of its more experienced staff who want it.

Recommendation 6: Increase administrative resources

The experts recommend that the ratio of research staff to administrative staff at the RUL be improved.