

# Assessing quality of legal research

Assessing the quality of legal research has been a topic of discussion for a long time. During the inter-institute council meetings on 3 April and 29 June 2023, and the research meeting on 9 May 2023, members of our Faculty talked about the need to make more explicit **what we consider to be “good” research and how we assess that**. This need is based on one of the recommendations made by the research assessment committee Mak 2022 to “formulate more explicit assessment criteria of what is considered good research”. It is also relevant in the context of Recognition and Rewards when assessing the research component of our work. This document attempts to **summarize the discussions so far**.

Relevant documents in relation to research assessment are among others:

- European Commission, Science Europe and European University Association (EUA), Agreement on reforming research assessment July 2022
- San Francisco Declaration on Research Assessment (DORA)
- Adviesraad voor Wetenschap, Technologie en innovatie, June 2022
- VSNU, KNAW, NWO, Strategy Evaluation Protocol 2021 – 2027
- Regulations for obtaining a PhD, Maastricht University, 2023
- Assistant and Associate professors assessment criteria for research FoL, 2022
- Monica Claes, Discussion paper – the quality of legal research

When talking about quality of research, we can **distinguish three aspects**:

- 1) What are the indicators that point towards good quality research?
- 2) How do we assess whether and how these indicators are fulfilled?
- 3) Which procedures and groups in our organisation assure the quality of our research?

Quality indicators	Assessing quality of research	Procedures for quality assurance
<ul style="list-style-type: none"> <li>•Originality</li> <li>•Academic and societal relevance</li> <li>•Sound research design and methodology</li> <li>•Results beyond the state of the art</li>   <li>•Discussion within peer groups</li> <li>•Dissemination in relevant fields</li> <li>•Impact of research results</li> <li>•Accessibility of research results</li> <li>•Transparent research processes/data management</li> <li>•Research integrity</li> <li>•...</li> </ul>	<ul style="list-style-type: none"> <li>•Qualitative assessment (narratives, statements)</li> <li>•Responsible use of quantitative indicators, such as citations</li> <li>•Key achievements</li> <li>•Peer review</li>   <li>•Presentations at conferences regarded as important</li> <li>•Organisation of conferences</li> <li>•Publications in good outlets for discipline</li> <li>•Reviews by peers</li> <li>•Organising outreach activities</li> <li>•Media appearances; blogs</li> <li>•Publishing open access</li> <li>•Having a research data management plan (where applicable)</li> <li>•...</li> </ul>	<ul style="list-style-type: none"> <li>•Line manager/mentor - Personal development plan</li> <li>•Beoordelingsadviescommissie (BAC)</li> <li>•Research institutes and groups</li> <li>•Faculty-wide activities</li> <li>•External assessment</li> <li>•...</li> </ul>

## 1) Quality indicators

Research quality indicators can be linked to the **research cycle**:

- a) Identifying a research problem
- b) Formulating a research question
- c) Developing the research design that provides an answer to the formulated question
- d) Collecting and analysing information/data according to the formulated methods and in line with open science principles
- e) Reporting about the results in appropriate outlets (academic publications, relevant stakeholders)

Not all research projects will equally emphasize the same stages of the cycle. Therefore, not all indicators have to be fulfilled to the same degree and extent. What we consider good research also depends on the **discipline** in which a certain research project is situated and what aim it pursues. For **interdisciplinary projects**, for example, research methodology can be rather original and is an important indicator for the quality of the research. For research projects carried out based on a question formulated by third parties (government, EU bodies, other organisations), dissemination and impact may play an important role to determine that the research is “good”. More recently, whether

research data and results are made available open access presents another indicator of what we consider “good” research. The list of indicators should therefore not be static.

## 2) Assessing quality of research

There is a clear preference for assessing research quality, as much as possible, in a **qualitative manner**. That is possible by using **narratives and key achievements** as a way of reporting about why a certain research project and outcome should be considered “good” or important. The focus is on assessing the quality of a certain research output rather than the researcher. **Peer review** is another qualitative method widely used to assess quality of research. The advantage of peer review is that the assessment is placed in the hands of the research community itself. On the other hand, peer review is rather sensitive to subjectivity and bias, and for interdisciplinary research, it is difficult to determine the relevant research community.

The focus on qualitative research assessment does not mean that quantitative indicators of for example how many downloads or citations a paper has received, cannot be used in the assessment. However, such quantitative indicators should be used in a responsible manner and in combination with qualitative ways of assessment. Hence, where a research project resulted in a presentation at a conference and/or publication in a journal, it is important to explain why the conference or journal is considered important in the field; citations or downloads can function as marks of recognition from peers. So far, we have not established a list of “good” academic publication outlets. Another way of showing recognition from peers is where a publication has been reviewed or a research project was awarded a prize or grant.

## 3) Procedures for assuring quality

There are different instances when and different persons/groups to whom we talk about the quality of our research and how to assess it: with our line managers and mentors (where applicable), in the benoemingsadviescommissie (BAC), within our peer groups, at faculty level and when preparing for an external assessment procedure. Each of these procedures differ slightly in the purpose they fulfil. It is key that the way we assess research quality aligns among the different people, committees and groups. The faculty-wide activities are meant to do that. We also need to evaluate whether we achieve this goal and where the limitations lie in relation to differences among disciplines, between methodologies used and the purposes a research project fulfils.

Discussions with our **line managers and mentors** are particularly focussed on the quality of research of individuals and research teams. Individuals and teams discuss with line managers and mentors what aspects of their research output they consider important and why. Particularly in the context of filling out the personal development plans, these aspects are addressed and agreed upon. Individuals may also seek advice on how to improve quality aspects of their research, also in view of pursuing next steps in their career development.

In relation to career development, the **benoemingsadviescommissie (BAC)** plays an important role in advising the Faculty Board as to whether an individual’s research activities, as one of several elements in their assessment, is considered to be sufficient to make a next step in their career development.

Research quality also plays a role in this assessment; the weight it has in the assessment also depends on the profile chosen by the individual.

Many quality aspects of our research are regularly discussed in our peer groups. **Research institutes and research groups** play an important role in stimulating an atmosphere of discussing each other's research, providing constructive feedback and seeking advice. Many institutes and groups meet regularly (typically once a month), in which one or two members of the group (sometimes guests from outside of the Faculty) **present ongoing research**, a conference proposal or a new research grant idea. This offers plenty of opportunities to talk about what makes a research question original, whether in the specific discipline the chosen methodology is considered robust, which discipline-dependent journal could be adequate for a particular type of research and why, and what we can do to make the research process transparent and the output (openly) accessible.

In addition, it is also a best practice in several institutes and groups to hold **strategic meetings about future research output**. Members of the group discuss (once a year) what research output the group and/or each individual aims at producing during the next year. On the one hand, this is useful to consolidate or re-assess the research lines/profile of the research group/institute. At the same time, aspects of research quality like dissemination of results and their academic and/or societal impact are addressed. This is particularly useful for (younger) individuals who are looking for guidance as to what is expected, what approach to choose and whom to contact when they need advice. Where line managers are not part of the same research group, it is important that research directions or choices for particular research output agreed upon at institute or research group level are communicated to and discussed with the line manager, in order to align expectations.

At **Faculty level**, we discuss topics of research quality that are similarly relevant to all our staff. This includes i.e. aspects of methodology that most of our researchers carry out, questions of open access and data management and research integrity. **Research festivals and research meetings** offer moments to reflect together on these aspects. In addition, they allow for sharing best practices on how we assure good research quality in the different research institutes and groups. For example, colleagues may share, on the basis of a paper or other research output, why they think this is of good research quality and why.

In addition, the Faculty Board will finance a **PhD position** in 2024 that should contribute to our understanding of how in the legal discipline in the Netherlands (and where appropriate beyond), research quality is assessed in relevant institutions, by our own Faculty and at a more micro level, in our institutes, research groups and relevant committees.

In **external research assessments**, we need to report about our research quality. The preparations thereof offer an opportunity to further align our understanding about research quality. A mid-term review in the middle of the 6 year assessment cycle can help to highlight as to whether we already have a common understanding of what indicators of research quality are and how to assess them, and where that understanding differs per discipline, type of research output and approach chosen.

#### 4) Proposed actions

- Line managers and mentors provide opportunities for individuals and teams to discuss with them aspects of research quality.
- Research institutes create an atmosphere where guidance can be sought about aspects of research quality. In particular, discipline-dependent questions are best addressed in these smaller peer groups. They organize 1) regular meetings where members of the group present ongoing research and 2) a strategic meeting about envisaged future research output once a year (or more often where needed).
- Faculty-wide research meetings are regularly organized where research quality aspects are addressed. These should deal with topics of relevance to all staff, like methodology, open science or research integrity. They may also take the form of a colleague presenting a paper (their own or someone else) and specifically discuss what makes the paper being of good quality. Members of the benoemingsadviescommissie (BAC) will be included in these discussions, in order to align the understanding of the way we assess research quality.
- Members of research institutes and groups communicate choices regarding research projects and output with their line managers, in order to align expectations.
- The Faculty Board aims at attracting a PhD candidate in 2024 to start a PhD trajectory that focusses on assessing the quality of legal research in the Netherlands.
- The Faculty Board aims at conducting a small, internal mid-term review in 2025 where a few questions will be addressed. One of them will concern research quality. We want to evaluate together where we stand in terms of having reached a common understanding of research quality and how to assess it, and whether the procedures that we have to pay attention to research quality are sufficient and help to improve our research quality even further.

*By Anke Moerland, Vice Dean for Research, 3 October 2023*