



THE UNIVERSITY OF
NEW SOUTH WALES

ACADEMIC PROMOTIONS

2009 POLICY & PROCEDURES

LODGEMENT DATES

ONE copy of the application
must be lodged with Human
Resources by:

LECTURER
21 July 2009

SENIOR LECTURER
20 April 2009

ASSOCIATE PROFESSOR
11 May 2009

PROFESSOR
20 July 2009

TABLE OF CONTENTS

- Introduction
- Definitions
- Criteria
- Specific Standards of Contributions
- Summary of Academic Promotion Tracks
- Procedures
 - Consultation with the Dean and Head of School
 - Head of School Report
 - Referee Reports
 - Format of the Application
 - Submitting the Application
 - Committee Membership
- The Decision Making Process
 - Faculty Promotion Committee
 - University Promotion Committee
 - Approvals and Effective Date of Promotion
 - Appeals
- Faculty of Law – Faculty Specific Guidelines For Promotion
- Faculty of Medicine – Faculty Specific Guidelines For Promotion (Applied Biostatisticians)

INTRODUCTION

This policy details how academic staff who can demonstrate sustained excellence in research, teaching and service may be promoted.

As academic staff progress through the promotion levels there is an expectation that:

- there will be an increase in the quality and impact of their research output
- there will be an increase in the quality and effectiveness of their teaching and their contribution to all aspects of learning and teaching
- their role in the promotion of scholarship will expand
- their qualitative contribution to their discipline will increase
- they will demonstrate increasing leadership.

Principles

- The academic promotion policy is aligned to the academic strategic goals and priorities of the University
- The academic promotion policy supports the guiding principles as a University as outlined in the B2B Blueprint to Beyond: UNSW Strategic Intent, including:
 1. Academic freedom
 2. Leadership
 3. Innovation, initiative and creativity
 4. Recognition of merit and excellence
 5. Integrity and high ethical standards
 6. Equity, opportunity and diversity
 7. Mutual respect, collegiality and teamwork
 8. Professionalism, accountability and transparency
 9. Safety
 10. Sustainability
 11. High service standards
- The Deputy Vice-Chancellor (Academic) (for promotions up to the level of Associate Professor) and the Vice-Chancellor (for promotion to the level of Professor) will ensure that all applicants recommended for promotion have adhered to the guiding principles as a University as outlined in the B2B Blueprint to Beyond UNSW Strategic Intent.
- The University is committed to the principles of equity and a process conducted in a manner that upholds the principles of fairness and is free from direct and indirect discrimination
- Academic promotion is based primarily on the merit of the case presented
- Assessment of applications for promotion is made by a committee of peers through a process designed to enable a fair and consistent application of standards
- The academic promotions policy and procedures apply to all academic staff who are eligible to apply for promotion

- Usually applicants should have completed two years of service since their appointment at UNSW, or their most recent promotion, before they become eligible for promotion. The Faculty Dean may apply to the Deputy Vice-Chancellor (Academic) for this two year requirement to be waived.
- The outcome of previous applications for promotion has no relevance in a current promotion round
- An academic staff member whose application for promotion is unsuccessful is required to wait two years before submitting a further application, unless the Dean and the Deputy Vice-Chancellor support an earlier application
- A promotion round will normally be conducted every year for all four promotion levels (Lecturer through to Professor)
- The Director, Human Resources, will submit an annual Academic Promotion Timetable to the Deputy Vice-Chancellor (Academic) for approval. The timetable for academic promotion will be available on the HR web site at: <http://www.hr.unsw.edu.au/employee/acad/acadprom.html>
- Late academic promotion applications will **not** be accepted
- Applicants may withdraw their application at any time prior to the convening of the Faculty Promotions Committee
- Academic staff can be promoted via the Out of Rounds promotion mechanism (refer to the Out of Rounds web link)

DEFINITIONS (the following definitions apply for the purpose of this policy)

There are 4 categories of performance referred to in the documentation as below:

1. Sustained contribution
2. Superior contribution
3. Outstanding contribution
4. Outstanding Plus contribution

For each of these categories, performance at a particular level will reflect:

- (a) comparison of the performance of the individual with what is expected of an academic in that cohort (track). Specifically, staff applying for promotion in teaching track will be compared against the performance expected of the cohort of UNSW teachers.
- (b) performance over a number of years, particularly recent years.

The definitions assume and do not restate the above.

1. **Sustained contribution** – performing at the standard expected at the midpoint of the current level of appointment
2. **Superior contribution**– performing at the standard expected for the bottom quartile of the level above the current level of appointment
3. **Outstanding contribution** – performing at the standard expected of the midpoint of the level above the current level of appointment
4. **Outstanding Plus contribution** – performing at the standard expected of the top quartile of the level above the current level of appointment

CRITERIA FOR ACADEMIC PROMOTION

- Applicants should nominate whether their application is to be considered as research track, teaching track or combined track. Criteria relate to what is expected of an academic in the particular track or cohort and reflect performance over a number of years. The table on the next page summarises the criteria.
- Applicants are encouraged to focus on two or three examples that best illustrate what they have achieved rather than catalogue every possible example.
- Cross-reference linkages in the application rather than repeat evidence. For example, postgraduate supervision of students is relevant to both teaching and research but should be covered once.
- Evidence should be provided to substantiate claims of the quality and impact of the contributions made
- Applicants are strongly encouraged to present clear and concise data to support their claims for promotion, for example, a graphical representation of research productivity over time.
- Applications for promotion to Associate Professor or Professor should demonstrate evidence of leadership.
- Promotion is primarily dependent on demonstrated ability and achievement since the applicant's appointment to their current position. However, secondary evidence may be derived from work during earlier career stages (including at other institutions) that has underpinned the achievement of the relevant standard for promotion. In exceptional circumstances promotion may be judged primarily on achievement prior to appointment to the current position.

Specific Standards of Contribution

- Applicants should refer to Schedule 3 of the *UNSW (Academic Staff) Enterprise Agreement (2006)* which specifies position classification standards

SUMMARY OF ACADEMIC PROMOTION TRACKS

CATEGORY	RESEARCH TRACK			TEACHING TRACK			COMBINED TRACK		
	Research	L & T	Service	Research	L & T	Service	Research	L & T	Service
Lecturer	O	S	S	S	O	S	Sup	Sup	S
Senior Lecturer	O	S	S	S/Sup*	O	S/Sup*	Sup	Sup	S
Associate Professor	O	S	S	S/Sup*	O	S/Sup*	Sup	Sup	Sup
Professor	O	S	S	S/Sup*	O	S/Sup*	Sup	Sup	Sup

If appointed to a Research only position either need O+ and no specific requirements for teaching and service, or need O/S/S.	*Either Research or Service must be Superior or Teaching O+ and Research and Service sustained.
---	---

Outstanding Plus is expected standard at the top quartile of level above current appointment (O+)

Outstanding is expected standard at the mid point of the level above current appointment (O)

Superior is expected standard at bottom quartile at level above current appointment (Sup)

Sustained is expected standard of average level of current appointment (S)

NB: Expected levels of performance are in particular cohort/track and will reflect performance over a number of years.

PROCEDURES

This document sets out the application procedure to be followed in relation to academic promotion at UNSW.

CONSULTATION WITH THE DEAN AND HEAD OF SCHOOL

Staff should seek advice from their Dean and Head of School before initiating an application for promotion. Deans and Heads of School may not withhold an application for promotion.

HEAD OF SCHOOL REPORT

It is the responsibility of the applicant to ensure that a copy of the application is given to the Head of School with sufficient time before the submission closing date to allow the Head of School to complete their report before the application is submitted. In unusual circumstances (e.g. the applicant is the Head of School, or the Head of School is a recent appointee), it may be more appropriate for the previous Head of School to write the report.

The applicant has the right to view and sign the Head of School report. An applicant may provide written comments to the Head of School report. Any such comments must be signed by both the applicant and the Head of School and attached to the initial report. The Head of School should not provide a counter response to the applicant's comments.

The applicant may choose to waive the right to view the Head of School's report. The Faculty Promotions Committee (and the University Promotions Committee if relevant) will be informed as to whether the report has or has not been viewed by the applicant.

The Head of School's report should not be made available to referees.

The Head of School's report would be expected to address the following areas:

Research

What would be expected in the discipline in terms of quality and quantity of publications and how the applicant has performed.

For a teaching track application, this may be what would be expected in terms of quality and quantity of publications related to scholarship of learning and teaching, and how the applicant has performed.

What would be expected in the discipline in terms of HDR supervision and how the applicant has performed.

What would be expected in the discipline in terms of research grant funding and how the applicant has performed and/or, for a teaching track application, what would be expected in terms of grant funding for learning and teaching, and how the applicant has performed

Provide information concerning an applicant's role in joint publications, research grants and postgraduate supervision and if relevant an applicant's individual contribution to collaborative team efforts.

Teaching

What would be expected within the School in terms of teaching and how does the applicant compare – this might include the range and amount of teaching the applicant undertakes, such as, whether they are teaching courses judged to be difficult or challenging.

What is the standard of the applicant's teaching? – this might include comments about course design and assessment, innovation, use of technology.

The effectiveness of the applicant's teaching for instance as shown through student evaluation, peer review, and in terms of student achievement.

What action the applicant has taken to develop their teaching in response to this feedback, as well as through involvement in development activities.

Service

Contributions within School, Faculty, University.

Contributions outside University.

Referees

Standing of referees

REFEREE REPORTS

Applicant Referees

- Applicants should discuss with their Head of School the referees they propose to nominate.
- Applicants should seek the concurrence of referees before confirming their nominations and should provide referees with a copy of their application.
- The Head of School, Dean or anyone directly involved in the assessment process may not be nominated as a referee.
- Applicants for promotion to Lecturer, Senior Lecturer and Associate Professor should provide the names and contact details of three (3) people who may act as referees
- Applicants for promotion to Professor should provide the names of four (4) people who may act as referees. At least three of the referees must be external to the University.

Independent Referees nominated by the University

- The University, on the recommendation of the Dean, will invite one additional referee who would be able provide independent and authoritative advice on an application for Associate Professor and two such referees in the case of applications for Professor.
- The Head of School will prepare for the Dean's consideration a panel of suitable referees. The panel should include a minimum of three referees for promotion to Associate Professor and a minimum of four referees for promotion to Professor.
- The Dean will advise Human Resources of the name and contact details of the referee/s selected from the panel
- The applicant should not be advised of the Dean's final selection/selections.

Viewing of Referees Reports

- Reports from referees will be requested in confidence.
- The Head of School and applicant's observer may view all referee reports prior to attending a Faculty Promotion Committee meeting. The reports will be available for viewing in Human Resources.
- Copies of the reports will again be made available to the Head of School and applicant's observer at the interview.

Testimonials

Testimonials and references, aside from those requested by the University with respect to an application, will not be considered.

FORMAT OF THE APPLICATION

The application should be presented in the following sequence:

1. Completed Application for Academic Promotion Summary form (Form A)
2. 1-page summary that highlights the key areas of contribution that best illustrate the quality and impact of the applicants' research, teaching and service contributions
3. The case for promotion (9 page maximum) The case for promotion will include a research, teaching and service case with the exception of those applicants with limited teaching opportunities. In these limited cases, the applicant is only expected to provide a statement regarding evidence of the effectiveness of their teaching in terms of their students' learning. See Academic Promotions Toolkit.

The case for promotion must be typed in size 11 or larger font, presented as single sided A4 paper with pages numbered. The application should not be bound but held together by a fold back clip or paper binder.

Evidence should be provided to substantiate claims of quality and impact of contributions made.

Any supporting documentation will form the academic portfolio. This should be collated and labelled in a file box and deposited in the Dean's office. Such documentation might include a selection of key publications, course outlines, student and peer feedback or other relevant evidence. The documents should be cross referenced within the application.

4. Completed Research and Teaching Activities Forms (Forms B and C) – these are not included in the case for promotion page limit.

The Head of School's report and referees' reports are added to the application by the Academic Promotions Manager (Human Resources).

SUBMITTING THE APPLICATION TO HUMAN RESOURCES

Academic promotion applications must be submitted to Human Resources Reception on Level 1 of The Chancellery by the due date.

DECISION-MAKING PROCESS

This document sets out the Faculty and University decision-making process followed in relation to academic promotions at UNSW.

Faculty Promotion Committees (FPC)

In the case of applications for promotion to Lecturer and Senior Lecturer, the FPC is required to make recommendations, with reasons, to the Deputy Vice-Chancellor (Academic) as to which applicants should be promoted and which applicants should not be promoted. In the case of applications for promotion to Associate Professor and Professor, the FPC is required to make recommendations which will be further considered by a University Promotions Committee that will make the recommendation to the Deputy Vice-Chancellor (Academic) in the case of Associate Professor and the Vice-Chancellor in the case of Professor as to which applicants should be promoted and which applicants should not be promoted.

Composition

- Faculty Promotion Committees (FPC) shall have the following membership:
 - Dean (Presiding Member) ex officio
 - Up to five (5) committee members from the Faculty nominated by the Dean. The term of office for these members is three (3) years.
 - At least two members should have expertise in reviewing contributions to teaching.
 - One (1) member of another Faculty and approved by the Deputy Vice Chancellor (Academic), whose term of office is for a maximum of two (2) years.
- All members must hold at least the same rank as that for which candidates are being considered. With the exception of ex-officio members, the Dean should make every effort to ensure that representation is included from an applicant's broad subject area. The Presiding Member may co-opt to the committee one further member where this is not achieved through the normal membership.
- A Head of School may not be a member of an FPC in their own Faculty.
- All committees must include male and female members.
- No member of an FPC, other than the Dean, may serve consecutive terms.
- A quorum for an FPC is five (5)

Terms of Reference

The FPC will take into account: the application documents and materials referred to and made available by the applicant, the Head of School's report and reports from referees

Process

- All applicants are provided the opportunity to be interviewed by the FPC.
- Members of FPC should attempt to provide advance notice of specific questions they have for candidates. This is particularly important when clarification of facts are sought, such as number of citations or number of students in a course. In general both the Head of School and the applicant will receive these questions at least one day prior to the interview.

- Applicants may nominate another member of the academic staff of the University, who has knowledge and expertise relevant to the application, to attend the interview with the Head of School as an observer. The Head of School and observer are not advocates; they are not permitted to introduce new information nor make personal comments on the application. The Head of School and the observer will meet with the Faculty Promotions Committee before, during and after the interview and may take part in the committee discussion but must not be present for the vote nor the final ranking of the candidates.
- Where an applicant has nominated a colleague to attend the interview, then the nominated colleague must be available to attend the applicant's scheduled interview in person. No provision will be made for a nominated colleague to be involved in the interview process via a telephone conference.
- The interview provides applicants with an opportunity to further their claims for promotion and for members of the promotion committees with an opportunity to seek explanations or clarifications on matters within a promotion application from the applicant and /or Head of School.
- In the event that applicants receive significant information that they believe is relevant to their application, after they have submitted their application but before the Faculty Promotion Committee convenes, they may present an update of no more than one page to the Dean.
- Applicants who are unable to attend a prearranged interview have the option of:
 - agreeing to be considered in absentia
 - returning to UNSW for the interview at their own expense
 - being interviewed by conference telephone or video conference at the expense of the Faculty
 - deferring their application until a new round when they are available for interview
- All FPC members must vote either for or against a promotion for each applicant. The vote is by secret ballot but the outcome must be known and recorded. For applicants to lecturer and senior lecturer, no more than one member of the FPC may vote against promotion for the recommendation for promotion to be supported. For applicants to associate professor or professor, no more than two members may vote against promotion if the FPC is to recommend promotion.
- The Presiding Member is required to prepare a list of applicants and indicate those recommended for promotion and those not recommended with the voting numbers included. In all cases, the reasons for the recommendations, with reference to the relevant criteria, should be provided. The report is to be signed by all members of the corresponding FPC. Members may have a dissenting report attached if they wish.

University Promotion Committee (UPC)

The primary role of the UPC is to consider the applications for promotion to Associate Professor and Professor together with the recommendations from the corresponding FPCs, and to make a recommendation to the Deputy Vice-Chancellor (Academic) for promotion up to the level of Associate Professor and to the Vice-Chancellor for promotion to the level of Professor as to which applicants should be promoted and which applicants should not be promoted. There is an expectation that the standards

required for promotion to Associate Professor and Professor are applied uniformly across the University

Composition

- The University Promotion Committee (UPC) shall have the following membership.
 - A Deputy Vice-Chancellor, nominated by the Vice-Chancellor – Presiding Member (ex officio)
 - President, or a Deputy President, Academic Board (ex officio)
 - Eight (8) members appointed by the Vice-Chancellor including two (2) members of the professoriate chosen in consultation with the President of the Academic Board
 - One member who is a senior academic from another university.
- All members of the UPC must be at least at the level for which applications are under consideration. However, academics from outside the University whose rank may be below that of the level for which candidates are being considered, but who possess relevant special knowledge, may be included in the Committee membership.
- Except for ex officio and external members, the term of office of members of the UPC is three (3) years.
- The term of office of the external member is two (2) years.
- Except for ex officio members, no member of the UPC may serve for two (2) consecutive terms.
- A staff member may not be a member of an FPC and a UPC for the same promotion level.
- Deans are not eligible for membership for the UPC.
- A quorum for a UPC is ten (10)

Terms of Reference

There will be two (2) UPC meetings each year: one to consider applications for promotion to Associate Professor, and a second to consider applications for promotion to Professor. The UPC will take into account: the application, documents and materials referred to and made available by the applicant; the Head of School report and reports from referees.

Process

- Deans may be interviewed by the committee, individually. The purpose is to clarify issues and respond to questions by the Committee members.
- Applicants are not interviewed by the Committee.
- A vote will be taken as to whether or not each applicant should be promoted. If there are three or more negative votes, the applicant is not to be promoted.
- If the UPC's resolutions differs from the recommendations of a Faculty Promotion Committee, the Presiding Member of the UPC should provide feedback to the Presiding Member of the FPC.

Approvals and Effective Date of Promotion

All promotions up to the level of Associate Professor will be approved by the Deputy Vice-Chancellor (Academic) and promotions to the level of Professor will be approved by the Vice-Chancellor. The effective dates of promotions are set out below:

Lecturer, Associate Professor and Professor: 1 January of the following year.

Senior Lecturer: 1 July of the current year.

Feedback to Unsuccessful Candidates

If requested, feedback will be provided by the Presiding Member of the FPC to applicants who unsuccessfully applied for promotion to Lecturer or Senior Lecturer, and by the Presiding Member of the UPC to applicants who unsuccessfully applied for promotion to Associate Professor or Professor. Such feedback normally would be conveyed to the Head of School (for applicants for Lecturer and Senior Lecturer and to Deans for applicants for Associate Professor and Professor)

Feedback to unsuccessful candidates is for professional development purposes and may not be used as grounds for appeal.

Appeals

There is no provision for an appeal against unsuccessful application other than in cases where the applicant has reason to believe there has been a significant procedural irregularity.

An appeal on procedural grounds must be made within ten working days of the notification of the results of an application for promotion.

Appeals must be in writing and directed to the Director, Human Resources. The appeal must specify the alleged breach of procedures and indicate how it is perceived that the alleged breach may have influenced the promotion outcome.

The Director Human Resources in consultation with the relevant Dean and the Deputy Vice-Chancellor (Academic) or Vice-Chancellor shall ensure that the appeal is investigated and on the basis of that investigation, may determine either:

- That there was no procedural irregularity and that the appeal has been dismissed; or
- That there was procedural irregularity but that there is no evidence to suggest that it would have materially affected the outcome of the application; or
- That there was procedural irregularity and that it may have materially affected the outcome of the application. In such cases, the application will be referred back to the appropriate Promotion Committee for reconsideration, or alternative and appropriate action taken.

The Director, Human Resources shall advise the appellant of the outcome of the appeal in writing.

There is no further avenue of appeal within the University.

APPENDIX A

FACULTY OF LAW

FACULTY SPECIFIC GUIDELINES FOR PROMOTION

Adopted by the Faculty of Law by Resolution 89/15 (29 March 1989);
amended by Resolution 91/3 (20 March 1991)

A. Regarding Research

1. We do not place the same emphasis on international reputation or publication in international journals. The nature of legal scholarship is such that, in many areas of work, national reputation and publication is of at least equal importance.
2. Original research and creative work in the development of teaching materials for undergraduate and graduate subject may be taken into account. In the absence of evidence to the contrary, it will however be assumed that such work has not been subjected to peer review.
3. In producing evidence of research, candidates may draw attention to research undertaken in connection with community activities, such as law reform work, community legal education, continuing legal education and contributions to public debate and policy formulation (eg. submissions to law reform bodies or public campaigns).

B. Regarding Teaching

1. We should incorporate by reference the helpful document "Advice on the Documentation of Teaching Activities".
2. In addition, achievement in teaching may be manifested by evidence of, among other things,
 - a. subject design and development
 - b. preparation of teaching materials, and
 - c. convening of multi-group subjects.

PROMOTIONS IN LAW

This document discusses issues especially relevant to the assessment of Law applicants for promotion. It addresses widespread misapprehensions, notably in relation to research, arising from special features of the discipline of Law. In the course of so doing, it makes some elaboration of the Faculty of Law's Faculty -Specific Guidelines for Promotion.

A. RESEARCH

1. The nature of academic research in Law

The Submission of Australian Law Deans (April 1986) to the CTEC Assessment Committee for the Discipline of Law (the Pearce Committee) included the following observations about the nature of academic legal research:

“53. As law is a fluid discipline law teachers must carry out substantial on-going research if they are to retain credibility in the classroom. They must read and analyse all relevant legislative, judicial and academic contributions to their area of teaching and research expertise...

54. Research in and on the law takes many forms. Apart from the substantial research undertaken in connection with the teaching of courses, the major types of research are:

- i. research which provides a systematic exposition of the rules governing a particular legal category, analyses the relationship between rules, explains areas of difficulty and, perhaps, predicts future developments (“doctrinal research”);
- ii. research which intensively evaluates the adequacy of existing rules and which recommends changes to any rules found wanting (“reform-oriented research”); and
- iii. research which fosters a more complete understanding of the conceptual bases of legal principles and of the combined effects of a range of rules and procedures that touch on a particular area of activity (“theoretical research”).

This threefold classification of legal research was subsequently adopted in the Pearce Committee Report (Australian Law Schools, 1987, Vol. 2, para.9.15)

2. Academic legal research and the discovery of “new truths”

It follows from what has just been said that, in Law, the “discovery” element in academic research is not as immediately apparent as it is, for instance, in the natural sciences. In Law, and in the humanities and social sciences generally, it may seem that one does not “discover new truths”, but that one merely reviews and analyses (or synthesises) past and present social phenomena.

This view is however based on a fundamental misconception. Law is a highly sophisticated human construct that is constantly changing. A large part of legal research therefore consists of formulating hypotheses to give meaning to detailed legal rules already created (whether by statute or judicial decision) and projecting these

hypotheses so as to create new patterns of rule-making. Often the most profound “discoveries” are in fact those which give new coherence to familiar legal phenomena. For this reason, the process of ascertainment and synthesis of existing legal principles constitutes original research, as also does coming to terms with the dynamic of past, present and future legal development.

So long as the promotion criteria use the term “research”, as a key aspect of scholarship”, the former term must accordingly be interpreted widely enough to cover a whole range of investigative, analytical, critical, theoretical and/or synthesising intellectual activity by academic lawyers. (Such activity must of course be not purely pedagogic and must be original, in the sense of not being wholly or substantially derived from the work of others). In addition, any implicit requirement that there be some obvious and dynamic element of “discovery”, such as might win a Nobel Prize in a scientific field, cannot apply in Law.

3. The relationship of research to teaching

Academics from various disciplines outside Law sometimes assume that a textbook or a set of teaching materials that is or may be prescribed for undergraduate or even graduate students cannot, in any discipline whatsoever, be a major work of research and scholarship, simply because it is student-oriented. It is, however, well-recognised among academic lawyers that, at University level, Law research and teaching (even undergraduate teaching) are closely and inextricably linked. It is often most appropriate for insights and discoveries made in the course of research to be fed straight into the material put before students, or into published student case-books or text-books.

In a Statement entitled “The Nature of Law Research”, adopted in 1989 by the Committee of Australian Law Deans, this point is strongly emphasised. The Statement says: “...there is no discipline in which research and teaching are so closely interrelated”. It goes on to suggest, quoting from the Pearce Committee Report, para. 3.47, that promotions committees in Australia often fail to recognise that the “better” teaching materials often contain “valuable commentary”.

In conformity with this comment, Guideline A.2 in the Faculty-Specific Guidelines for Law is as follows:

“2. Original research and creative work in the development of teaching materials for undergraduate and graduate subjects may be taken into account. In the absence of evidence to the contrary, it will however be assumed that such work has not been subjected to peer review.”

This Guideline is not intended to imply that Law teaching materials are always based on original research and creative work, but merely that they may be. It also acknowledges that teaching materials may be subjected to peer review. But the Guideline requires that individual applicants adduce evidence of peer review, as a means of establishing that the materials are based on genuine and worthwhile research which should be duly acknowledged as such in the promotion process.

4. Rate of publication of articles

Law is not a discipline where a scholar who does not produce a “steady flow of articles” should for that reason alone be viewed as under-productive. It is entirely within the traditions of legal scholarship for academic lawyers to focus their research energies almost exclusively on producing a major book, with the result that over a period of

several years few if any articles are published. In contrast to some scientific disciplines, there is not an expectation that the interim results of continuing large-scale research should be put out into the public domain through a continuing series of articles.

5. The relation of research to professional and community activities

Faculty-Specific Guideline A.3 is as follows:

“3. In producing evidence of research, candidates may draw attention to research undertaken in connection with community activities, such as law reform work, community legal education, continuing legal education and contributions to public debate and policy formulations (eg submissions to law reform bodies or public campaigns).”

This matter is elaborated in the Committee of Law Deans' Statement on “The Nature of Law Research” (1989):

A further activity of which cognisance should be taken by relevant bodies is research and publication carried out in connection with law reform agencies. Such work requires a collection and analysis of existing materials and, more particularly, the writer is required to make predictions and suggestions for change. Hence, in addition to more usually demonstrated skills, writers are required to address matters of policy and generally demonstrate a creative approach to legal matters. Although it should be said that matters of policy and issues of reform are not irrelevant in other types of legal writing...Nonetheless, law reform research is at the very cutting edge of law academic study, practice and social policy. Many law academics are involved in law reform work in advisory, consultative and policy-making capacities. Hence, law academics, in this context, can have an immediate and direct effect, through their research and publication, on the development of law and its agencies.

Since law and legal institutions directly concern the daily lives of people, it is a further responsibility of law academics to bring matters of public importance to the notice of the community at large. This can take various forms such as articles in newspapers and like periodicals and appearances on other media. There are few disciplines in which this kind of activity is as important as it is in law. The writing of such articles and the making of such appearances requires that legal information be sought, correlated and put into a form which is readily comprehensible to members of the community. As with law reform research, the academic will also be required critically to evaluate the substantive law and make suggestions for its reform.

Where a Law applicant for promotion has done substantial work of this nature, it may often qualify, for these reasons, as “mainstream” research, not merely as a form of consultancy.

6. The question of international reputation

Faculty-Specific Guideline A.1 is as follows:

“1. We do not place the same emphasis on international reputation or publication in international journals. The nature of legal scholarship is such that, in many areas of work, national reputation and publication is of at least equal importance”.

By way of example, tax law, federal constitutional law and many branches of commercial law in Australia are “Australia specific”. The issues which they deal with must also be confronted in overseas countries, but the relevant legal principles are so numerous and complex that it is perfectly legitimate for academic lawyers specialising in such areas to be almost entirely preoccupied with the “home-grown” version. In such a case, an applicant for promotion may be able to offer evidence of a large quantity of highly-value research, but little or nothing in the way of international reputation. Indeed, overseas referees will often not be qualified to write a good reference.

On the other hand, even in fields of law where there are “Australia-specific” rules, scholars may choose to adopt a comparative approach - in order, for instance, to develop critical perspectives. In such a case, and a fortiori where the field of study is not “Australia-specific” (for example, international law), an international reputation is clearly attainable.

7. Status of journals

The Law Deans’ Statement on “The Nature of Law Research” points out that a hard-and-fast distinction between refereed and unrefereed journals does not exist in Law:

A major distinction which must be adverted to immediately which exists between law and many other disciplines relates to the issue of refereed journals, to which so much importance is attached in science and technology. The process of refereeing and assessment is altogether more diverse, varying considerably from journal to journal, than it seems to be in other areas. There are very many journals which have considerable influence in legal circles which would or might not fulfil the generally required science criteria, but it would be wrong to ignore them especially as they deal with matters relating to the practising legal profession. Methods of quality control are different but no less rigorous than in other disciplines.

A further comment may be added about publication in Law journals that are edited by students. It is sometimes assumed that for an academic journal to have student editors is a mark of low scholarly content and repute. Yet this is a characteristic of some of the leading Law journals in the world: in particular, the Harvard Law Review, which is the USA’s most prestigious law journal. In such journals, submitted articles are assessed, if not formally refereed, by leading academic lawyers in the particular field.

8. Status of referees

Legal practitioners, or other non-academic persons who have made their career in law, are sometimes asked by Law applicants for promotion to act as their referees. Because a great deal of professional legal work involves scholarly study similar to that undertaken by academic lawyers, and because many distinguished lawyers outside academe spent an earlier period of their professional life on the staff of a law school such referees are often entirely qualified to comment on an applicant's research achievements. This is not, however, to suggest that all or even a majority of a Law applicant's referees should be non-academic.

9. Postgraduate research qualifications and research supervision

It is a commonplace in academic law that relatively few academics have PhDs and relatively few are called upon to supervise PhDs. LLM degrees taken by research are also relatively uncommon. A Law applicant for promotion should therefore not be seen as "below par" merely because he or she (a) does not have a postgraduate research degree or (b) does not often supervise postgraduate research students.

B. TEACHING

1. The interactive nature of law teaching

Law is a subject which lends itself par excellence to top-quality interactive teaching, going far beyond the mere imparting of rules so as to involve the acculturation of students into a highly distinctive, demanding and sophisticated way of thinking and reasoning. An outstanding teacher in Law should have as strong a case as any other teacher for being credited with an "exceptional" or "outstanding" contribution to teaching, for the purposes of a promotion application.

2. Evidence of contribution to teaching

The Faculty-Specific Guidelines on teaching are as follows:

- B.1. We should incorporate by reference the helpful document 'Advice on the Documentation of Teaching Activities'.
2. In addition, achievement in teaching may be manifested by evidence of, among other things,
- a. subject design and development
 - b. preparation of teaching materials, and
 - c. convening of multi-group subjects.”

Guideline 1 is self-explanatory. In relation to guideline 2(b), it should be stressed that the inclusion of teaching materials, in this context as well as under Research, is not intended to constitute “double-dipping”. In this context, all that is meant is that the routine preparation and updating of good-quality teaching materials should be taken into account in the overall assessment of a Law applicant’s case under the heading “Teaching”. It is important to acknowledge that the rapid changes that can occur in the law make a dramatic impact on teaching. Legislation or a single judicial decision can require a significant reassessment of course material and sometimes structure. The ability and willingness to keep abreast of such changes in course development is clearly relevant to assessing the applicant’s contribution to teaching. As regards Research, teaching materials will only be relevant, and for distinctly different reasons, in the far narrower range of circumstances outlined above. These depend, in particular, on the materials being anything but “routine”: they must manifest genuinely creative and original research.