

ACADEMIC BOARD PHASE THREE REVIEW

Faculty of Law

2009

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SECTION I: PREFACE

(1) Background

The Academic Board reviews are intended to encourage in faculties an academic culture that values scholarship, free inquiry and intellectual rigour and honesty, supporting, in turn, the development and maintenance of high standards of teaching, scholarship and research.

In 2001 the Academic Board initiated a cycle of collegial reviews of the academic activities within faculties with a view to supporting faculties in developing effective academic quality assurance process. These were followed up in 2003 with a second phase of Faculty reviews, which expanded the scope to include all elements within the University Strategic Plan.

The Phase 3 Review is based on the Faculty's Self-Evaluation Report (SER) which provides an overview of the Faculty's assessment of the culture which supports, and the processes that lead to, continuous quality improvement in the Faculty at the time of the Review. To guide the development of the SER, faculties were invited to address criteria adapted from the Baldrige Education Criteria for Performance Excellence 2007.

(2) The Review Process

The Faculty presented its SER to the Academic Board on 15 September 2009 along with a number of supporting documents and relevant data. The Review Team met on 6 October 2009 to consider these materials.

The review visit took place on 14 October 2009. The key purpose of the visit was to enable the Review Team to assess the robustness and validity of the Faculty's judgements.

Implementation

Within six weeks of receipt of the Review Report, the Faculty is required to provide the Academic Board with a response to the Recommendations contained in the Report, indicating how the Faculty will build the Recommendations into Faculty planning processes.

Twelve months after the date the Report is presented to the Academic Board, the Faculty is required to provide the Board with a progress Report responding to the Recommendations.

(3) Membership

Review Team

Professor Bruce Sutton, Chair

Professor Michael Crommelin, Melbourne Law School

Professor Gail Pearson, Discipline of Business Law, Faculty of Economics and Business

Associate Professor Peter McCallum, Deputy Chair, Academic Board

Associate Professor Manjula Sharma, School of Physics, Faculty of Science

Professor Simon Tormey, School of Social and Political Sciences, Faculty of Arts

Senior Faculty staff

The Review Team met with the following staff during the second and seventh interviews:

Professor Gillian Triggs, Dean

Professor Hilary Astor, Cluster representative: Litigation/Dispute Resolution

Professor Patricia Apps, Director of Research

Dr Vivienne Bath, Director and Cluster representative: Centre for Asian and Pacific Law

Professor Lee Burns, Pro-Dean

Ms Annette Giles, Executive Director

Professor Jennifer Hill, Director, Ross Parsons Centre Commercial, Corporate and Taxation Law and Cluster representative: Corporate
Professor Helen Irving, Cluster representative: Constitutional / Public Law
Dr Fleur Johns, Co-Director, Sydney Centre for International Law
Professor Roger Magnusson, Associate Dean, Postgraduate Coursework
Professor Patrick Parkinson, Cluster representative: Equity / Property / Family
Professor Elizabeth Peden, Cluster representative: Contract / Commercial / Obligations
Professor Joellen Riley, Cluster representative: Employment Law, (cross over with Corporate)
Associate Professor Gregory Tolhurst, Associate Dean, Postgraduate Research

The Review Team also met with other academic and administrative staff.

Students

The Review Team met with three groups of students: five undergraduate/graduate-law students; seven postgraduate coursework students and five research higher degree students.

The Review Team acknowledges the need to be careful about generalising the views of a small group of students to the whole student body.

SECTION II: OUTCOMES

This section summarises the main findings and lists the commendations, affirmations and recommendations. It should be noted that, in addition, other favourable comments and suggestions for improvement are mentioned throughout the text of the Report. The Report draws on the information provided in the Self-Evaluation Report as well as discussion with staff and students. In some places, text from the Self-Evaluation Report has been incorporated directly into the text of this Report.

The Review Team acknowledges that the comments of staff and students during the Review visit may not be representative of the entire Faculty but point to issues which the Faculty might wish to explore.

(1) Introduction to Findings

The Faculty of Law operates as a single unit with budgets, policy development and implementation and financial decision-making organised for the Faculty as one entity. Subject clusters are responsible for teaching programs, curriculum development, course proposals, new units of study, mentoring of academics and promotion of research activity within the cluster. The Faculty also has a number of specialist research centres, which align with relevant clusters.

Staff and students share a pride in their membership of the Faculty and its outstanding reputation nationally and internationally. The recent move of the Faculty to the Camperdown campus has served to strengthen further this sense of pride in the Faculty. The Review visit reinforced evidence presented in the Self-Evaluation Report of a Faculty with a clear and shared vision based on internationalisation and globalisation of the curriculum and an increasing emphasis on research.

The Self-Evaluation Report and discussions with staff and students during the Review visit brought out a number of issues which are addressed further within this Report, as follows:

1. The Faculty is working to raise outcomes in research which, in previous years, have been below the level suggested by the Faculty's reputation. The Faculty is conscious of the need to continue to focus on the development of a research culture which respects and rewards research success. It is also important that the Faculty consider how research students can be more fully drawn into its research culture.
2. The recent relocation of the Faculty to the new Law School Building Camperdown campus provides the Faculty with opportunities to further develop collaborative and interdisciplinary academic activities. These opportunities are being identified but have yet to be fully exploited.
3. One of the areas of strongest growth in student numbers is in postgraduate coursework programs that are open to graduates from disciplines other than law and to international students from different legal jurisdictions. This has implications for the Faculty in ensuring the effectiveness of its programs for the acquisition of assumed knowledge and the appropriate management of teaching delivery and assessment for these different cohorts.
4. The pedagogical outcomes of the use of intensives for different groups of postgraduate coursework and graduate law students have not been made clear. It is important that evaluation mechanisms be established to address the learning outcomes and experiences of the various student cohorts through the use of intensives. Intensives are used in diverse situations and for a variety of cohorts and a variety of reasons. In some cases, the rationale relates to accommodating students' work commitments, in other cases to accommodate the availability of lecturers (in the case of visiting or part-time lecturers), and in others (as in the case of first year graduate law students) to accommodate student perceptions of difficulty and workload pressure. The Faculty needs to evaluate and, if necessary, optimise the way intensives are used for different cohorts.

A summary of Commendations, Affirmations and Recommendations follows. Note that these are not prioritised by the Review Team. They are listed below in the order in which the relevant issues appear in the SER.

(2) Commendations

Areas where the Academic Board commends the practices of the Faculty are as follows:

1. The Academic Board commends the Faculty for achieving a broadly shared vision for internationalisation and globalisation along with an increasing emphasis on research.
2. The Academic Board commends the Faculty for its ongoing commitment to engagement with external stakeholders and contributions to the profession.
3. The Academic Board commends the Faculty for its commitment to leadership development through regular turnover of staff in leadership positions and the policy of appointment of advisors to Associate Deans in larger areas of responsibility.
4. The Academic Board commends the Faculty for its successful completion of an administrative review that has resulted in improved levels of administrative support for academic staff.
5. The Academic Board commends the Faculty for the development of a formal mentoring program.

(3) Affirmations

Areas where the Academic Board affirms the Faculty's identification of the need for improvements to its practices are as follows:

1. The Academic Board affirms the Faculty's decision to re-introduce subject clusters. While the Review Team recognises the potential that clusters offer, it is noted that their terms of reference, and functions and responsibilities are still in the process of development.

(4) Recommendations

Areas where the Academic Board recommends improvements to the practices of the Faculty are as follows:

1. The Academic Board recommends that the Faculty continue to ensure that all staff and students are aware of the opportunities for their voice to be heard in both formal and informal management and governance structures.
2. The Academic Board recommends that the Faculty develop clear mechanisms by which it can measure the effectiveness of its leadership structure.
3. The Academic Board recommends that the Faculty continue to develop strategies to ensure that its communication processes work well across the Faculty at all levels of staff and students. It is further recommended that the Faculty develop staff and student evaluation mechanisms to monitor the effectiveness and evenness of communication strategies though all clusters.
4. The Academic Board recommends that the Faculty continue to monitor and ensure the effectiveness of communication mechanisms involved in the development and deployment of

strategy so that all staff are aware of opportunities to inform the strategic process and to be made aware of the implications for their own work.

5. The Academic Board recommends that the Faculty continue to explore mechanisms whereby it can provide admission opportunities to a broader range of socio-economic groups and contribute to the University's social equity agenda.
6. The Academic Board recommends that the Faculty develop evaluation mechanisms to ensure that the bridging program and the unit of study Legal Reasoning and the Common Law System/Introduction to Law for Health Professionals are meeting the needs of the local and international students for whom they are designed, providing them with an adequate level of assumed knowledge for other courses.
7. The Academic Board recommends that the Faculty review student consultation in the Faculty in light of the Academic Board Policy on Consultation with Students particularly with regard to staff-student liaison committees.
8. The Academic Board recommends that the Faculty continue to monitor its workload policy taking appropriate account of unit of study size in order to ensure all staff are able achieve an appropriate balance between teaching, research, community service and external activity.
9. The Academic Board recommends that the Faculty develop evaluation mechanisms that will enable it to assure the Academic Board that the learning needs of full-time, part-time and international students are met when intensives are used.
10. The Academic Board recommends that the Faculty continue to explore additional strategies to ensure that, depending on their pedagogical needs, postgraduate coursework students who are not graduates in law receive the learning experiences most appropriate to those needs. (This recommendation also relates to Recommendations 6 and 9 above).
11. The Academic Board recommends that the Faculty
 - (a) evaluate the strategies it has implemented to drive improvements in research productivity to ensure that they are achieving the desired outcomes; and
 - (b) continue to emphasis the development of strategic collaborative research links across the University as well as nationally and internationally.
12. The Academic Board recommends that the Faculty
 - (a) consider how research students can be more fully integrated into the academic activities of the Faculty;
 - (b) ensure that research students engaged in empirical research can gain access to relevant training in research methodologies; and
 - (c) ensure that research students have appropriate levels of access to areas of the building, and that access times are optimised.

SECTION III: REPORT

(1) INTRODUCTION AND FACULTY PROFILE

The Faculty's aspiration is to achieve acknowledgement and ranking as the best law school in Australia, one of the top five law schools in the Asia/Pacific region and one of the top forty law schools in the world. Achievement of this aspiration is underpinned by the Faculty's focus on internationalisation and globalisation.

The Faculty has a heavy teaching load, with large undergraduate and postgraduate programs. A key challenge for the Faculty is to balance its commitment to excellence in teaching with an increasing emphasis on research in order to position itself globally.

Key themes of the Review centred on the ways in which the current management and governance structure supports the achievement of the Faculty's strategic academic objectives, the impact of the recent move to the Camperdown campus on the Faculty's teaching and research activities, and the mechanisms the Faculty uses to address the learning requirements and expectations of its different cohorts of high quality students.

1.1.1 Faculty Environment

(a) Faculty culture and vision

The SER has indicated that the Faculty culture is changing with greater awareness of its focus on globalisation and internationalisation and on research. This changing culture is seeing the Faculty move its emphasis from the legal training of New South Wales students for the practice of law in New South Wales to a focus on the global marketplace and the opportunities this provides for both staff and students. Its emphasis now is on the education of lawyers for the 21st century in which legal services are globalised and lawyers need to move with comfort across national boundaries and different legal systems. There is recognition that benchmarking has to be undertaken both nationally and internationally and the new strategic focus of the Faculty recognises this.

The Review Team formed the view that both staff and students are fully aware of and supportive of this changing Faculty culture. Students are satisfied that the Faculty is preparing them for international careers, with coursework that increasingly includes aspects of comparative law. There is evidence that the changing Faculty culture is reflected in the teaching and research activities of staff, with the development of interdisciplinary and collaborative research with national and international law schools and continuing internationalisation of the curriculum. There is a range of international initiatives including the Sydney Law School in Europe, the Shanghai program and the Visiting Scholars program, with which staff are fully engaged.

Commendation 1

The Academic Board commends the Faculty for achieving a broadly shared vision for internationalisation and globalisation and an increasing emphasis on research.

(b) Impact of relocation to the Camperdown campus

The Faculty acknowledges that its downtown location, close to the profession, had contributed to the more insular culture that had previously existed. The recent move to the Camperdown campus to the new Law School Building gives added impetus to, and support for, an outward-looking, internationally focused Faculty culture, along with opportunities for broader levels of engagement with other faculties in both teaching and research. It was also pleasing to note that the Faculty's relationships with the professions had not been adversely affected. Postgraduate units of study were being delivered on the St James' campus but there was an increasing willingness by students and casual staff to attend classes on the Camperdown campus. There were also increasing numbers of events of interest to the legal profession held in the new building.

The Faculty already has close links with the Faculties of Health Sciences and Economics and Business through its postgraduate coursework programs, and closer links with other faculties are being established. Other faculties are keen to utilise the facilities available through the Law School Building, which also brings a sense of greater integration into the University as a whole.

The Review Team formed the view that the Faculty has yet to take full advantage of the opportunities offered by its changed location, but this was not surprising, given that the move only took place earlier this year.

While the move to the new building has provided a great boost to staff and student morale, there remain some teething problems, particularly restrictions on access by research students. This is addressed further in Section 7.2.1 Research Training.

(c) **Faculty structure and governance**

Key features of the Faculty structure were identified in the SER as:

- the Faculty Board, to which the major academic committees report, is responsible for formal decision-making on academic matters;
- the Dean's Executive Committee (DEC) is responsible for the overall management and policy directions of the Faculty;
- subject clusters, led by senior academics, are responsible for teaching programs, curriculum development, courses proposals, and new units of study and mentoring (see also additional comments below).

Alongside these formal structures, the Faculty has a structure of working groups and informal staff meetings, through which consensus is built on specific issues.

The Review Team explored the extent to which these structures ensure that all staff and students are satisfied that their voice is able to be heard in the decision-making process. While there was evidence presented to the Review Team by most staff that the mode of governance by consensus generally allows for input from those staff who wish to be engaged, there is also a perception that there is some lack of communication in the decision-making process.

The Review Team accepts the efficiencies in decision-making and process development that a consensual approach supported by working groups and meetings can give. Formal meetings, such as Faculty Board, provide an opportunity for the Faculty to ensure that all voices have been heard. The Review Team heard differing views about the extent to which there were adequate fora for public debate and suggests that the Faculty Board consider this.

Some concerns were expressed by the students who met with the Review Team that the process of student representation is perceived to be managed by the Sydney University Law Society (SULS) and that these positions were tightly held by a small body of senior students, leading to a sense of exclusion by those students not on the SULS Executive. The Review Team notes that SULS is an independent body answerable to its membership. The Review Team noted that while the SULS President is an *ex-officio* member of the Faculty Board, there are also five other elected student representatives of the Board.

Recommendation 1

The Academic Board recommends that the Faculty continue to ensure that all staff and students are aware of the opportunities for their voice to be heard in both formal and informal management and governance structures.

Subject Clusters

Subject clusters are an important component of the overall governance structure. They provide a forum for communication across the Faculty and will, it is hoped, help to ensure greater engagement by staff. There was some ambiguity in the SER concerning the role and functions of subject clusters, described in the SER as responsible for teaching programs, curriculum development, course

proposals, new units of study and mentoring of academics within the cluster. The Review visit clarified that subject clusters were also intended as a focus for research and support for research students and that there is an alignment between Research Institutes and Centres and relevant clusters, although some clusters do not have Research Institutes or Centres.

It is noted that the previous Academic Board review of the Faculty included a recommendation that RHD students be automatically included in the research cluster of their supervisor and that they be given opportunities to join other clusters of interest to their research. It was not clear that this had occurred and there was evidence of some inconsistency in the level of integration of research students into subject clusters. (See also Section 7.2.2 Research Training).

The Review Team accepts the benefits of clusters in facilitating the identification of staff within a particular discipline area. It is hoped that this alignment of staff with specific areas does not impede the development of intra-Faculty interdisciplinary links.

Affirmation 1

The Academic Board affirms the Faculty's decision to re-introduce subject clusters. While the Review Team recognises the potential that clusters offer, it is noted that their terms of reference, and functions and responsibilities are still in the process of development.

(d) Main academic activities

(i) Undergraduate

The Faculty's combined-law quota grew from 190 to 258 between 2006 and 2009. A large increase in the 2009 quota occurred because the Faculty agreed to increase its quota to make up for shortfalls in other degrees in the University. The Faculty is planning to introduce a graduate JD professional entry postgraduate course in 2011/2012.

(ii) Postgraduate

Postgraduate coursework programs, many of which are available to non-law graduates, form a significant component of the Faculty's academic activities. The Faculty wishes to grow its enrolments in postgraduate coursework programs, including the JD, while decreasing the numbers of CSP undergraduate places. The view was expressed that there are continuing opportunities for growth in the international market for postgraduate coursework students, while the local market was unlikely to grow beyond its already high current level.

The Review Team was also interested in exploring the impact of the continuing growth in postgraduate law students with a non-legal background. This has implications for their integration into the Faculty academic culture and the ways in which the Faculty caters for the different backgrounds of legally and non-legally trained students in the delivery and assessment of units of study. This is addressed in Section 7 Academic Process Management.

1.1.2 External Engagements and External Stakeholders

Faculty staff have a wide range of engagements with external stakeholders and many staff have traditionally maintained outside commitments, e.g. some form of position in private practice, in-depth consultancy or law drafting service, alongside their academic position. The Review Team noted that there can be management challenges in ensuring that external engagements are appropriately balanced with academic responsibilities for teaching and research. The changing positioning of the Faculty with its international focus and an emphasis on research, is building a greater sense of reward and respect for research success. This change, from one in which the focus was largely on the importance of links with the profession, has been facilitated through the move to the Camperdown campus and the greater levels of support for research activity outlined in Section 7.2.1 Research.

External stakeholders have a significant role in the Faculty's academic offerings, with advisory boards for a range of postgraduate programs and for Research Centres and Institutes. The Board of

the Law Foundation includes a wide range of external stakeholders who provide input from the legal profession on broad policy and planning matters. External specialists are also involved in the review of courses and units of study,

Commendation 2

The Academic Board commends the Faculty for its ongoing commitment to engagement with external stakeholders and contributions to the profession.

1.2 Challenges and Key Changes Affecting the Faculty's Competitive Position

1.2.1 Competitive Environment

(a) Research and scholarly activity

The Faculty has indicated that its main areas of competitive strength lie in research and law reform, drafting regulations and international aid programs. The Dean indicated to the Review Team that the listing of these areas of strength was a demonstration of the commitment of the Faculty to these areas, which were not always recognised as traditional research outputs. The Review Team explored how the Faculty organises itself to give expression to these competitive strengths and uses this to drive the Faculty's strategic agenda. It was noted that these strengths are very much focused on the individual and are not yet an expression of the strengths of specific clusters.

It is recognised that the Faculty's research output, measured against traditional benchmarks including research income from external grants, is below the Faculty's aspirations. Recent Faculty initiatives have driven improvements in this and it is important that the Faculty continue to reflect on the specific strategies that will drive those improvements. This is addressed in more detail in Section 7.2.1 Research.

(b) Attracting the highest quality students

The UAI or equivalent required for admission to candidature for combined law degrees is a national benchmark, against which it can be seen that the Faculty attracts many of the finest students in Australia.

Undergraduate and postgraduate students confirmed the Faculty's statement that students choose to enrol in their courses based on the brand and reputation of both the University and the Faculty. Students' comments confirmed to the Review Team that the Faculty's focus on internationalisation and globalisation helps them to meet their aspirations to cross boundaries and have international careers.

(2) LEADERSHIP

2.1 How Senior Leaders Lead

2.1.1 Vision and Values

The Faculty's vision is deployed through the governance structure. The two key decision-making bodies are the Dean's Executive Committee (DEC) and the Faculty Board. In practice, the DEC provides the forum through which issues are discussed and consensus is reached on specific issues, with the use of working groups and informal staff meetings as needed, prior to formal reporting to and approval by the Faculty Board. The members of DEC, which comprises the Dean, Pro-Dean, Associate Deans, cluster representatives, Centre Directors, Faculty Executive Director and Finance Manager have significant roles in articulating the vision and values of the Faculty.

The SER indicates that the vision of the Faculty is based on the core idea of internationalisation and globalisation of the curriculum. The extent to which staff and students agree that the Faculty has a clear and shared vision and that they have the opportunity to contribute to the development of that vision through the Faculty's governance structure is addressed in Section 1 above.

Leadership development and assessment of leadership outcomes

Leadership development in the Faculty is underpinned by the principle that those in leadership positions of associate dean or director are generally asked to make a two-year commitment. This means there is a regular turn-over of staff in those positions. In one case, succession planning for the crucial and large role of Associate Dean Undergraduate is facilitated by the appointment of undergraduate student advisors who in effect understudy this position.

The Review Team had some concerns that the regular turnover of leadership roles may, in some cases, be in tension with the Faculty's capacity to assess its performance in relation to leadership.

Commendation 3

The Academic Board commends the Faculty for its commitment to leadership development through regular turnover of staff in leadership positions and the policy of appointment of advisors to Associate Deans in larger areas of responsibility.

Recommendation 2

The Academic Board recommends that the Faculty develop clear mechanisms by which it can measure the effectiveness of its leadership structure.

2.1.2 Communication and Faculty Performance

Mechanisms for communication include:

- formal and informal governance structures outlined above
- cluster meetings
- all-staff emails
- news and events entry on the Faculty's home page (it is noted that that the Faculty does not currently have a password-protected intranet).

Staff on the whole were satisfied that these communication mechanisms work well. Students also indicated that the processes for communication with the Faculty operate effectively. It is noted, that the security arrangements in the new building are an impediment to informal communication with staff – restricted access to offices means that students usually need to make formal appointments to discuss issues. The Review Team understands the Faculty is working to find suitable ways to overcome this.

There was some evidence that, notwithstanding the above, some staff and students continue to perceive that they are out of the communication loop. Some postgraduate students reported

frustration at their difficulty in finding out about seminars outside their own immediate area, or even, in some cases, within their area.

Recommendation 3

The Academic Board recommends that the Faculty continue to develop strategies to ensure that its communication processes work well across the Faculty at all levels of staff and students. It is further recommended that the Faculty develop staff and student evaluation mechanisms to monitor the effectiveness and evenness of communication strategies though all clusters.

(3) STRATEGIC PLANNING

3.1 Strategy Development

3.1.1 Strategy Development Process

The SER indicates that strategic planning in the Faculty is an organic process. The Faculty values flexibility in its strategic planning to allow it to respond to a constantly changing external environment.

The Faculty has a continuous strategic planning process, with discussion at DEC at the core. As indicated in Section 2.2.1 above, DEC provides the focal point through which issues are discussed and consensus reached on specific issues, with the use of working groups as needed.

The Review Team explored how the strategy development process works in practice, using the development of the proposal to introduce the JD as an example. The Review Team was advised that that proposal went through formal and informal discussions and the Faculty was satisfied that this provided opportunities to engage those who wish to be engaged.

The comments above in 2.1.2 about some staff and students perceiving themselves to be out of the communication loop also have relevance to staff and student involvement in planning and decision-making. A natural flow-on of recommendation on communication (Recommendation 3) is that this issue will also be considered in relation to strategy and planning. It is noted that subject clusters are an important component in the overall decision-making process, and it is important that the Faculty monitor the effectiveness of communication through the cluster framework and between clusters.

Recommendation 4

The Academic Board recommends that the Faculty continue to monitor and ensure the effectiveness of communication mechanisms involved in the development and deployment of strategy so that all staff are aware of opportunities to inform the strategic process and to be made aware of the implications for their own work.

3.1.2 Strategic Academic Objectives

The Faculty's primary strategic academic objectives for Research and for Learning and Teaching were noted. The Balanced Scorecard included as an appendix to the SER provided the Review Team with the specific measures, target and initiatives attached to these objectives.

(4) STUDENT AND STAKEHOLDER FOCUS

4.1 Student, Stakeholder and Market Knowledge

Prospective students and student recruitment

(a) Undergraduate

The Faculty has no difficulty in attracting the highest-achieving students, as measured by the UAI or equivalent, both nationally and internationally.

The Review Team explored with the Faculty the mechanisms available to it to provide admission opportunities to a broader range of socio-economic groups and contribute to the University's social equity agenda. It was noted that it is one of the biggest University participants in the Broadway scheme and is exploring alternative methods to ensure diversity. One of the initiatives mentioned was the possibility of offering scholarships to accompany the use of LSAT as an additional selection tool.

Recommendation 5

The Academic Board recommends that the Faculty continue to explore mechanisms whereby it can provide admission opportunities to a broader range of socio-economic groups and contribute to the University's social equity agenda.

(b) Postgraduate

Much of the Faculty's postgraduate coursework expansion has resulted from the introduction of postgraduate courses offering specialised legal skills for graduates without a legal background. Postgraduate coursework is the area in which the Faculty sees the most opportunity for future growth. The Faculty endeavours to identify the areas where it can increase its market-share of non-legal students and to develop courses which respond to market needs.

The new Law School building and the retention of postgraduate evening classes at the St James campus provide the capacity to expand postgraduate coursework programs and increase student numbers.

Growth in postgraduate coursework enrolments is envisaged to come from increasing enrolments of international students and from the introduction of the JD, which will include 95 CSP places and additional fee paying places.

With an increasing emphasis on the recruitment of international students to its postgraduate coursework programs, it is important that the Faculty address the specific needs of this cohort, whose requirements and expectations are likely to differ from those of local students. It is noted that the Faculty has appointed an Associate Dean (International Students) to integrate international students more effectively in the Faculty's international law program. There were, nevertheless, some indications from the international students with whom the Review Team met that they were not as fully integrated into the academic and social activities of the Faculty as they would wish. This relates in part to the use of intensives for postgraduate coursework teaching and is addressed in Section 7.2 Academic Process Management.

4.2 Student and Stakeholder Relationships and Satisfaction

4.2.1 Building Relationships with Students

The SER indicates that the main avenue for the building of relationships with students is through the Faculty's work with the Sydney University Law Society (SULS). Every Law student is automatically a member of SULS on enrolment.

Other support strategies for students include:

- bridging program for law graduates from non-Australian/non-Common Law backgrounds/ undergraduates on exchange programs/local students with non-legal backgrounds
- welcome drinks for exchange students and for new postgraduate students
- designated contact officers for each postgraduate course (Academic Postgraduate Coordinator and Student Liaison Officer)
- specific units for non-lawyers undertaking postgraduate courses (Legal Reasoning and the Common Law System and a unit for Health Law courses)
- prizes and scholarships
- support from Associate Deans.

There was some evidence that these mechanisms for building and maintaining relationships with students were not fully addressing their needs. As noted above, some students expressed concerns that the Executive positions of SALS exerted tight control over the management of communication between students and the Faculty and this led to a sense of disenfranchisement. While this may be more a matter of perception than reality, it is important that the Faculty and the SALS Executive ensure that communication is not perceived to be restricted to certain channels of communication.

Other issues raised by undergraduate students concerned the lack of opportunity for interaction between the various years of the degree; lack of induction for graduate law students; and administrative difficulties encountered in the early years of the combined degree. Prior to the move to the new Law Building, first to third year combined law was taught on the Camperdown campus and fourth and fifth year was taught in Phillip Street. The Faculty expects this to change with time now that the Faculty is located in the new law building and all teaching is now on campus. The Review Team gained the impression that students may lack a sense of inclusion in the academic life of the Faculty. (See **Recommendation 7** below).

The Review Team notes that there are a number of distinct cohorts of postgraduate coursework students, each of which would have differing requirements for support. Local postgraduate students with a law degree may be enrolled in either the LLM or one of the specialist postgraduate degrees and are usually part-time students; local postgraduate students without a law degree are enrolled in one of the specialist degrees and again, are often part-time students; international students are usually full-time students, and may be enrolled in either the LLM or one of the specialist degrees.

The Faculty addresses the question of assumed knowledge for postgraduate students who are not lawyers or who come from a non-Common Law background through the bridging program and the unit Legal Reasoning and the Common Law System or specific unit for Health Law students. Comments made to the Review Team by the international students with whom it met (admittedly a very small number of students) led the Team to form the view that the Faculty may need to evaluate the effectiveness of the bridging program and Legal Reasoning/ Health Law unit in providing an adequate level of legal background for either international students or local non-law graduates. For non-law graduates it is important that the knowledge obtained through the bridging program and relevant background unit of study facilitate their contribution to class discussion and integration with law graduates.

Recommendation 6

The Academic Board recommends that the Faculty develop evaluation mechanisms to ensure that the bridging program and the unit of study Legal Reasoning and the Common Law System/Introduction to Law for Health Professionals are meeting the needs of the local and international students for whom they are designed, providing them with an adequate level of assumed knowledge for other courses.

4.2.2 Determining Student and Stakeholder Satisfaction

Feedback

Student satisfaction feedback is obtained through the formal evaluation mechanisms of USE, CEQ and SCEQ and SREQ; a cycle of reviews which include input from students, alumni and the

profession; and specific surveys of relevant student segments. The Faculty is not satisfied that either CEQ or SCEQ data are adequate management tools for the determination of levels of student satisfaction. The Faculty has been developing strategies to increase response rates to the CEQ. It is concerned that many of the most academically able students do not respond to this survey, which has implications for the outcomes.

SULS also provides an important link in the student feedback cycle. Most Faculty committees include student representation. In addition, Faculty Board has up to six student representatives. These representatives provide student feedback to the Faculty. SULS assists the Faculty in publicising opportunities for Faculty committees, however the representatives are not necessarily from the SULS Executive. The Dean meets regularly with the SULS President. The Review Team was concerned to note that there do not appear to be any staff-student liaison committees through which students are able to express their views.

The SER indicates that the Faculty actively seeks student input into reviews of courses and units of study. Student feedback from USE is taken into consideration. There is no formal mechanism for advising students how this feedback is used but students are usually advised in classes about changes made in response to their comments. There were some indications from students that they did not know the extent to which their feedback was used, although they were satisfied that once issues were raised with specific staff members they were generally addressed.

Recommendation 7

The Academic Board recommends that the Faculty review student consultation in the Faculty in light of the Academic Board Policy on Consultation with Students particularly with regard to staff-student liaison committees..

(5) MEASUREMENT, ANALYSIS AND KNOWLEDGE MANAGEMENT

Issues covered in this section of the SER are addressed elsewhere in this Report.

(6) WORKFORCE FOCUS

6.1 Workforce Engagement

6.1.1 Workforce Enrichment and Engagement

Key factors impacting on workforce enrichment and engagement in the Faculty include the increased levels of additional support provided to academic staff following an extensive administrative review in 2008; the introduction of a formal mentoring program; the reintroduction of subject clusters; and opportunities for broad consultation and discussion through, for example, the informal staff meetings.

The Review Team formed the view that these initiatives were positioning the Faculty to achieve desired outcomes in relation to staff engagement. The Faculty is aware that not all staff are yet fully engaged with the Faculty, and is looking particularly to the mentoring program and the subject clusters to facilitate this. There may be some teething problems about the range of administrative tasks to support the teaching, research and research-oriented events of academics. Staff told the Review Team that the outcomes of the administrative review had been very positive in providing support to enable staff to focus on teaching and research and service.

The SER indicates that workforce engagement is assessed through increased enrolments, improvements in research productivity, applications for academic positions and the numbers of staff willing to undertake governance roles. The Review Team did not have the opportunity to explore the ways in which all of these measures correlate specifically to workforce engagement. It was also noted that the Faculty has a very high number of casual staff and it was not always easy to ensure their engagement with the Faculty workforce.

Commendation 4

The Academic Board commends the Faculty for its successful completion of an administrative review that has resulted in improved levels of administrative support for academic staff.

6.1.2 Workforce and Leader Development

(a) Performance Management and Development

PM&D

The SER indicates that the Faculty would like to see PM&D used as a tool to manage staff expectations of what can be reasonably achieved in a normal year. There were, however, mixed views of the effectiveness of this process at present. While senior staff indicated that PM&D was a mechanism for the review of synergies across a staff member's workload, which could feed back into research, there were also indications from some staff that they would like to have a more clearly articulated set of expectations. The Faculty has been discussing the use of PM&D with Learning Solutions through 2008 and 2009, including the use of (somewhat) standard expectation criteria. It is the Faculty preference that PM&D be assessed based on a three year plan not a one year plan, however the Faculty is constrained by University policy.

Staff Development

Staff development is supported through:

- a generous staff development budget that provides staff with opportunities to develop in both teaching and research;
- the ability for staff to cluster teaching into one semester in order to focus on research in the remainder of the year;

- participation in SSP even for those who may not have a high research output.

(b) **Mentoring**

The Faculty has developed a formal, voluntary, mentoring program designed to provide academics with support, guidance and feedback from colleagues with more experience. It is also intended as a useful way of helping new Faculty members adjust to their new environment. Once recruited into the program a mentee can indicate mentor preferences which are then approved by the Faculty Mentoring Committee.

Commendation 5

The Academic Board commends the Faculty for the development of a formal mentoring program.

6.2 Workforce Environment – Workload Policy

The Review Team explored the mechanisms the Faculty has in place to provide a supportive workforce climate and ensure the capability of its workforce to deliver quality outcomes in teaching and research. This is addressed to a large extent under Workforce Enrichment and Engagement above.

A transparent and equitable workload policy is an important element in the building of an effective and supportive workforce environment. This issue was not addressed in the SER. Invited by the Review Team to comment on how workload was managed in the Faculty, the Dean advised that the Faculty has a broad workload policy, recently amended to six contact hours of teaching per week. The Faculty has a competitive research grant available to early career researchers to buy out of a half semester's teaching. Comments made to the Review Team, however, indicated that some staff were concerned that the Faculty's workload policy did not adequately balance the work demands in teaching large undergraduate programs against those involved in teaching postgraduate programs. There was a perception that this impacted on the time available for research for some staff. The Faculty has stated the issue was discussed at a meeting in August 2009 at which a majority supported the existing policy.

Recommendation 8

The Academic Board recommends that the Faculty continue to monitor its workload policy taking appropriate account of unit of study size in order to ensure all staff are able achieve an appropriate balance between teaching, research, community service and external activity.

(7) ACADEMIC PROCESS MANAGEMENT

7.1.1 Coursework Program Design

The Faculty seeks input from a broad range of stakeholders and is involved in a continuous cycle of review and quality enhancement for all of its programs. The Review Team was impressed with the strategies the Faculty has in place to ensure high academic quality, address student and stakeholder needs and address the internationalisation of the curriculum.

(a) Undergraduate courses

Core curricula in the Faculty must satisfy the requirements of the Legal Profession Admission Board of New South Wales. Eleven areas of knowledge, known as the Priestley 11, must be taught by all law schools as the academic requirements for admission. While their content is consistent across all Australian law schools, there is significant discretion as to how these areas of knowledge are taught and accreditation is self-regulating. Recently the Council of Australian Law Deans agreed on an accreditation process for all Australian law schools, aimed to make them more attractive internationally and provide a collaborative approach across all Law schools. This accreditation would be in addition to the Priestley 11.

While accreditation requirements constrain curriculum development, the Faculty is able to pursue the achievement of its strategic goals in relation to internationalisation of the curriculum through the elective components of the course. It is also introducing comparative law in a wider range of units, providing students with an enhanced understanding of how the law operates in an international environment.

(b) Postgraduate coursework

Postgraduate coursework programs have been increasingly designed to cater for those with a non-legal background, responding to market opportunities and demand. The LLM continues to provide a postgraduate coursework program for law graduates, with the specialist programs available to both law graduates and non-law graduates.

The Faculty has regular reviews of its postgraduate coursework programs and ensures that units of study incorporate the Faculty's vision of internationalisation and globalisation. Some, but not all, postgraduate programs have advisory boards. These meet once or twice a year and similarly provide direct feedback on, for example, what the professions want and how well-prepared the Faculty's students are for the work-place; they give advice on tailoring programs. Programs develop through the subject clusters and ideas are generated there, particularly in the master's area.

One of the issues the Faculty has to take into consideration in the design of its specialist coursework programs is the level of assumed knowledge, when both law graduates and non-law graduates take the same units of study. This has been addressed under Section 4.2.1 above.

Students indicated that they were generally very satisfied with the design and content of their courses.

7.1.2 Coursework Delivery

(a) Intensives

(i) Postgraduate

The Faculty has been using intensive forms of teaching for postgraduate courses since the mid-nineteen-nineties and has grown to approximately three-quarters of the program that is now delivered in this way. The SER advises that in response to feedback from its part-time postgraduate coursework students, the Faculty has been delivering more units in an intensive mode. Staff indicated that they were satisfied that the delivery of postgraduate coursework units through intensives met the learning needs of the majority of students.

The Review Team explored the extent to which the use of intensives catered to the learning needs of all cohorts of postgraduate students. The small group of postgraduate coursework students with whom the Review Team met comprised five full-time international students and two part-time local students. It was clear that these two cohorts had different expectations and needs.

International, full-time, students were concerned that the use of intensives did not always provide them with the time to critically analyse material and did not offer opportunities for class discussion. The Faculty takes advantage of visiting scholars from time to time to deliver intensive teaching, and in such cases, intensives are delivered over a four or five-day period. It is a requirement that reading materials are made available to students four weeks before the intensive starts. International students were concerned that this did not give enough time for preparation of material, or for consolidation of unit of study content.

It is also the case that international students need time to interact with other students, an important component of the international experience. There is a view that this could be achieved more effectively over a semester-long course and for this reason, they would appreciate a greater mix of intensives and semester-long courses. As referred to in Section 4.2.1, the level of assumed knowledge required for intensives in particular may not be adequately addressed through the Faculty's bridging program or Legal Reasoning/Health Law unit of study, where students come from a non-Common Law background and students indicated that they would like foundation units to be semester-length. It was noted that some units of study offer two modes of delivery, both intensive and semester-long (including Legal Reasoning which has the higher enrolment numbers of the foundation units).

(ii) Graduate law

From 2009 the Faculty has also adopted an intensive mode of delivery for the first year of the graduate-entry law program. The adoption of intensive-mode teaching was in response to feedback from graduate law students who found it difficult to study four 6-credit point units (rather than the previous three 8-credit point units) simultaneously. Modes of study in law are generally very different from that to which students were exposed in their previous degrees, and the Faculty believes that the use of intensives made the transition easier. The SER indicates that graduate law students were surveyed this year for feedback on the new teaching mode, with a view to feeding improvements into second semester based on student feedback. It is the Faculty's intention to continue to evaluate this mode of delivery and make necessary adjustments as a result of student feedback.

Graduate law students indicated to the Review Team that they were not entirely satisfied with their experiences with intensives. Their main concerns related to expectations of assumed knowledge and the lack of time available for the reading and consolidation of material, which, with examinations at the end of the semester, became progressively more difficult as the semester progressed. The short timeframe for the delivery of individual units of study also made it difficult for students to obtain the feedback needed to inform their study for examinations. There was a perception that the main focus of units of study delivered in intensive mode was on the delivery of large quantities of material, without a full understanding of student needs and the time required for them to gain a deep conceptual understanding of that material.

In the light of these discussions, the Review Team agreed that the Faculty should develop evaluation mechanisms that will enable it to assure the Academic Board that the learning needs of full-time, part-time and international students are met when intensives are used.

Recommendation 9

The Academic Board recommends that the Faculty develop evaluation mechanisms that will enable it to assure the Academic Board that the learning needs of full-time, part-time and international students are met when intensives are used.

(b) Postgraduate coursework students with a non-law background

The efficacy of the bridging program and Legal Reasoning/Health Law unit of study in providing students with a non-legal background with the level of assumed knowledge required has been addressed in Section 4.2.1 above. The Review Team also explored the ways in which, within the teaching and assessment of individual units of study, the Faculty caters for the different backgrounds and learning needs of students with a non-law background. LLM students (law graduates) and students in specialist degrees, who may not necessarily have a law background, take units of study in common to a large extent.

The Review Team was advised that while lawyers did not necessarily have an advantage in all areas, for example in Health Law, there can be challenges in managing students with differing backgrounds. This has been addressed in some units through splitting the LLM cohort from non-lawyers. It was not clear to the Review Team that this issue has been recognised and addressed consistently across the Faculty. It is important that the differing pedagogical needs of different cohorts of students are recognised and that they receive the learning experiences most appropriate to those needs.

Recommendation 10

The Academic Board recommends that the Faculty continue to explore additional strategies to ensure that, depending on their pedagogical needs, postgraduate coursework students who are not graduates in law receive the learning experiences most appropriate to those needs. (This recommendation also relates to Recommendations 6 and 9 above).

(c) Quality Assurance

Assessment of teaching quality is conducted through course evaluations and surveys. The Faculty is aware of the importance of ensuring the quality of teaching by external staff.

Undergraduate students reported a high level of satisfaction with the quality of their teaching, although there was evidence of some inconsistency in the experiences of postgraduate coursework students. It is noted, however, that CEQ results for postgraduate students remain above the University average.

7.2 Research and Research Training

7.2.1 Research

(a) Core competencies

The Faculty's core competencies in research are demonstrated through its specialist research centres:

- Australian Centre for Climate and Environmental Law
- Centre for Asian and Pacific Law
- Centre for Health Governance, Law and Ethics
- Institute of Criminology
- Julius Stone Institute of Jurisprudence
- Ross Parsons Centre of Commercial, Corporate and Taxation Law
- Sydney Centre for International Law.

The Review Team explored the extent to which a research culture was being achieved in the Faculty. Discussions with staff confirmed for the Review Team that the vision of the Faculty in relation to

globalisation and internationalisation and increasing emphasis on research had been made clear to them and they understood the Faculty's priorities.

(b) Structure and support for research

The Faculty is placing increasing emphasis on research and has instituted a range of mechanisms to support researchers to achieve and sustain their research potential. These include small grants to support funded research; funding to encourage ARC applications; a bonus system relating to DEEWR points; options for teaching buy-out for early career researchers; greater levels of administrative support and the introduction of a mentoring scheme.

The reinvigoration of teaching/research clusters also provides the opportunity to develop an intellectual environment through which research can be encouraged. It is also hoped that recent appointments of research-active staff will add a further boost to research productivity.

There is evidence that these strategies are beginning to achieve success, with grants and publications increasing in recent years. In 2008, compared with other faculties in the University, Faculty publications were as follows:

		Law	Econ&Bus	Arts	Ed&SW
Publications score	Total	152.8	249.5	639.5	156.3
Publications score per FTE	2008	1.91	0.81	1.65	1.16

Subsequent to the review visit, while the report was being prepared, benchmarking comparisons for the Faculty against other Go8 universities for 2009 were made available. These figures indicated a further improvement in weighted publications to 2.54 per FTE, which was the highest rate within the Go8.

University	Mapped to Usyd Faculty	Weighted Pubs (per FTE) (LevB)
Go7 - 1	Law	1.12
Go7 - 2	Law	1.80
Go7 - 3	Law	2.37
Go7 - 4	Law	2.17
Go7 - 5	Law	1.99
Go7 - 6	Law	2.01
Go7 - 7	Law	1.65
Non-USYD Av	Law	1.87
USYD	Law	2.54

These results confirm the trend of steady improvement from 2007 research benchmark results against the GO8 when the Faculty ranked ; in weighted publications it ranks when research student publications are included, and when the same figures are calculated for Level B and above; and in total research income it ranks . It is recognised that in this Faculty research of impact may be carried out without the need for external funding, with time for research being the critical factor. There are some challenges for the Faculty where external funding is needed, particularly in relation to access to ARC funding. The Faculty has indicated, however, that its staff have a range of strong external

links, which could place it in an excellent position to obtain Linkage grants. Furthermore, the ARC focus on international links fits with the Faculty's vision for internationalisation and globalisation.

A key factor in achieving high levels of research productivity is ensuring that staff have an appropriate balance in teaching, research and external responsibilities. The importance of developing a workload policy which recognises this has been referred to above. It is also noted by the Review Team that the Faculty is concerned that its current heavy teaching loads impact on the time available for research. The planned reduction in student numbers should help to address this.

The development of a culture which values and respects research is likely to be greatly enhanced by the relocation of the Faculty to the Camperdown campus and the opportunity that this provides for the improved levels of engagement and the development of collaborative research with other faculties. The Institute of Social Sciences is a University-wide initiative of significant potential to the Faculty in the development of cross-disciplinary research and the Faculty is looking forward to taking advantage of the possibilities that this might offer.

Recommendation 11

The Academic Board recommends that the Faculty

- (a) evaluate the strategies it has implemented to drive improvements in research productivity to ensure that they are achieving the desired outcomes; and
- (b) continue to emphasise the development of strategic collaborative research links across the University as well as nationally and internationally.

7.2.2 Research Training

Research enrolments have remained relatively steady for the Faculty in recent years, with 76 PhD and 13 Masters by Research students from a total student enrolment of 3373. The Review Team was informed that there were few incentives for members of the legal profession to complete doctorates, since there was little recognition of its value by the profession. Although HDR numbers are low by the standards of some disciplines, the HDR numbers in the Faculty compared favourably with other Australian law schools. The introduction of specialist degrees, through which non-lawyers could be admitted to candidature for a PhD, was one avenue through which these numbers might be increased. This was also a contributory factor to the low completion rates, particularly for part-time students, which the Faculty was endeavouring to bring under control. There may be possibilities for the Faculty to explore with the legal profession the ways in which their attitudes towards the holders of PhDs might be improved so that opportunities outside academia might be enhanced.

Support mechanisms for research students include:

- a structured coursework program that runs over three years;
- twice-yearly welcome for students;
- invitations to all guest lectures;
- annual postgraduate research student conference.

The Review Team explored the extent to which research students felt that they were members of a vibrant Faculty research culture. They reported a sense of isolation and did not always feel that they were members of a community of scholars or have an association with staff other than their supervisor. Some students reported limited opportunities to present their research other than at the annual PhD conference. While they welcomed the fact that the Faculty invites research students to guest lectures, these did not provide opportunities for interaction. The Faculty reported that there are opportunities within clusters for PhD students to present their research. For example, the International Law cluster has regular lunchtime meetings for research students to present their work to staff. The trade law area has similar opportunities which also include staff from the Faculty of Economics and Business. . It would be valuable for the Faculty to ensure that opportunities for students to present research are evenly available within clusters throughout the Faculty.

The three Legal Research units were uniformly praised by research students, not only in respect of the quality of the teaching and the usefulness of the content, but also because they were the only

opportunity for research students to get together as a group. The Review Team was pleased to receive advice from the Dean that a Research Students common room had recently been established which should help to improve social interactions among research students.

As noted earlier in this Report, subject clusters are intended to provide a focus for research and for interaction with research students. The Review Team gained the impression, however, that research students were not very clear on the role and functions of clusters. There may be a greater integration of research students into some clusters than into others.

The general issue of access to the building was of considerable concern. Current restrictions meant that they had no Sunday access, and restrictions on access to staff areas of the building made it difficult for them to attend cluster meetings. Other issues of concern to research students included the lack of dedicated work spaces or lockers in which confidential material can be kept; difficulties with the levels of noise in the Library; and the lack of access to training in qualitative or quantitative methods for students who need to engage in empirical research.

Recommendation 12

The Academic Board recommends that the Faculty:

- (a) consider how research students can be more fully integrated into the academic activities of the Faculty;
- (b) ensure that research students engaged in empirical research can gain access to relevant training in research methodologies; and
- (c) ensure that research students have appropriate levels of access to areas of the building, and that access times are optimised

7.2.3 Research Supervision

Students are generally very happy with the quality of their research supervision.