

Work in Progress: Changing for the Better

July 2013

PRESENTATION NOTE:

After 100 years of existence and the completion of its Statutes review, the Law School of the University of Lisbon is starting an internal process of evaluation and reflection surrounding its mission, goals, organization and functioning.

The text hereby presented also includes the main conclusions taken from the *University Conferences*¹, organized by the Internal Evaluation Committee, which took place on the 16th of May 2013.

The present document is intended to serve as the basis for a wide internal debate, with the participation of representative elements of the academic community – students, teaching and non-teaching staff -, and also as a starting point for the production of critical reflections and valid contributions, from which a final text will be prepared, integrating those contributions.

It is considered appropriate to carry out an institutional and study cycles' evaluation, following a methodology which can identify strengths, weaknesses, opportunities and constraints².

¹ Attached Programme (Attachment 1).

² It was decided to adopt a SWOT analysis model (*strengths, weaknesses, opportunities and threats*), according to the good international practises regarding evaluation.

THE LAW SCHOOL OF THE UNIVERSITY OF LISBON
- INSTITUTIONAL AND STUDY CYCLE'S EVALUATION FRAMEWORK -

In accordance with no. 1 of article 1 of its Statutes³, “the Law School is a centre of creation, transmission and dissemination of culture and science, within the realm of juridical sciences and other related fields of knowledge”.

Within the realm of its specialization area, the Law School's **mission** is to contribute to the higher educational, cultural and scientific level of the country, through the transmission of knowledge and mental frameworks likely to overcome the transformation of technique and state-of-the-art, committing itself to the comprehensive training of its students.

To pursue its mission, and according to the intention of being the centre of excellence revitalizing Law within the new University of Lisbon, as a result of the fusion process, the Law School defines as **principles and activity guidelines**:

- *the respect for fundamental rights and social and cultural diversity*, aiming at the promotion and consolidation of an environment compatible with the fulfilment of the human being;
- *the excellence of its students training*, pursued through the qualification of teachers and the practise of teaching following the principles of free orientation and scientific opinion and promoting an environment of intellectual challenge and critical debate;
- *the high research quality*, translating into the production of innovative contributions to the evolution of juridical sciences;
- *the interdisciplinarity and complementarity of knowledge*, favouring contact with other Schools of the University of Lisbon and encouraging information exchanges with other national and foreign higher education institutions;
- *the engagement with society, at a local and national level*, through knowledge transmission and the development of the appropriate professional skills to rise to community challenges;

³ Order no. 12680/2012, DR (Official Gazette), 2nd series, No. 188, of the 27th of September 2012.

- *the internationalization of juridical teaching*, promoting the international mobility of teachers and students, in particular within the Portuguese Speaking territories, giving continuity and consolidating this kind of activity;
- *the opportunity to satisfy the career aspirations* of teaching and non-teaching staff;
- *the permanent improvement*, supported by internal processes of reflection and self-evaluation, carried out in accordance with the good practises and international parameters;
- *transparency and responsibility in governance*.

The evaluation processes and the quality assurance mechanisms assume a decisive importance in the overall accomplishment of the university's mission. To that extent, and as a condition for the assertion of their autonomy, the new University of Lisbon and the FDUL take on the challenge of making those domains internal, through the creation of a permanent quality monitoring culture and a dynamics of internal reflection.

Committed to the reinforcement of the University's contribution, embodied in the capacity to anticipate the future and suggest innovative alternatives to the established frameworks, the FDUL promotes an instruction of excellence, oriented towards the valorisation of the teaching-learning interconnection and the growing interpenetration between teaching and research. Because the University is not only a place for the discovery of knowledge, but also a place for the construction of knowledge based on discovery, it becomes necessary to coordinate scientific freedom with the definition of strategic research guidelines focusing on its final purpose and effectiveness, namely, through the validation of its results with reference to concrete problems and requests and through the critical questioning of dominant doctrinarian approaches.

A Culture of Professionalism should be equally present in the organization and everyday functioning of the FDUL, preparing and supporting the integration of its graduate students in the labour market, equipping them with knowledge and expertise for practising traditional legal occupations, for performing duties in international organizations, for undertaking business management tasks, among other activities, and also equipping them with the ability to adapt to structural challenges, such as the change in the law practitioner's profile or the growing professional mobility.

Within these terms, the study plan should combine the demands of high quality scientific, technical and intellectual training with the development of professional expertise, encompassing areas such as interpretation theory, comparative case-law, ethics, working methods and examination and argumentation techniques.

Like other national higher education institutions, the FDUL is facing the challenge of adapting to the immediate consequences of the study plan reform - an increased number of curricular units per semester, a lighter hourly load of practical lessons and more examination periods and exams. It also needs to present a wide educational offer, so that, in accordance with the guidelines given by Bologna, we can respect the freedom, the choices and the responsibility of the students regarding the shaping of their *curricula*.

Given the previous considerations regarding our mission, principles and activity guidelines, it is important to carry out an evaluation of FDUL's functioning, having three areas as reference points: (1) Teaching and research, (2) Organization and infrastructures, (3) Internationalization and external relations.

As well as pointing out the positive and negative aspects regarding each one of these domains, we also put forward some improvement suggestions.

1) Teaching and Research

The following *strengths stand out*:

- The reputation for teaching quality: the FDUL as an institution of reference at a national level, as proven by its high demand in the 1st cycle and by the geographical dispersion of its students' place of origin; the FDUL as an institution of reference at an international level, sought, in the 2nd and 3rd cycle, by a considerable number of students, mainly coming from the Portuguese Speaking Countries;
- The high-profile and public visibility of its teachers, contributing to the School's high value within the educational market, positively distinguishing it from other Schools located in the city of Lisbon as well as in other parts of the country;
- Its adequate and updated study plan, integrating new curricular units in emerging and cutting-edge areas of juridical sciences;

- The diversity of its specialization areas, in the 2nd and 3rd cycles;
- The structuring of the 2nd cycle into two types of master: one more scientifically and academically⁴ inclined and another with a predominant vocational orientation⁵;
- The offering of day and evening courses, in the 1st cycle;
- The openness to new target groups and the educational offer within a “long life learning” context;
- The stability and high qualification of the teaching staff;
- The face-to-face and active learning with ongoing assessment methods;
- The theoretical and practical teaching components, within which the preparation for judicial practise is integrated (for example, holding court simulations);
- The use of digital media in the relationship between student and teacher (summaries, grading, resources);
- The quality of the FDUL’s students training, as proven by the high success rates, for example, in admission exams to the Portuguese Bar Association and to the Centre for Judicial Studies training;
- The considerable number of Master and PhD degrees awarded within the framework of Law Schools and the acceleration of the qualification process;
- The reducing average age of the teaching staff;
- The encouragement given to students of the 2nd and 3rd cycle to autonomously and responsibly undertake research, under the guidance of a doctorate teacher, aiming at the preparation of high quality scientific reports and theses;
- The significant scientific productivity (articles, monographs, lessons);

⁴ *Master’s in Law*: Order no. 374/2012 of RUL, DR 2nd series, No. 9, of the 12th of January 2012, p. 1224 e ss. Master’s in Law by the Law school of the University of Lisbon, accredited by the Evaluation and Accreditation agency of Higher Education and registered by the Directorate General of Higher Education with the no. R/A Cr 157/2010. According to the curricular structure and the study plan included in Attachment 1 (Order no. 374/2012 of RUL, DR 2nd series, No. 9, of the 12th of January 2012, p. 1224 e ss.) the master’s in Law has 23 profiles: *History of Law, Theory of Law, Public and Private Finances, Economics and Economic Analysis of Law, Competition and Regulation, Tax Law, International Economic Law and European Integration, Public Policies and Financial Federalism, Philosophy and Theory of State, Constitutional Law, Administrative Law, Fundamental Rights, International Juridical Sciences, Environmental Law, Political Science, Integration Law, European Union Law, Juridical Sciences, Criminal Juridical Sciences, Labour Law, Commercial Law, Banking and Insurance Law, Intellectual Property Law.*

⁵ *Infra.*

- The offering of a relevant number of courses not conferring a degree (specialized updating or improvement post-graduate courses; post-doctorate programmes);
- The institutes' activity, complementing and perfecting, in specific areas, the juridical knowledge of undergraduate students and of recently graduated students of the FDUL, as well as that of other's School's graduates.

The following *weaknesses* are identified:

- The existence of gaps in the pedagogic training of the teaching staff, a deficiency common to this and other universities;
- The insufficient publicity of the existing study cycles;
- The non-stabilised and partially inadequate assessment regulation;
- The lack of a referral system and dissemination of scientific productivity;
- The inexistence of teaching performance assessment mechanisms.

We are facing the following *constraints*:

- The present limitations in public funding, aggravated by the financial difficulties felt by a growing number of students;
- The teachers' and students' lack of information and/or motivation regarding the importance of their participation in satisfaction surveys concerning the curricular units' and service's functioning (systematically carried out by the UL).
- The anticipation of a possible negative evolution in the number of students in every Law School, as a result of the low fertility rates of and of the economic and financial crisis.

The following opportunities and improvement proposals are pointed out:

- The recent creation of research centre(s) as a means to account for and centralize the information regarding scientific productivity, centres which are essential for the evaluation and classification of the FDUL, within national and international rankings, and which also permit the access to forms of research funding;

- The registration of the research centres in FCT in order to integrate research activities in the Portuguese scientific scene;
- The necessity of maintaining and promoting the improvement of teaching quality requires the adequacy of the study cycles' profile. Especially in the 2nd cycle (vocational master's), the high number of offered courses⁶ emphasizes internal competition and resources' dispersion, prevents the creation of a relevant critical mass and of distinctive signs of reputation, undermining the external quality acknowledgement. The correction of this weakness should involve the preparation of reformulating proposals by the specific organs of FDUL, so as to combine a simplification of the offer, focused on the four traditional specialization areas, with the preservation of specialty diversity, through optional curricular units.
- It also seems necessary to improve the educational offer's communication and external publicity (for example, through the participation in dissemination campaigns, which could be promoted by the UL, through the translation of the website into English; among other initiatives)
- We suggest the creation of a mapping system of the post-graduate courses held at the FDUL which, witnessing the dynamics and permanent updating effort, would permit to consider those who attend such courses as students of the School, for quantification purposes of teaching activities and funding;

2) Organization and Infrastructures

The following *strengths stand out*:

⁶ *Master's in Juridical Sciences*, with the specialization areas of Juridical Sciences, Juridical-Banking Sciences, Criminal Juridical Sciences, International Juridical Sciences and History of Law (Deliberation 348/2009, DR 2nd series, No. 21, of the 30th of January 2009, p. 4634 ss.); *Master's in Enterprise Juridical Sciences* (Deliberation 753/2008, DR 2nd series, No. 53, of the 14th of March 2008, p. 11370 ss.); *Master's in Financial Law* (Order no. 9851/2009, DR 2nd series, No. 70, of the 9th of April, p. 14758 ss.); *Master's in Forensic Law* (Deliberation no. 2043/2007, DR 2nd series, No. 198, of the 15th of October 2007, p. 29663 ss.); *Master's in Administrative Law* (Deliberation 2102/2007, DR 2nd series, No. 202, of the 19th of October 2007, p. 30279 ss.); *Master's in Law and Economics* (Order 9852/2009, DR 2nd series, No. 70, of the 9th of April 2009, p. 14759 ss.); *Master's in Corporate Law* (Order 9850/2009, DR 2nd series, No. 70, of the 9th of April 2009, p. 14755 ss.); *Master's in International Law and International relations* (Deliberation 2100/2007, DR 2nd series, No. 202, of the 19th of October 2007, p. 30274 ss.); *Master's in Constitutional Law* (Deliberation 2101/2007, DR 2nd series, No. 202, of the 19th of October 2007, p. 30277 ss.).

- The representation and active participation of students, teaching and non-teaching staff in most of the governance bodies of the FDUL;
- The unique configuration of students' representation and participation in governance and management bodies of the FDUL, founded on a historical tradition, to which must be given continuity;
- The high level of responsibility and internal and external solidarity, with special relevance, among other initiatives, to the activity of the *Solidarity Office*, by the support given to underprivileged students, which are currently increasing;
- The existence of a *Student Support Office* and a *Social Action Office*, within the Students' Association, and the assignment of merit and social action scholarships to underprivileged students by this Association;
- The activity of the Students' Association for the School's benefit and in articulation with its governance bodies;
- The support and advice given to the students, with special relevance to the activity of the Students' Association and the *Psychology and Professional Orientation Office*;
- The dimension, the importance and the permanent updating of the library's collection;
- The publication of the *FDUL's Journal* and of a vast number of *homage* books;
- The relevant publishing activity of the Students' Association, which is one of the main national legal publishers;
- The dimension and quality of the physical infrastructures;
- The modernization of services, in particular, through the dematerialization of proceedings, making use of digital media and transferring tasks to the SPUL;
- The modernization of academic services, through the system of virtual desk (Campus Account) and the resulting improvements on accessibility, promptness and adequacy to the students' needs;
- The creation of sectors, structures and specialized services, even when they raise integration and coordination issues;
- The implementation of internal surveys about the quality of services.

The following *weaknesses* are identified:

- A delay in the implementation of plans and strategies, associated with the complex transition period from one generation of teachers to another, each one corresponding to different phases of the FDUL, since the 70s until now, requiring a constant reformulation of the School's spirit;
- The balance between strong leaderships and constant dialogue processes corresponding to the intense participative level of the School;
- The adequacy of the service's working schedules to the needs of its users;
- The transference of tasks to the SPUL as a temporary disturbance in some proceedings;
- The demotivation associated with negative expectations concerning the possibility of career ascension;
- The deficiencies in the functioning of structures supporting the entry into the job market – difficulties in accessing and transmitting information and lack of resources of the corresponding Office – and the absence of employability monitoring systems.

We are facing the following *constraints*:

- The limitations imposed to the hiring of non-teaching staff.

The following *opportunities and improvement proposals* are pointed out:

- The recent qualification of the physical space, resulting in the creation of a larger number of amphitheatres, more functional and adequate to academic necessities;
- The projects to expand facilities are an important opportunity to improve quality. We propose that, simultaneously, the existent facilities be improved (for example, improving the atmosphere of the classrooms with air conditioning systems and furniture renewal);
- Promoting the formulation and dissemination of strategic multiannual plans envisaging, among other aspects, the definition of governance targets regarding teaching and non-teaching personnel, as well as the interventions in the physical space;
- The promotion of a better articulation with the UL's quality assurance system.

3) Internationalization and external relations

The following *strengths stand out*:

- The international exchange and cooperation, especially with Brazil and the African Portuguese Speaking countries, through the signing of protocols and agreements with Universities, Judiciary Schools and other institution of these countries, through the participation of teachers in master's and PhD's courses and their stay there to collaborate in the corresponding Schools; through the attendance of master's, PhD and post-doctorate courses at the FDUL by a significant number of students coming from these countries and the organization of courses and conferences of common interest;
- The teaching activities, in schools and foreign universities, assured by the presence of a significant number of doctors and masters of the FDUL, within the corresponding juridical specialization fields;
- The high level of participation of the School's teachers in conferences, nationally and internationally, and the scientific responsibility for their organization;
- The dissemination of the scientific research undertaken by the FDUL in Portugal, Brazil, the African Portuguese Speaking Countries and in other countries, through the publishing of specialized publications⁷;
- The gradual consolidation of students' and teachers' mobility in the European space;
- The organizing, at the FDUL, of a vast number of debates and conferences about current issues or juridical reforms,
- The awarding of prizes and distinctions to national and international personalities (for example, the "Pro Justitia" Prize)

The following *weaknesses* are identified:

⁷ Publications promoted, for example, by the ICJ (Institute for Juridical Cooperation), such as the collection *Estudos de Direito Africano* (African Law Studies); by the CDMT (Centro de Direito Marítimo e dos Transportes- Maritime and Transportation Law Centre), such as the collection *Direito Marítimo e dos Transportes* (Maritime and Transportation Law); and by the IDB (Institute of Brazilian Law), such as the *Revista do Instituto do Direito Brasileiro* (Institute of Brazilian Law Journal).

- The absence of coordinating and information gathering mechanisms about international teaching activities and about the organization and participation of teachers in conferences, nationally and internationally;
- The inexistence of an employability monitoring system;
- The inexistence of a system to follow the steps of former students, permitting the publicizing of training courses, and reinforcing their connection to the School;
- The lack of a mechanism to account for the held events.

We are facing the following constraints:

- The peripheral position and the strong competition between Law Schools within the European space.

The following opportunities and improvement proposals are pointed out:

- The expansion of its activity amongst those who share the Portuguese language that the FDUL has long been pursuing and consolidating, offers also a wide set of opportunities; the continuation and reinforcement of this line of action must be supported, through the activities of the *Institute for Juridical Cooperation* and of the *Institute of Brazilian Law*, in close coordination with the governance bodies of the School;
- Along the same lines, the continuation and reinforcement of the *Erasmus Office*'s activity regarding the dynamics of mobility within the European space must be supported;
- The creation of a larger number of programmes jointly awarding Master and PhD degrees;
- The creation of closer ways to articulate the activity undertaken by the *Institute for Juridical Cooperation*, the *Institute of Brazilian Law* and the *Erasmus Office* with the education given within the study cycles, for example, through the assignment of credits in master's courses upon certificate of attendance and participation in the activities promoted by them;
- To give more relevance to employability issues, in particular, letting the students and the community know about the existence and the activities of the *Employability Office* and encouraging the signing of protocols with employing

entities within the legal area (law firms, auditing and consulting companies, among others).

ANEXO I



JORNADAS UNIVERSITÁRIAS

16 de maio de 2013 | Anfiteatro 8

PROGRAMA

09h00 - Abertura

António Sampaio da Nóvoa (Reitor da UL)
Eduardo Vera-Cruz Pinto (Diretor da FDUL)
Henrique Granadeiro (Presidente do Conselho Geral da UL)

09h30 - Plano de Estudos Reforma ou Revolução?

Álvaro Laborinho Lúcio (Ex-Ministro da Justiça)
José Miguel Júdice (Advogado)
Francisca Soromenho (Presidente da AAFDL)
Carlos Lacerda Barata (FDUL)

Moderadores:

Pedro Romano Martinez (Presidente do Conselho Científico/FDUL)
Maria João Estorninho (Presidente do Conselho Pedagógico/FDUL)

Pausa para Café

12h00 - Saídas Profissionais Dificuldades ou Oportunidades?

António Vitorino (Ex-Comissário Europeu)
António Cluny (Magistrado do MP)
Carlos Costa Pina (FDUL)
André Barata (Mestrando FDUL)
Rui Pinto (Subdiretor FDUL)

Moderador:

Eduardo Paz Ferreira (Presidente da Assembleia da Faculdade/FDUL)

13h30 - Encerramento

Marcelo Rebelo de Sousa (Presidente da Comissão de Avaliação Interna/FDUL)
Ana Nunes de Almeida (Pró-Reitora da UL)
Alexandre Soares dos Santos (Empresário)

14h00 - Almoço (Cantina da UL)
(gratuito, sujeito a inscrição prévia)