



**Styre:** Fakultetsstyret ved Det samfunnsvitenskapelige fakultet

**Dato:** 22.05.2020

**Styresak:** 45/20

**Arkivsaksnr:** 2020/5421-EVEN

**Møtedato:** 16.06.2020

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## Ansettelse uten utlysning - professor II ved Institutt for administrasjon og organisasjonsvitenskap knyttet til DIPA

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Institutt for administrasjon og organisasjonsvitenskap ønsker å ansette professor Elaine Sutherland i 20 % stilling som professor II for en periode på to år med oppstart 1. november 2020.

Ansettelsen er knyttet til Centre for Research on Discretion and Paternalism (DIPA) og følger av prosjekttildeling fra Norges Forskningsråd til prosjektet «*Legitimacy challenges for children's rights and the child protection system. An analysis of mistrust in core institutions and the normative foundation of the welfare state*» v/ Marit Skivenes. Professor Elaine Sutherland er navngitt som prosjektmedlem i søknaden, og det er i prosjektets budsjett beregnet midler for ansettelse i en 20 % stilling i to år.

Elaine Sutherland er professor i rettsvitenskap ved Stirling University (Skottland), med barne- og familierett som spesialfelt. Hun er en internasjonalt ledende ekspert innenfor barns rettigheter, med mer enn 100 fagfellekvurderte artikler på området. Sutherland er også initiativtaker og medlem av styringsgruppen for «*the United Nations Convention on the Rights of the Child Implementing Project*». Sutherland vil inngå i den vitenskapelige kjernegruppen for prosjektet «*Legitimacy Challenges*», og særlig arbeide med forskning knyttet diskursen omkring barns rettigheter, barnevern og familieverdier.

### Fakultetsledelsens kommentarer

I henhold til gjeldende reglement ved UiB, kan ansettelse uten utlysning bare skje dersom det er grunn til å tro at det ikke finnes noen med tilsvarende eller sterkere kompetanse, som kunne være aktuelle søkere dersom professoratet ble lyst ut.

Etter fakultetsledelsens vurdering er det i denne saken grunnlag for å foreta ansettelse uten utlysning og anbefaler at styret ansetter Elaine Sutherland som professor II.

### Forslag til vedtak

Styret ved Det samfunnsvitenskapelige fakultet ansetter Elaine Sutherland i 20 % stilling som professor II ved Institutt for administrasjon og organisasjonsvitenskap for en periode på 2 år fra 1. november 2020 til 31. oktober 2022.

Jan Erik Askildsen  
dekan

Alette Gilhus Mykkeltvedt  
fakultetsdirektør

Vedlegg:  
CV



# Elaine E Sutherland - Curriculum vitae with track record

## ROLE IN THE PROJECT

Project manager ☐ Collaborator ☒

## PERSONAL INFORMATION

Family name, First name: *Sutherland, Elaine E*  
Date of birth: *01.06.1957*  
Sex: *Female*  
Nationality: *United Kingdom and the United States of America*  
Researcher unique identifier: *ORCID 0000-0002-0415-3739*  
URL for personal web site: <https://www.stir.ac.uk/people/256379>

## EDUCATION

1985: **LL.M.**  
University of British Columbia, Canada  
1978: **LL.B.** (First class honours in Private Law)  
University of Glasgow, UK

## CURRENT AND PREVIOUS POSITIONS

2006 – **Professor of Child and Family Law**  
School of Law, University of Stirling, UK  
2018 – **Distinguished Professor of Law Emeritus**  
Lewis & Clark Law School, USA  
1999 – 2018 **Distinguished Professor of Law**  
Lewis & Clark Law School, USA  
1989 – 2005 **Lecturer, Senior Lecturer and Reader in Private Law**  
School of Law, University of Glasgow, UK  
1980 – 1988 **Lecturer**  
Department of Scots Law, University of Edinburgh, UK

## FELLOWSHIPS, AWARDS AND PRIZES

2001 Fellow, Advance Higher Education, UK

## MOBILITY

1984-1998 Visiting Professor (various dates), Lewis & Clark Law School, USA  
1982-1988 Lecturer, Visiting European Lawyers Programme, University of Edinburgh  
1985 Visiting Professor at Summer School (Salzburg, Austria), McGeorge School of Law, University of the Pacific Sacramento, USA

## SUPERVISION OF GRADUATE STUDENTS AND RESEARCH FELLOWS

1989- I have supervised numerous students working on LLM dissertations and PhD theses at Lewis & Clark Law School (USA), University of Stirling (UK) and University of Glasgow (UK).

## TEACHING ACTIVITIES

2006 – Lecturer and course coordinator for: Family Law (LLB level), Family Law (BA level), Child Law Honours, Domestic Relations Honours.  
School of Law, University of Stirling, UK  
1999 – 2018 Lecturer and course coordinator for: Family Law, Contemporary Issues in Family Law, Juvenile Justice.  
Lewis & Clark Law School, USA  
Previous I have taught across a wide range of subjects, mainly within the area of private law. At undergraduate level these have included commercial law, criminal law, contract, delict, legal systems, principles of private law and public international law. At honours and masters level

my teaching has included child law, corporate securities and control, domestic relations, family law, juvenile justice and commercial banking.

## **ORGANISATION OF SCIENTIFIC MEETINGS**

**2015** Raised funding for, and organised, the UN Convention on the Rights of the Child Implementation Project colloquium, *Doing the 'Best' for Children and Young People? Best Interests, Welfare and Well-Being*, Edinburgh, Scotland. There were 22 speakers from 12 countries (Australia, Canada, England, Finland, Ireland, New Zealand, Norway, Romania, Scotland, South Africa, Switzerland, and the USA). After the colloquium, the speakers reflected on their papers and wrote them up as fully-references chapters for a book which I co-edited, co-authoring the Introduction and writing a chapter of my own: Elaine E Sutherland and Lesley-Anne Barnes Macfarlane (eds), *Implementing Article 3 of the United Nations Convention on the Rights of the Child: Best Interests, Welfare and Well-Being* (Cambridge University Press 2016).

## **INSTITUTIONAL RESPONSIBILITIES**

**2006 –** Various positions, including: Personal Tutor, Chair of the Futures of the Law School Committee, Chief Examiner in Law.  
*School of Law, University of Stirling, UK*

**1999 – 2018** Various positions, including: Member of the Alumni Relations Board, Member of the Curriculum Committee, Member of the Diversity and Inclusion Committee.  
*Lewis & Clark Law School, USA*

**Previous** Various positions, including: Advisers of Studies/Personal Tutor, Director of Learning and Teaching, Director of the Pre-Law Programme, Examinations Officer, Faculty and Departmental Quality Assurance Officer, Junior Year Abroad Adviser.  
*School of Law, University of Glasgow, UK.*  
*Department of Scots Law, University of Edinburgh, UK.*

## **PROJECT MANAGEMENT EXPERIENCE**

**2012** The Future of Child and Family Law: International Predictions (Cambridge University Press 2012). I conceived the idea for a book where prominent academic authors from 12 civilian, common law and mixed jurisdictions would use a common template to analyse the imperatives that had driven child and family law in their own jurisdictions, where that and led (current law) and where it was likely to lead in the future (law reform). I enlisted the authors; secured publication by Cambridge University Press; provided the authors with a common template for their chapters and a worked example, my own chapter on Scots law; liaised with the authors, editing their chapters; wrote the 46-page introductory chapter, analysing the themes that had emerged; and delivered the manuscript to the publisher on time.

## **COMMISSIONS OF TRUST**

**Ongoing** Reviewer for various publishers and journals (evaluation of book proposals and articles for publication) and the National Research Foundation of South Africa (rating reviews).

**1983 -** Member, Family Law Committee, Law Society of Scotland

**1991-1995** Safeguarder (appointed by the Sheriff Principal of Lothian and Borders under the Social Work (Scotland) Act 1968 to report on child care cases)

## **MEMBERSHIPS OF ACADEMIES / SCIENTIFIC SOCIETIES**

**Current** American Bar Association, including the section on Family Law  
Association of American Law School  
Children in Scotland  
Family Law Academic Network Scotland (FLANS)  
Family Law Association (Scottish)  
Family Law Committee, Law Society of Scotland  
Higher Education Academy  
International Society on Family Law  
Scottish Legal Action Group

Scottish Child Law Centre  
Society of Legal Scholars (formerly, Society of Public Teachers of Law)  
Together (Scottish Alliance for Children's Rights)  
University and College Union  
World Society of Mixed Jurisdiction Jurists

## Track record

My publication record consists of: **6 monograph books, 7 edited books, 29 peer reviewed articles, 45 peer reviewed chapters** and **2 contributions to encyclopedic works**. In addition, I have written numerous short articles and notes for journals, newspaper articles, and responses to consultations on law reform proposals.

### Selected publications<sup>1</sup>

- Elaine E Sutherland, 'Scots Child and Family Law: Liberty, Equality and Protection Revisited' (2019) *Juridical Review* 33-52.
- Elaine E Sutherland, 'Article 2 of the United Nations Convention on the Rights of the Child: Non-Discrimination and Children's Rights' in Marit Skivenes and Karl Harald Søvig (eds), *Child Rights and International Discrimination Law: Implementing Article 2 of the UN Convention on the Rights of the Child* (Routledge, 2019), pp 23-39.
- Elaine E Sutherland, 'Child Custody and Cognate Concepts: The Challenges' in Barbara Stark and Jacqueline Heaton (eds), *Routledge Handbook of International Family Law* (Routledge, 2019), pp 127-143.
- Elaine E Sutherland, 'The Welfare Test: Determining the Indeterminate' (2018) 22 *Edinburgh Law Review* 94-100.
- Elaine E Sutherland, 'Proactive Child Protection: A Step Too Far?' in Margaret Brinig (ed), *International Survey of Family Law: 2017 Edition* (Jordans, 2017) 287-310.
- Elaine E Sutherland, 'Article 3 of the UN Convention on the Rights of the Child: The Challenges of Vagueness and Priorities' in Elaine E Sutherland and Lesley-Anne Barnes Macfarlane (eds), *Implementing Article 3 of the United Nations Convention on the Rights of the Child: Best Interests, Welfare and Well-Being* (Cambridge University Press 2016) 1-17.
- Elaine E Sutherland, 'Listening to the Child's Voice in the Family Setting: From Aspiration to Reality' (2014) 26(2) *Child & Family Law Quarterly* 152-172.
- Elaine E Sutherland 'Child Law: respecting the rights of children' in Daniel Visser and Elspeth Reid (eds), *Private Law and Human Rights: Bringing Rights Home in Scotland and South Africa* (Edinburgh University Press 2013) 91-105.
- Elaine E Sutherland, 'Listening to the Voice of the Child: The Evolution of Participation Rights' (2013) 26 *New Zealand Law Review* 335-355.
- Elaine E Sutherland, 'Imperatives and challenges in child and family law: commonalities and disparities' in Elaine E Sutherland (ed), *The Future of Child and Family Law: International Predictions* (Cambridge University Press 2012) 1-48.

### Selected research monographs/anthologies<sup>2</sup>

- Elaine E Sutherland, *Family Law* (3rd edn, 2014, 2nd edn 2008, 1<sup>st</sup> edn 1999, all Edinburgh: W Green & Son Ltd), 152 pp.
- Elaine E Sutherland (ed.), *The Future of Child and Family Law: International Predictions* (Cambridge: Cambridge University Press 2012), 476 pp.
- Elaine E Sutherland, Kay E Goodall, Gavin FM Little & Fraser P Davidson, *Law Making and the Scottish Parliament: The Early Years* (2011, Edinburgh: Edinburgh University Press), 432 pp.
- Elaine E Sutherland & John P Grant (eds.), *Pronounced for Doom: Early Scots Law Tales* (Avizandum Publishing, 2013)
- Elaine E Sutherland, *Child and Family Law* (2nd edn, Edinburgh: W Green & Son Ltd 2008, 1st edn, Edinburgh: T&T Clark 1999), 1385 pp.
- Elaine E Sutherland & Alison Cleland (eds), *Children's Rights in Scotland* (1st<sup>t</sup> 1996, 2<sup>nd</sup> 2001, 3<sup>rd</sup> 2014, all Edinburgh: W Green & Son Ltd)

<sup>1</sup> In the list of selected publications, the *Oxford Standard for Citation of Legal Authorities* (OSCOLA) conventions have been used, except where the full titles of law journals have been provided in order to make the citation more readable.

<sup>2</sup> When several editions of a book, number of pages are provided for the latest edition.

Elaine E Sutherland, *Grandparents and the Law in Scotland* (Age Concern Scotland 1993), 82 pp.

### **Invited presentations**

Keynote address (upcoming): 'Article 5 of the United Nations Convention on the Rights of the Child: Round Up the Usual Suspects', 5th CRC-IP Colloquium, UNCRC Article 5: Children's Rights, Families, Guidance and Evolving Capacity, Cambridge, England, July 2019

Closing address: 'How do we improve implementation of the United Nations Convention on the Rights of the Child in Scotland?', presented at the fourth and final seminar in a SUII-funded series organised by Together, the Centre for Families and Relationships and the Centre for Child Wellbeing and Protection, Glasgow, June 2017.

Keynote address: 'Article 2 of the United Nations Convention on the Rights of the Child: Round Up the Usual Suspects', 4th CRC-IP Colloquium, UNCRC Article 2 - Ensuring non-discriminatory welfare practices for children – theoretical and practical perspectives, Bergen, Norway, April 2017

Plenary lecture: 'The Future of Child and Family Law in Scotland: Liberty, Equality and Protection', Family Law Academic Network Conference in honour of Professor Eric M Clive, University of Edinburgh, April 2016.

Keynote address: 'Article 3 of the UN Convention on the Rights of the Child: The Challenges of Vagueness and Priorities', Third United Nations Convention on the Rights of the Child Implementation Project (CRC-IP) Colloquium, Doing the 'Best' for Children and Young People? Best Interests, Welfare and Well-Being, June 2015.

Keynote address: 'The Child's Right to Life, Survival and Development: Evolution and Progress', Second United Nations Convention on the Rights of the Child Implementation Project (CRC-IP) Colloquium, Article 6 of the Convention on the Rights of the Child, Stellenbosch University, March 2014

Keynote address: 'Providing for Participation: An Evolving Right', First United Nations Convention on the Rights of the Child Implementation Project (CRC-IP) Colloquium, Children's and Young People's Rights: Are the Courts Listening? University of Auckland, New Zealand, March 2013