

FACULTY OF LAW

GUIDELINES FOR

DOCTORAL AND MASTERS THESES

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This guide should be read in conjunction with Handbook 3: General Rules and Policies, Handbook 10: Faculty of Law and Handbook 12: Student Fees

1. TYPES OF DEGREE AND NATURE OF THE THESIS

1.1 TYPES OF DEGREE

The Law Faculty offers five types of postgraduate degrees. Candidates wishing to register for a Masters degree have the choice of:

- an LLM/MPhil by coursework and minor dissertation. This is administered by the School for Advanced Legal Studies. Further information may be obtained from the SALS Administrative Officer (+27 21 6502997 or law-studies@uct.ac.za).
- an LLM by dissertation. When the dissertation is dedicated to a topic of exclusively legal interest, it will be administered by the Faculty's Higher Degrees Committee. Further information may be obtained from the Deputy Faculty Manager (+27 21 6505409 or patricia.phillips@uct.ac.za).
- an MPhil. In this case, the dissertation will span two or more disciplines. If the topic is predominantly legal, the thesis will be registered in the Law Faculty and will be dealt with by the Faculty's Higher Degrees Committee. If the topic falls mainly within another discipline, however, registration should be sought in the relevant Faculty.

Candidates wanting to register for a doctoral degree have the choice of:

- a PhD, which is the general doctorate, is available for both purely legal and interdisciplinary research.
- an LLD, which is a senior doctorate offered only in the Law Faculty. This degree is awarded as a mark of respect to distinguished scholars, who have an established reputation based on their published works. These works must represent an original contribution to or substantial advance on knowledge in the field.

All doctoral degrees are administered partly by the Law Faculty and partly by the University's Doctoral Degrees Board. The latter body has final say in deciding whether to register candidates and what result is to be awarded for the examination.

1.2 NATURE OF THE THESIS

Although originality in postgraduate research is always desirable, it is not an exclusive requirement (especially for a Masters degree). Instead, a thesis should constitute a significant advance in knowledge on the subject, of such a standard that publication in a reputable journal would be justified.

Candidates must therefore show that they have:

- a thorough knowledge of the chosen subject
- mastered techniques required for competent research in law
- the capacity for independent thought and sound reasoning
- satisfactorily presented the results of research.

LLM/MPhil thesis

An LLM or MPhil dissertation may be either a single treatise on a 'subject of legal interest' or 'a series of four separate treatises on cognate areas of the law'. All of these should be of sufficient quality to be published in a reputable law journal. Whichever form is chosen, the final text must not exceed 40 000 words in length.

Doctoral thesis

A doctoral thesis, on the other hand, must always be a single treatise. It may not exceed 80 000 words in length, unless permission is given by the Dean, in consultation with the supervisor.

2. ADMISSION

2.1 ADMISSION RULES

2.1.1 Master of Laws by dissertation

Candidates for the LLM may qualify for admission provided that they have:

- a law degree of the University or equivalent degrees from another university recognised by Senate for this purpose, or
- in any other manner attained a level of competence which, in the opinion of Senate (which acts on recommendation by the Law Faculty), is adequate for purposes of admission.

The same rules apply to the MPhil, with the exception that candidates may qualify if they have an honours degree from UCT or another university recognised by Senate.

2.1.2 Doctoral degrees

Candidates for the PhD may qualify for admission if they have:

- a masters degree
- an honours degree, or a four-year bachelor's degree, plus at least one year's registration for a masters degree
- a three year bachelor's degree plus at least two years registration for a masters degree
- an LLB or BProc degree (or any qualification recognised as being the equivalent)
- in special circumstances, an approved bachelor's degree or qualification recognised as equivalent.

Candidates for the LLD may qualify for admission if they have produced a substantial and original body of work that has already been published. The work must be of such a quality as to establish the candidate as the leading authority in the field.

Further, more detailed information on the application and registration procedure is available on the postgraduate section of the UCT website.

2.2 FEES

In 2016 the fees for Research degrees are as follows:

- LLM or MPhil by dissertation: R 13 640
- PhD or LLD: R16 520

Payment deadlines 2016

- Initial payment 5 February 2016
- Final payment 30 June 2016
- Late payments are subject to a late payment fee of 10 percent.

SADC Students:

For the purposes of fees - Citizens and Permanent Residents of the SADC countries are treated the same as South African Residents. (Note that study visa regulations, etc. do still apply) The SADC member countries are Angola, Botswana, Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe. Students from SADC countries must pay the minimum initial payment for tuition and residence **prior to registration or by 5 February 2016 whichever date is the earlier.**

SADC students will be charged a non-refundable R 3 000 Administrative Service Fee.

International Students from outside the SADC region will be charged a non-refundable Administrative Service fee of R3 000.

It is important to note that:

- fees are payable in full, prior to registration
- these sums do not include residence fees
- late registration is subject to a penalty of R2 000
- the amount of fees payable is not fixed at the date of registration for the period of the entire programme
- fees are subject to annual increases, usually by approximately 10%; potential candidates should therefore consult the fee structure applicable to each new calendar year.

For further information, consult the fees office website <http://www.uct.ac.za/apply/fees/>

2.3 INTERNATIONAL STUDENTS

2.3.1 STUDY VISAS

Under the provisions of the Immigration Act 13 of 2002, an international student may not enter or reside in South Africa to take up degree studies without a valid study visa. Please ensure that you submit an application as soon as possible, as the process takes from four to six weeks. Your application should be made to the nearest South African High Commission, Consulate or Embassy, which will be able to provide you with a full list of the requirements for your application. Once granted, you must be careful to confirm that you were given the correct visa, valid for studies at UCT, **before** entering South Africa: you will not be permitted to pre-register or register at UCT with an invalid study visa.

If students discontinue their studies or fail to qualify for re-enrolment, the **University of Cape Town** is obliged, under section 13 (1)(a) of the Immigration Act, to inform the Department of Home Affairs. Because the University did not originally apply for permission to grant the study permit, it is the **student's responsibility** to submit periodic reports of satisfactory performance. If your study permit is being delayed, please contact the Faculty Office.

2.3.2 PRE-REGISTRATION

The Immigration Act requires all institutions of higher learning in South Africa to report accurately and regularly on all international students registered for studies here. This duty includes recording study visa information and providing the Department of Home Affairs with reports on international students who have failed to re-register, whether they were excluded for academic or financial reasons, or simply did not return for studies in the new academic year.

Pre-registration is the process of checking and recording information pertaining to international students registering at UCT. This includes all international undergraduate, postgraduate, occasional and affiliated students. The following is checked and recorded by the International Academic Programmes Office (IAPO):

- Possession of a valid study permit (valid for studies at UCT)
- Fees cleared satisfactorily for registration
- Medical insurance obtained.

The following must be presented for pre-registration:

- IAPO confirmation of pre-registration form with relevant sections completed by the student (this form is available from IAPO during pre-registration)
- IAPO clearance statement with relevant sections completed by the student (this form is available from IAPO during pre-registration)

- Copies of the passport page with personal details and photo (certified copies of these if registering by post)
- A copy of the study visa (valid for studies at UCT)
- Proof of payment of fees
- Proof of health insurance

International students who have not completed the pre-registration formalities will be blocked by the UCT computer system from registering. In instances where students do not hold valid study permits, IAPO cannot pre-register them: the University will be held criminally liable for allowing anyone to study at UCT without a valid study visa.

The International Office (IAPO) can advise on obtaining a study permit (first time application or renewing a study permit). Please contact IAPO at **int-iapo@uct.ac.za**, tel + **27 21 650 2822/3740**, fax: + **27 21 650 5667** for further inquiries.

2.4 FINANCIAL ASSISTANCE

2.4.1 SCHOLARSHIPS ADMINISTERED BY THE UNIVERSITY

UCT places high value on postgraduate study. To this end, support is available in the form of scholarships, bursaries and student loans. Certain awards are granted exclusively on academic merit, while others take into account financial need. For information on the various forms of postgraduate financial assistance available, contact the Postgraduate Funding Office, Otto Beit Building (Old Student Union), Upper Campus, UCT, Rondebosch 7701; Tel **+27 21 6502206**; Fax **+27 21 6504352**; email **pgfunding@uct.ac.za**; website <http://www.uct.ac.za/apply/funding/postgraduate/applications>

2.4.1 SCHOLARSHIPS ADMINISTERED BY THE FACULTY OF LAW

The Law Faculty administers a limited number of scholarships. Full details on these scholarships can be found in the Law Faculty Handbook.

3. APPLICATION AND REGISTRATION

3.1 APPLICATION PROCEDURES

3.1.1 Application for the LLM /MPhil and PhD degrees

All Candidates are required to apply online on the following website:

<http://www.uct.ac.za/apply/applications/postgraduates/>

and must submit the following documentation:

- for those who are not graduates of UCT, certified (ie notarised) copies of their previous degree certificates (which must include a full academic transcript of all results achieved in previous studies)
- brief CVs
- the names and email addresses of two referees
- two to three page statements of the topics they wish to research.

Successful applicants for the advertised positions will be given probationary registration for a period of six months, during which time they will be required to finalise their thesis/dissertation proposals under the guidance of their supervisors. In addition, they will be required to participate in a week long preparatory course, and, thereafter, complete a ten week course on language and legal reasoning.

At the end of the period of probationary registration, final dissertation proposals must be submitted for consideration by the Faculty's Higher Degrees Committee, which may then recommend entry into a doctoral or masters programme or registration for a postgraduate diploma.

The Faculty will offer a scholarship to cover the tuition fees of the top ten applicants for a period of three years, subject to satisfactory progress.

Likely candidates will be invited for interviews, which will be held in Cape Town – or, if need be, by teleconference - in October each year.

For further information see <http://www.doctoralprogram.uct.ac.za/> or contact the Law Faculty Office at patricia.phillips@uct.ac.za or on 021 650 5409.

3.1.2 Application for the LLD

Applicants must comply with the various requirements set out above. Because award of the LLD is based on already published work, however, applicants will be required to submit six copies of the work(s) in question, together with a full proposal describing why this work was original or constituted a significant advance in learning.

3.1.3 Time to register

There is no specific date for first-time registration. However, those who want their first year to be counted as a full academic year for purposes of calculating the minimum period of registration must register by **1 May**.

3.2 A THESIS PROPOSAL

When preparing a proposal, please bear in mind that the HDC needs to be convinced that you are capable of undertaking postgraduate research and that your work will advance knowledge in the subject, or, in the case of masters theses, be at least a significant restatement of the law.

The guidelines given below are neither rigid rules nor are they a requirement that the thesis be fully researched before registration. Especially in the case of subjects in the humanities, precise topics may emerge only as work progresses. Nevertheless, candidates must demonstrate an understanding of how to set about a research project, and, to that end, the proposal is a means for demonstrating that the candidate carefully has considered basic issues. In this way, both the candidate and the supervisor may avoid misunderstandings and save time.

In general terms, a thesis proposal should include the following information.

1. Descriptive title
2. Reasons for choosing the subject
Give both the academic and, where relevant, the practical reasons for undertaking research in the chosen area.
3. Outline of the thesis
The word 'thesis' is used here in its traditional meaning, namely, a proposition that is demonstrated through a sustained argument . The problems and questions to be examined must be clearly outlined, together with a brief elaboration of the argument through its various stages.
4. Major sources
Reference to the major authorities involved, whether precedents, legislation or treaties, and a general indication of the secondary sources to be consulted. Candidates are not expected to supply a full bibliography nor do they have to be familiar with all the literature in the field before they start research. Even so, they should show that they are aware of the main works in the field, and, what is more important, their opinion of these works.
5. Method
Whenever method plays a significant role in the thesis, candidates must show that they

are aware of the methodological problems involved. Those candidates who intend to conduct an empirical study by participant observation, statistical survey or some other method used in the social sciences should indicate the relevant methodological concerns and techniques. Where appropriate, they should familiarise themselves with the Law Faculty's Ethics guidelines. *** WEBLINK

6. Comparative studies

If the thesis is to involve a comparison of different legal systems, candidates should indicate which systems will be compared, **with good reasons for their choice**. If necessary, they may also be required to show at least a reading competence in the different language(s) involved.

7. Structure of the thesis

The thesis should be presented by way of a division into chapters, each one describing the general field of inquiry.

8. Research schedule

Give a rough indication of how long the initial period of research will last and how long will be spent writing up each section of the thesis. Please remember that at least three months should be allowed for preparation of the final document (ie, working from the penultimate draft through the various stages of printing, proof reading and binding).

9. Topic already covered

Applicants should indicate whether their topics are already the subject of research in a law (or cognate) faculty of another southern African university. The National Research Foundation has facilities to assist in this type of research.

3.3 PERIOD OF REGISTRATION

3.3.1 Minimum period of registration

For a masters degree, full-time candidates must be registered for at least **one year**; part-time candidates must be registered for **two years**. In the case of a doctoral degree, candidates must be registered for at least **two consecutive years**, although registration for a year at another university may be accepted as part of that period.

3.3.2 Maximum period of registration

Although no maximum period of time is prescribed for completing a thesis, the University stipulates a 'reasonable time'. For doctoral theses, this period is generally taken to be **five years**. In any event, if a candidate is not making satisfactory progress, the Faculty's HDC may issue a warning, and, if necessary, may refuse re-registration.

3.4 RENEWAL OF REGISTRATION

Before the Faculty Board approves re-registration, the supervisor must submit a report on progress. This report is included in the Annual Renewal of the Memorandum of Understanding which is made available to all students at the time of re-registration.

In order to determine whether a candidate made satisfactory progress, the following guidelines are used. Did the person concerned:

- maintain regular contact in order to submit work and receive feedback?
- make progress in language proficiency and in developing and refining the thesis argument? (For this purpose a comparison may be made between the initial proposal and a chapter written after a year's work.)
- make an effort to attend relevant seminars or conferences, and, where possible deliver papers?

- where necessary make use of facilities for improving writing or computer skills within the Law Faculty and CHED?
- give notice of intended absences from UCT?

If the candidate's progress was satisfactory, the report may be brief, indicating what work was completed, what still needs to be done and an estimation of when the thesis will be finished. If progress was not satisfactory, the supervisor must indicate why and how the candidate can improve.

Candidates for masters dissertations and doctoral theses must renew their registration at the Faculty Office before **19 February 2016**. **Candidates will not be permitted to re-register without submitting an Annual Supplement to the Memorandum of Understanding signed off by their supervisor.**

3.5 LEAVE OF ABSENCE AND CANCELLATION

Candidates who find it impossible to continue studies, but nevertheless intend to resume in the following year, must apply for leave of absence in writing to the Faculty's Higher Degrees Committee before **15 February**. ***Please refer to Book 3: General Rules and Policies for the rules pertaining to Leave of Absence.***

Candidates who decide to discontinue studies must formally cancel registration in writing. The Cancellation of Registration form must be sent by registered mail or delivered in person to the Student Fees Office, Kramer Building, Middle Campus. This procedure is important, because, if candidates leave without canceling their registration, they will continue to be liable for fees. Applications for retrospective cancellation are not accepted.

3.6 LIBRARY FACILITIES

On application, and while full registration is still being considered, ie during a period of probationary registration, candidates are free to make use of UCT library facilities.

3.7. ATTENDANCE AT UCT

During the period of registration, a candidate is required to be 'readily available for discussion' at the University for a period of at least one year.

4. SUPERVISION

4.1 SELECTION OF A SUPERVISOR

Upon acceptance of a candidate, the Faculty's Higher Degrees Committee (HDC) assigns a supervisor. In making this decision, the HDC is guided, in the first instance, by academic competence in the area, and, in this regard, supervisors are not normally assigned to doctoral candidates unless the supervisors themselves have doctoral degrees.

For lack of expertise in the chosen topic, or because it involves interdisciplinary research, the HDC may be forced to appoint a co-supervisor. Notwithstanding shared functions, an early decision must be made as to which supervisor will bear final responsibility for the thesis, which will include the authority to decide when it should be submitted.

Because the supervisory relationship is a close one that may last for some years, the candidate may indicate preference for a particular person. In order to obtain information on potential supervisors, candidates may consult the Faculty website <http://www.law.uct.ac.za> which has profiles of all members of staff.

4.2 THE MEMORANDUM OF UNDERSTANDING

When embarking on a co-operative enterprise, like writing a thesis, the parties involved need to establish a set of guidelines to govern their future relationship. Each person needs to understand the constraints operating on the other, and the effects that these may have on supervision.

To this end, the supervisor and candidate must, in the first year of registration, negotiate and sign an informal agreement called a Memorandum of Understanding (MoU). When meeting to draw up the Memorandum, the parties should discuss the following issues:

- frequency of contact
- deadlines for each stage of the work
- frequency of submission of work
- type of feedback expected
- whether candidates will be working in the Faculty, at home or elsewhere
- specific reading that may be necessary
- whether skills training is required
- whether publications are possible and whether papers can be presented at conferences
- funding for scholarships and attendance at conferences
- where a co-supervisor was appointed, that person's function
- reference to a consultant, if a question arises which falls outside the supervisor's area of expertise.

In addition to the MoU, supervisors and candidates must complete an Annual Renewal form, which reports on progress during the year. This document must be handed in to the Faculty Office by at re-registration in the next academic year.

4.3 THE CANDIDATE'S RESPONSIBILITIES

When starting to write a thesis, the candidate must be prepared to commit the time and energy necessary for sustained research. Although a supervisor must be reasonably available for consultation, the primary responsibility for keeping in touch is the candidate's.

The candidate is also responsible for:

- becoming familiar with, and adhering to, the relevant rules and procedures
- adhering to all deadlines set for registration and thesis submission
- preparing a research plan and timetable, in consultation with the supervisor, as a basis for the programme of study
- meeting the supervisor when requested, and reporting regularly on progress
- giving the supervisor contact details

- notifying the supervisor of any significant changes in the progress of research
- acquiring the necessary skills for undertaking the research, and adhering to the ethical practices appropriate to the discipline
- maintaining records of meetings with the supervisor
- bearing the costs of printing and binding the thesis.

When drafting the MoU, the candidate should make sure that the issues listed below were discussed and decided.

1. Communication

Does your supervisor know how to reach you? Did you agree on how often you will meet one another and when drafts of your work will be submitted? If you have to leave campus for significant periods of time, can you be readily contacted?

2. Mutual understanding

Did you and your supervisor decide on the kind and amount of guidance you will need? Have you discussed your expectations about the quality and originality of the completed thesis and the possibility (if any) of publications?

3. Planning

Did you devise a plan, which can be discussed with your supervisor, for writing the thesis? Remember that the thesis/dissertation is supposed to be largely your unaided effort. Are you already maintaining records of each stage of the research?

4. Submission and return of work

Will you present your work chapter by chapter (or section by section) in an approved format? Have you arranged for the submission and return of your written work? Do you understand the relevant references and how they contribute to your research?

5. Timing

If you are working towards a deadline, are you allowing sufficient time for your supervisor to read all parts of the thesis/dissertation in the final form? Remember that the responsibility for proof-reading the final copy is yours, and this task may take some time.

4.4. THE SUPERVISOR'S RESPONSIBILITIES

A supervisor's primary task is to guide and inspire candidates to reach their full scholarly potential. Accordingly, a supervisor should promote conditions conducive to a candidate's intellectual growth and give direction on the progress of research and the standards expected. To this end, supervisors should:

- help to plan a research programme
- establish, with the candidate, a realistic timetable for completing the thesis
- acquaint the candidate with the relevant rules and procedures
- be available to give feedback on work as soon as possible
- ensure that candidates have an understanding of the relevant theories and skills necessary for the research
- provide an annual report of the candidate's progress
- make arrangements to ensure continuity of supervision during extended periods of leave
- encourage participation in Faculty seminars
- encourage candidates to present their work at conferences and to publish in appropriate journals
- avoid personal or professional relationships that may constitute a conflict of interests
- be honest with candidates when they do not meet expectations. Dealing with inadequate academic performance may be difficult, but no one will benefit from prolonging a programme of study if success is unlikely.

Candidates sometimes experience personal difficulties, ranging from family crises to cultural adjustments to financial hardship. The effect of these problems on the candidate's work should not be underestimated. Clearly, supervisors are not trained counsellors: they cannot be expected to give professional help nor should they intrude into the personal lives of their students with unwanted advice. Nevertheless, supervisors should try to ensure that their relationships with students are such that the latter will readily confide in them about significant personal difficulties.

When supervisors and candidates draft MoUs, they should make sure that the following issues were discussed and decided.

<p>1. Mutual expectations</p> <p>Did you develop an understanding about the advice you can offer, the frequency and regularity with which you will see the candidate and your expectations about the quality and originality of the completed work?</p>
<p>2. Definition of project</p> <p>Was the topic of research suitably defined? Is the scope of the thesis too ambitious or too narrow? Are you satisfied with the candidate's background knowledge of the subject?</p>
<p>3. Arrangements for the return of work</p> <p>After work has been submitted, did you make arrangements for its return within 10-14 working days? In circumstances where this is not possible, did you inform the candidate, and specify new target dates?</p>
<p>4. Absences from the University</p> <p>Did you inform the candidate when you plan to be absent for an extended period of time from the University? Have you made arrangements for substitute supervision during this time?</p>
<p>5. Requirements for successful submission</p> <p>Is the candidate aware of the requirements to which the thesis is expected to conform?</p>
<p>6. Finances and academic activities</p> <p>Did you support your candidate's attempts to acquire financial assistance, to publish articles and to present conference papers?</p>
<p>7. Co-supervision</p> <p>Does your candidate understand what tasks you and your co-supervisor will perform?</p>

4.5 CONFLICT RESOLUTION

4.5.1 Informal solutions

If a dispute arises between a candidate and supervisor, the parties should first try to resolve it amicably. If informal discussion is not effective, the Head of Department or the Dean should be approached. It is helpful, however, to bear in mind that, when confronted by a dispute:

- conflict is not necessarily to be avoided; it can result in creative new ideas, and the advance of knowledge
- although candidates and supervisors are not equals, the very nature of the academic enterprise assumes that ideas may be challenged

- expectations should be clear and commonly understood on both sides; if necessary, they should be put in writing
- conflict should be handled early; it is easier to deal with small issues, as and when they arise; the longer an issue is left, the less likely the possibility of a resolution.

4.5.2 Formal complaint procedures

Not all conflict can be solved informally. When both parties have tried, without success, to reach an amicable solution, then a more formal procedure is necessary. If the nature of the problem is academic, the candidate may follow the procedure outlined on the UCT website.

Individual students, the Postgraduate Students' Association (PGSA) or a student organisation may initiate a complaint about:

- actions of a member of staff reflecting upon a student's morality, honesty, competence or any other matter which may expose the student to contempt, ridicule or loss of esteem; or
- any other University matter, including ones relating to academic departments or the University administration.

Except for matters concerning administration, which have to be reported to the Registrar, complaints must, in the first instance, be lodged with the Head of Department. If no satisfaction is reached at this level, the matter must then be taken to the Dean, and, ultimately, to the Vice-Chancellor or Deputy Vice-Chancellor responsible for student affairs.

The Vice-Chancellor may appoint a committee of inquiry to investigate any matter referred to him or her (or to the Registrar). The composition of the committee must be determined by the Vice-Chancellor, after consultation with the president of the PGSA or that person's nominee. Once the inquiry is complete, the Vice-Chancellor must report back to the complainant with recommendations.

Once the Vice-Chancellor has dealt with a matter finally, the complainant must be advised of the action taken. Students still have the right to consult the PGSA about any complaints or representations which they may wish to make.

Before a matter is raised publicly within or outside the University, the Vice-Chancellor must be given an opportunity to resolve the matter. If an amicable resolution is not possible within a reasonable period of time, and, if the complainant wishes to raise the matter publicly, the Vice-Chancellor must give a reasonable opportunity for expression of contrary views. The provisions of this paragraph do not apply to:

- the canvassing of facts by the PGSA or other student organisations in order to ascertain the gravity of a complaint and the need to pursue it through the channels stipulated above
- any factual report-back to students of the progress or result of any complaint.

5. THE ETHICS OF RESEARCH ON HUMANS

The Faculty of Law has adopted Guidelines on Research Ethics Relating to Research on Human Subjects, in order to ensure that such research is carried out with social sensitivity and responsibility, and with respect for the dignity and self-esteem of the individual and for basic human rights. Any student whose thesis involves research on human subjects should visit the following website: <http://www.law.uct.ac.za/research/overview/>

The site provides useful information on research in the Faculty of Law

6. WRITING THE THESIS

6.1 LANGUAGE POLICY

English is the medium for both teaching and examination at UCT, except in departments where another language is taught. This rule applies to all theses.

Candidates for a higher degree must have obtained a certain level of proficiency in English, and they may be required to give evidence of this proficiency as part of an application to study.

6.2 THE WRITING CENTRE

The Law Faculty Writing Centre seeks to improve writing skills for academic work. It offers a free consultancy service to postgraduate students, whether as individuals or in small groups, at any stage of writing theses. The assistance provided is not intended to be a free editorial service nor will the consultant comment on substantive legal questions or the content of theses. Rather, it is a learning experience, aimed at helping candidates to improve the quality of their writing and referencing. Hence, the consultant will not proof read work and they are certainly not obliged to read an entire thesis. Instead, the consultant will diagnose and suggest corrections for constant problems.

The Centre is located on Level 2 of the Kramer. Please make an appointment if you need help.

6.3 FORMAT OF THE THESIS

6.3.1 The role of the supervisor

Please note that, although supervisors are expected to assist with questions of language, they are not required to edit a candidate's work or correct the spelling, grammar or style.

6.3.2 Page set-up

- print on only one side of the page
- left-hand margin at least 4cm (to allow for binding)
- right-hand margin about 2.5cm
- A4 page size
- use fonts such as Arial, Times New Roman, Book Antiqua or Bookman Old Style
- font size 12
- page numbers in the same font as that used for the text, and placed at the top right-hand corner of the page
- set language checks to English [South Africa]; do not use American spelling
- line spacing of 1.5 is recommended; spacing should allow 6pts after each paragraph, which improves the look of the document and avoids the need to include extra paragraph breaks
- paragraphs must be indented
- the right-hand margin must not be justified.

For further information on the Law Faculty's recommended language style, please consult <http://www.lib.uct.ac.za/law> under 'Info Skills Corner'.

6.4 PUBLICATION AND COPYRIGHT

The University always encourages publication. Prior to the award of a degree, however, although candidates may mention their affiliation with the University, they may not state that their publication is part of work being done towards a higher degree, unless they have obtained permission from the University. Once the degree has been awarded, however, University permission is not necessary.

Copyright is protected under both international conventions and South African domestic law. It exists in any ideas that have been put in writing or have formed the subject of a drawing or painting. The copyright holder is the author, unless that person was employed under a service contract and the work was done in the course of employment. Copyright persists for the author's life, and, in some cases of published work, for fifty years after the author's death. Copyright in unpublished material remains in perpetuity.

Students have copyright in their theses, unless they have entered an arrangement specifically granting copyright to someone else. In this regard, it should be noted that the University has a licence to reproduce thesis work. For more information on this topic refer to the UCT website.

Breach of copyright entitles the holder to bring a civil action. It also constitutes a criminal offence, for which the offender is personally liable.

Making a copy of computer software or using unlicensed copied software is a breach of copyright. Acquiring an unauthorised copy of computer software is also an infringement of copyright. Acquisition, in this sense, includes loading a copy of a programme into any form of storage medium. Some software developers recognise the special position of educational institutions and offer site or bulk licensing. Under bulk licensing, the institution pays an annual fee, and may make a specified number of copies; site licences allow an unlimited number of copies. Where such arrangements exist, only those members of the University specified in the applicable agreement may use the software.

Copyright is not infringed where a work is:

- used for research or private study, subject to the fair dealing requirements of the law (ie, appropriate acknowledgement of the source and limited circulation of the work)
- used for criticism (again subject to the fair dealing requirements)
- quoted, provided that the quotation is compatible with fair dealing, is not excessively long and is properly attributed to the author
- used by way of illustration for the purposes of teaching (again subject to the fair dealing test).

6.5 PLAGIARISM

Although the guidelines set out below are applicable to all postgraduate degrees, a separate guide is used by the University Doctoral Degrees Board for PhD and LLD degrees.

The offence of plagiarism has two consequences: an offender may be failed, and, in addition, prosecuted before the Student Disciplinary Tribunal. Plagiarism violates student rules. Hence, if the Faculty Higher Degrees Committee finds evidence of plagiarism, it must report the matter to the University Legal Counsellor (under the University's Rules on Disciplinary Jurisdiction and Procedures) with a view to having the offender prosecuted.

Any process in the HDC is independent of proceedings before the Student Disciplinary Tribunal. The HDC (which operates under Senate's authority) must determine a result when a candidate is examined. The Disciplinary Tribunal (which operates under the University Council's authority) tries students for breaches of the student code of conduct.

In order to establish plagiarism, the HDC must assess the evidence and decide whether the candidate did in fact plagiarise material, or simply failed to make an appropriate attribution, or cited references in an isolated or insignificant way. This assessment entails exercise of an academic judgment. If the HDC finds that the student committed plagiarism, it must record this finding, and decide what result to give the candidate. Ordinarily, the HDC must decide that the candidate fails. Only if plagiarism was entirely incidental to the candidate's thesis may the HDC decide that the candidate should not fail. In such cases, the Committee might require the work to be revised by the candidate to take account of this finding.

While assessing the evidence, the HDC need not wait for the outcome of the hearing in the Disciplinary Tribunal, because the proceedings there are completely separate. It is thus possible for a student to be failed by the Faculty and acquitted by the Disciplinary Tribunal.

7. CHANGES TO THE THESIS

7.1 CHANGING THE TITLE OR TOPIC

As work progresses, a candidate may want to change the title of a thesis. In the case of masters theses, application must be made to the Faculty's Higher Degrees Committee for approval, and, in the case of doctoral theses, to the Doctoral Degrees Board via the Faculty's HDC.

A change of *topic*, however, is a more serious matter, requiring re-application to the HDC (and subsequent approval by the Doctoral Degrees Board).

7.2 UPGRADING FROM A MASTERS TO A DOCTORATE

If it appears that a masters thesis is progressing beyond the requirements for that type of degree, and is beginning to constitute a significant contribution to scholarship on the topic, the candidate may apply, with the supervisor's approval, to upgrade to a doctorate. Normally, this decision will be taken in the second year of research. (Retrospective registration to the first year is not permitted.) Well before the thesis is submitted for examination, application for approval must then be made to the HDC.

It is also possible to downgrade a thesis from a doctorate to a masters degree. Again, the change of status must be arranged well before submission for examination, because it is not possible for a masters degree to result from a failed doctorate.

8. SUBMISSION FOR EXAMINATION

8.1 MASTERS THESES

When a candidate is ready to submit a thesis for examination, a letter to this effect should be uploaded on the PeopleSoft System by **1 February** (if the graduation is to be in June) or **20 June** (if the graduation is to be in December).

The supervisor must state whether submission is approved. This statement is made for the record. A candidate is entitled to submit whatever the supervisor's opinion, and examiners are not informed in advance of the fact that a supervisor did not approve the thesis.

The University of Cape Town (UCT) now requires candidates to submit electronic versions of dissertations/theses online via the PeopleSoft Student Administration Self-service functionality.

This will mean that hard copies of intention to submit forms and dissertations/theses are no longer physically deposited. You, as the candidate, submit your work for examination from any digitally-connected destination.

At the conclusion of your research, you will be able to complete and upload your intention to submit form on PeopleSoft, followed by the upload of your dissertation/thesis. All communication from UCT regarding the examination process will occur via e-mail. Please make sure that you have your username and password and are able to access the PeopleSoft Student Administration Self Service.

Once the examination procedure is completed, an electronic copy of the dissertation, including any necessary corrections, uploaded on to the PeopleSoft system.

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8.2 DOCTORAL THESES

At the conclusion of research, the candidate shall submit a thesis for examination. This will occur after receiving an indication from the supervisor that the thesis is acceptable for submission.

However, a candidate is barred from submission without the supervisor's approval. The candidate must inform the Doctoral Degrees Board Officer in writing of his/her intention.

Please complete the [Notice of Intention to Submit a PhD Thesis](#) form.

The final dates for submission of such notification for the purpose of graduation are:

- 10 January for persons hoping to graduate in June
- 20 June for persons hoping to graduate in December

The dates for submission of theses are:

- 15 February for persons hoping to graduate in June 2016
- 15 August for persons hoping to graduate in December 2016

Format of the thesis

The University of Cape Town (UCT) now requires PhD candidates to submit electronic versions of theses online via the PeopleSoft Student Administration Self-service functionality.

This will mean that hard copies of intention to submit forms and dissertations/theses are no longer physically deposited. You, as the candidate, submit your work for examination from any digitally-connected destination.

At the conclusion of your research, you will be able to complete and upload your intention to submit form on PeopleSoft, followed by the upload of your dissertation/thesis. All communication from UCT regarding the examination process will occur via e-mail. Please make sure that you have your username and password and are able to access the PeopleSoft Student Administration Self Service. Please visit the DDB website for more information on this process.

8.3 DOCUMENTS TO BE ATTACHED TO ALL THESES

Title of thesis

By Student (full names and Student number)

SUBMITTED TO THE UNIVERSITY OF CAPE TOWN

in fulfilment of the requirements for the degree LLM/MPhil/PhD/LLD

Faculty of Law

UNIVERSITY OF CAPE TOWN

Date of submission:

Supervisor[s], Department

In the front of your thesis, a signed and dated declaration in the following format must be included.

Declaration

I,, hereby declare that the work on which this thesis is based is my original work (except where acknowledgements indicate otherwise) and that neither the whole work nor any part of it has been, is being, or is to be submitted for another degree in this or any other university. I authorise the University to reproduce for the purpose of research either the whole or any portion of the contents in any manner whatsoever.

Signature:Date:

9. THE EXAMINATION PROCEDURE

9.1 MASTERS THESES

Two examiners are appointed by the Faculty's Higher Degrees Committee. Their names are confidential. Supervisors assist in nominating examiners, but they may not discuss the matter with a supervisor (or obviously the candidate) nor may they disclose the examiners' names.

A candidate may be required to undergo a written or oral examination on the subject matter of the thesis.

Examiners may make one of the following five recommendations:

- the degree be awarded with distinction
- the degree be awarded, without the need to make any corrections except for minor, typographical errors
- the degree be awarded, subject to specified changes being made to the thesis to the satisfaction of the Higher Degrees Committee
- although the thesis does not meet the required standard, the candidate should be invited to do further work, to revise the thesis and then submit it for re-examination
- the degree should not be awarded.

As soon as examiners' reports are received, they are considered by the Faculty HDC, which is required to recommend to the Faculty Board whether the degree should be awarded. If examiners consider that the thesis needs to be corrected, the HDC may require the candidate to make the recommended amendments. The candidate's supervisor must then ensure that library copies of the dissertation are changed accordingly. When alterations have duly been made, the HDC must be notified in writing.

9.2 DOCTORAL THESES

When a thesis has been received, the Faculty HDC nominates a Committee of Assessors (COA). This body recommends to the Doctoral Degrees Board (DDB) the appointment of examiners, and, when the examiners' reports are received, it considers them.

The COA consists of two or three core members of the Faculty (with proven experience as supervisors), the Dean or a nominee (as chair), the Head of Department, the supervisor (as a non-voting member), and, if need be, one or two others with experience in the area. The appointment of the COA must be approved by the DDB.

The COA must nominate at least five examiners, whose names may not be disclosed to the candidate. The DDB then formally appoints three individuals as examiners to read the thesis.

The supervisor must submit a brief report on the subject matter of the thesis to assist potential examiners in deciding whether to accept appointment. The supervisor may also provide a separate report (for the information of the COA and DDB only) on factors, other than personal ones, which may have affected the writing of the thesis.

When all the examiners' reports have been received, the COA considers them and recommends a final decision to the DDB. (Special procedures are available for situations where the examiners disagree.) Normally, the names of examiners and the contents of their reports are made available to the candidate when the examination has been completed. This practice may, however, be varied.

Examiners may make one of the following four recommendations:

- the degree be awarded, without the need to make any corrections except for minor, typographical errors
- the degree be awarded, subject to specified changes being made to the satisfaction of the DDB
- although the thesis does not meet the required standard, the candidate should be invited to do further work, to revise the thesis and then submit it for re-examination
- the degree should not be awarded.

9.3 DATES TO REMEMBER

9.3.1 Masters theses

If you wish to graduate in *June* of any particular year, then:

- give a letter of intention to submit to the Deputy Faculty Manager, by no later than **1 February** of that year, and
- submit your thesis by no later than **the Friday before the first term of the year following the first year of registration..**

If you wish to graduate in *December* of any particular year, then:

- give a letter of intention to submit to the Faculty Manager, by no later than **20 June** of that year, and
- submit your thesis by no later than **15 August** of that year.

9.3.2 Doctoral theses

If you wish to graduate in *June* of any particular year then:

- give a letter of intention to submit to the Administrator of the DDB by no later than **10 January** of that year, and
- submit your thesis by no later than the Friday before the first term starts.

If you wish to graduate in *December* of any particular year, then:

- give a letter of intention to submit to the Administrator of the DDB no later than **20 June** of that year, and
- submit your thesis by no later than **15 August** of that year.

10. CONTACTS IN THE LAW FACULTY AND UNIVERSITY

NAME	PORTFOLIO	EMAIL	OFFICE ADDRESS	TELEPHONE
Prof Penny Andrews	Dean	Penelope.andrews@uct.ac.za	Dean's Suite 4.07 Kramer Bldg	021 650 2705/6
Ms Patricia Phillips	Deputy Faculty Manager: Academic Administration	Patricia.phillips@uct.ac.za	4.49 Kramer Bldg	021 650 5409
Prof Hugh Corder	Public Law Chair, Higher Degrees Committee	Hugh.corder@uct.ac.za	5.42 Kramer Bldg	021 650 5673
Prof Caroline Ncube	Commercial Law Head of Department	caroline.ncube@uct.ac.za	5.22 Kramer Bldg	021 650 3776
Prof Elrena Van der Spuy	Public Law Head of Department	Elrena.vanderspuy@uct.ac.za	6.36.5 Kramer Bldg	021 650 2988
Prof Anton Fagan	Private Law Head of Department Private Law Head of Department	anton.fagan@uct.ac.za	4.27 Kramer Bldg	021 650 3449

MEMORANDUM OF UNDERSTANDING

This document, which is intended to ensure a mutually productive process of supervision, must be completed *at registration*. Each year, an additional memorandum must be completed before the student renews registration.

.....name of graduate student

.....signature

and

.....name of supervisor

.....signature

..... Date

Part A Details of Candidate and Supervisor

1. Full name of student:
2. Qualifications:
3. Student's experience, giving particular attention to research experience and mastery of second language, as may be relevant.
4. Thesis title:
5. Personal particulars:
 - student number
 - current [Cape Town] address
 - email
 - telephone number[s]
6. Supervisor:
 - Full name
 - Department:
7. Co-supervisor, if any:
 - Full name
 - Department
 - Institution

PART B

Expectations

1. The supervisor must set out what is expected of the student, including, an assessment of the time to be spent on each phase of the thesis, frequency of supervision and progress reports, travel arrangements [where necessary] and interim publications [if intended]

.....

2. Supervisor's plans to provide for absences from UCT, if away for more than 2 months during the next 3 years.
.....
3. Courses and classes: list any course or workshop that the student should attend in order to assist in writing the thesis.
.....
4. Financial arrangements for duration of study: specify any financial assistance, by way of bursaries and salaries, to support the student. Should the student terminate studies, or fail to make satisfactory progress to the extent that re-registration is denied, will s/he be contractually obliged to repay any bursary?
.....
5. The student's expectations of the supervisor.
.....
6. Comment by supervisor.
.....
7. **The student must set out a plan for the project, including a detailed time commitment.**
.....
8. Supervisor's comment.
.....
9. Publications
Full details of Publication and co-authorship of any papers must be noted here.
.....

Part C

Observations (if any) by the Chair of the Higher Degrees Committee

.....

Signed:.....

Name.....

Date:.....

Once seen by all parties, copies of this document must be returned to the student, supervisor and Faculty Office.

ANNUAL SUPPLEMENT TO MEMORANDUM OF UNDERSTANDING

To be returned to the Faculty Office by at re-registration.

NAME OF CANDIDATE

STUDENT NUMBER

PART A

ANNUAL PROGRESS REVIEW

This part is a report by the supervisor on the candidate's work to date, a recommendation by the supervisor that registration be renewed (or that it be refused on the grounds of inadequate progress), and the response of the candidate. It is primarily an opportunity for the candidate and supervisor to take stock of progress.

1. Report by the supervisor and recommendation for renewal of registration

This report must be based on the agreed expectations set out in the memorandum of understanding, as previously agreed. It will generally require a self-assessment by the candidate (which must be attached) to which the supervisor will respond.

.....

2. Response by the candidate

The candidate has the right to respond to any comments made by the supervisor, but must do so here in writing.

.....

3. Reply by supervisor

The supervisor may reply to the candidate's response, but must inform him or her, and may amend the initial report and recommendation.

.....

PART B

PLAN OF WORK FOR THE YEAR AHEAD TO BE COMPLETED BY THE CANDIDATE

1. Year the thesis was first registered

2. Year of expected completion

3. Plan for the forthcoming year

.....

4. Publications, seminars and conferences

List any publications you expect to submit, seminars you may give or conferences you may want to attend.

.....

PART C

BUDGET AND SPECIAL ARRANGEMENTS FOR THE YEAR AHEAD

To be completed by candidate and supervisor together.

1. Funding

Any funding details specified in the memorandum of understanding should be brought up to date each year. The Postgraduate Funding Office will provide an annual recommended student allowance for full-time research students.

Category	Source	Amount
Bursaries		
Salaries		
Conferences & courses		
TOTAL		

2. UCT employment possibilities

.....

3. Expected time commitment

State percentage time or hours to be spent in employment.

.....

4. Communication arrangements

The supervisor and candidate are expected to maintain regular contact. The supervisor must outline any changes to the existing plan.

.....

5. Skills development

List any skills development courses that the candidate should attend.

.....

Candidate's signature

Supervisor's signature Date.....

Comments by Chair of the HDC

Chair of HDC's signature Date

These guidelines give a general account of the various rules and procedures applicable to admission, registration and examination of masters and doctoral degrees. For the exact wording of the rules, please refer to the Law Faculty Handbook on the Faculty website: <http://www.law.uct.ac.za>

The Guidelines are an adaptation of a similar booklet produced by the Faculty of Health Sciences, which in turn adapted, with permission, a student handbook produced by the School of Graduate Studies at the University of Toronto (which is available in pdf format at: <http://www.sgs.utoronto.ca/current/supervision/guidelines.pdf>). We are indebted to both the Faculty of Health Sciences Postgraduate Committee and the University of Toronto School of Graduate Studies.

Last updated January 2016