

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 six 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 6501667 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 Postgraduate Manager (+27 21 6505409 or patricia.phillips@uct.ac.za).
- an MPhil by dissertation. 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.
- Professional Masters by coursework and research tasks. This is administered by the School for Advanced Legal Studies. Further information may be obtained from the SALS Administrative Officer (+27 21 6501667 or law-studies@uct.ac.za).

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.

PhD 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. Final approval for this concession is granted by the Doctoral Degrees Board.

2. ADMISSION

2.1 ADMISSION RULES

2.1.1 LLM by dissertation

Candidates for the LLM may qualify for admission if 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 PhD 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.

More detailed information on the application and registration procedure is available on the [Admission](#) page of the postgraduate website.

2.2 FEES

In 2020 the fees for Research degrees are as follows:

- LLM or MPhil by dissertation: R 17 680
- PhD or LLD: R21 410

Payment deadlines 2019

- Initial payment 31 January 2020
- Final payment 30 June 2020
- Late payments are subject to a late payment fee of 10 percent.

SADC Students:

Students from SADC countries and non-South African students who do not have permanent residence but pay local fees, must pay the minimum initial fee for tuition and residence PLUS the SADC Administrative fee of **R4 000** prior to registration or by **31 January 2020**, whichever date occurs first. Any unpaid amount is subject to 8% once off penalty. (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.

International Students from outside the SADC region will be charged a non-refundable Administrative Service fee of R4 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.

Methods of payment:

1. Direct deposit / internet transfer into the UCT bank account at Standard Bank Rondebosch, Branch code 025009, Account No: 270689982. Swift address (for payments from outside South Africa) SBZA ZAJJ. Quote student number as reference.
2. Debit card payments can only be made via the Cashiers Office by the card-holder.
3. Credit card payments can be made at the Cashiers Office by the card-holder; on-line directly to the student fee account via the UCT website URL: <http://payonline.uct.ac.za>
4. Cheque; either bring your cheque to the Cashiers Office at Level 3, Kramer Law Building, Middle Campus, or post them to the UCT Cashiers Office. The student number must be written on the back of the cheque.
5. Cash payments to a maximum of ZAR1 500 will be accepted by the UCT Cashier.
6. No receipt will be issued except for cash payments.
7. Where payment is made for students from outside the Rand currency area, payment must be made by Telegraphic Transfer into the UCT bank account No: 27 068 9982, at Standard Bank, Rondebosch, Branch Code: 025009, Swift Address: SBZA ZAJJ. Quote the student no. as the reference and fax a copy of the transfer form to +27 21 650 4768. Allow at least 14 working days for bank transfers to reach UCT's account. Clearance will only be granted when payment has been received. Returning students must also clear any outstanding fee debt.

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 apply 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.

All international students will be required to pre-register before they can register for their courses. Pre-registration is an immigration and fee clearance process where the International Office (IAPO) will verify student's documents and capture details about their passport, visa, medical aid and fee payments details onto the student record. Both the immigration documentation and fees must be verified and cleared as a pre-registration requirement before they can register for their study programme.

What is required for pre-registration?

- Passport containing the temporary residence permit valid for studies at UCT (i.e. study visa) and entry stamp received at the port of entry upon arrival in South Africa. We will need to see the student's actual passport but will return it immediately once we have verified the study visa and entry stamp.
- Proof of payment of fees or sponsorship (if applicable). This could be a receipt or proof of payment statement from their bank clearly showing the transfer of funds to the UCT bank account.
- Proof of South African medical aid cover for the full year of study (i.e. until 31 December)
- Photocopies of all of the above.

Remote pre-registration

Note. Students are needing to pre-register in person. Exception will be made if the student is not in possession of a study visa and will not be required to complete their studies in person at UCT (e.g. postgraduate students completing their fieldwork/ dissertations outside of South Africa). In this instance, IAPO will assist with their remote pre-registration provided that they provide a scanned copy of their passport bio page and a letter from their academic department and/or supervisor confirming that they will be completing their studies outside of South Africa. Please send these pre-registration requests to: prereg@uct.ac.za

South African medical aid for holders of a study visa

Note. Students who are in possession of a study visa will be required to have medical aid cover from a medical aid scheme registered with the South African Council for Medical Schemes. The duration of their medical aid cover must align with the duration of their study offer. Even if the international student is already in possession of international medical aid, they will not be permitted to register at UCT if they are not covered by a medical aid scheme registered with the [South African Council for Medical Schemes](#). For competitively priced South African medical aid schemes, we recommend [CompCare NetworX](#) or [Momentum Ingwe](#).

Visitors visas

For international students enrolling in modular programmes where they periodically attend block lectures; visiting South Africa for less than 90-days each time they attend block lectures or meet their supervisor, they can be pre-registered against a visitors' visa. For their pre-registration, IAPO will require:

- Passport containing the visitors' visa or visitors' entry stamp
- Proof of payment of fees or sponsorship (if applicable).
- A copy of their study offer letter and course outline/ informing, confirming that they are enrolled in a modular programme
- Proof of medical aid cover
- Photocopies of their passport bio page, visitors' visa/ entry stamp, medical aid and confirmation of their modular programme.

Note. The Immigration Regulation only requires holders of study visas to be in possession of South African medical aid. If international students on modular programmes are pre-registered against their visitors' visa, they will be exempt from needing South African medical aid cover. In this instance, their international medical aid cover will be accepted and captured onto their student record in PeopleSoft.

Pre-registration service

IAPO will run a dedicated pre-registration service from the Sports Centre between 27 Jan to 7 Feb 2020. We understand that certain programmes will have earlier/ later start dates and therefore, some international students will need to pre-register at the IAPO offices in Masingene. Except for certain programmes, IAPO anticipates that the majority of the new and returning international students will be arriving in time for classes commencing on 10 Feb and will be pre-registered during our dedicated times for pre-registration at the Sports Centre.

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 iapo@uct.ac.za, tel + 27 21 650 2822/3740 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 consider 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>

2.4.2 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 and the Law Faculty website.

2.4.3 SCHOLARSHIPS ADMINISTERED BY THE HIGHER DEGREES COMMITTEE

A limited number of scholarships are offered to address historic disadvantage, with particular (but not exclusive) focus on black South African students.

The faculty may also offer scholarships to cover *tuition fees only* to up to ten applicants for a period of one year for Master's students and up to three years for PhD students, subject to satisfactory progress. A limited number of NRF grantholder-linked scholarships is available for candidates in African Customary Law and Criminal Justice. Only South African citizens and permanent residents are eligible for these NRF scholarships.

3. APPLICATION AND REGISTRATION

3.1 APPLICATION PROCEDURE

3.1.1 Application for the LLM /MPhil by dissertation 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 (i.e. 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 on the prescribed application form which can be found on the [Research Application site](#).

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 from 27-31 January 2020.

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

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

For further information on the application process 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

The Degree of Doctor of Laws may be obtained for a substantial body of work that has already been published. Such work must constitute an original contribution to, or an important advance on, knowledge in the subject. This degree is the senior doctorate in the Faculty of Law. It is awarded rarely, as a mark of respect, normally only for work undertaken over a period of many years which has established the candidate as the leading authority in his or her field, and where the candidate has had a substantial and long association with the University.

Application for the LLD degree is governed by procedures set out by the Doctoral Degrees Board of the University. A copy of these procedures is obtainable from the Faculty Office. They include the following rules:

- (i) the candidate must provide copies of the body of work, as specified by the Higher Degrees Committee,
- (ii) a preliminary screening procedure must be undertaken by a Committee of Assessors, appointed by the Doctoral Degrees Board, to consider whether the work is of the standard and maturity required for this senior Doctorate, and
- (iii) registration and examination will take place only when the Doctoral Degrees Board has accepted the application, and only after receiving the opinion of the Committee of Assessors.

3.1.3 Registration for LLM/MPhil by dissertation and PhD degrees

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**. The Faculty encourages all first year LLM/MPhil or PhD students to register with the cohort of students during the Induction week. Details on the registration process, including the completion of the MOU will be made available to all students on a Vula (Student information site) prior to registration. International students are reminded that they need to pre-register with IAPO prior to registration.

The Faculty is currently exploring the option of online registration. More detail will be provided on the Vula site.

3.2 A THESIS PROPOSAL

When preparing a proposal, please bear in mind that the HDC needs to be convinced that you can undertake 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 .
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 (i.e., 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 the LLM and MPhil by dissertation degrees, 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 PhD 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 is prescribed for completing a thesis, the University stipulates a 'reasonable time'. For PhD 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

All students registered for a LLM/MPhil by dissertation component for the first time must complete the Memorandum of Understanding (ACA047a) at the point of registration. Returning students are required to complete the Annual Supplement to the Memorandum of Understanding (ACA048) at the

point of registration each academic year. These forms can be found on the [Student Forms Website](#). Students and supervisors are required to agree and sign off on the MOU and Annual Supplement to the MOU at the point of registration. Students will not be registered without the MOU. At the end of each academic year supervisors are requested to provide a progress report on their students' academic progression to the Higher Degrees Committee.

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

- maintain regular contact 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.)
- try 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 PhD theses must renew their registration at the Faculty Office before **10 February 2020**. **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 their registration in writing. 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. [The cancellation form ACA08](#) must be completed and submitted by registered mail or delivered in person to the Law Faculty Office, Kramer Building, Middle Campus.

3.6 LIBRARY FACILITIES

While full registration is still being considered (i.e. 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 person. 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.

All students registered for a dissertation component must complete the Memorandum of Understanding at the point of first registration. 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
- whether ethics approval is required
- 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.

Returning students are required to complete the Annual Supplement to the Memorandum of Understanding at the point of registration each 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.

<p>1. Communication</p> <p>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 must leave campus for significant periods of time, can you be readily contacted?</p>
<p>2. Mutual understanding</p> <p>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?</p>
<p>3. Planning</p> <p>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?</p>
<p>4. Submission and return of work</p> <p>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?</p>
<p>5. Timing</p> <p>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.</p>

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 understand the relevant theories and skills necessary for the research
- provide an annual report of the candidate's progress
- plan 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 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

University of Cape Town Conflict Resolution Process for a Supervisor-Postgraduate student relationship

This process relates to conflict in the context of the Memorandum of Understanding (MOU) and Planned Progress Activity (PPA) report agreed between a student and a supervisor.

Conflict is not necessarily to be avoided; it can result in creative new ideas, and the advance of knowledge. The very nature of the academic enterprise assumes that ideas may be challenged. 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.

Conflict Resolution

If a conflict arises between a postgraduate student and a supervisor, the parties should, if possible, first try to resolve it amicably.

If informal discussion is ineffective in resolving the conflict, then the parties should put their disagreement in writing, and submit this record to the Head of Department (who may refer the conflict to the appropriate Faculty structure) for resolution. If the supervisor is the Head, the record should be referred directly to the Deputy-Dean charged with Postgraduate Affairs.

If this does not resolve the conflict within a month then the student or supervisor should refer the record to the Deputy-Dean. If the supervisor is the Deputy Dean, the record should be referred to the Dean.

If this does not resolve the conflict, (or if the supervisor is the Dean), the student or the supervisor should refer the record to the Deputy Vice-Chancellor for Research and Internationalization.

If at any stage the student or supervisor has any reservations about this conflict resolution process, they may consult the office of the Ombud.

Grievance Procedures

If the conflict between a postgraduate student and their supervisor is not resolved by the above process, the student should refer to Senate Procedures for [Student Complaint in Handbook 3](#).

5. THE ETHICS OF RESEARCH ON HUMANS

The Faculty of Law has adopted Guidelines on Research Ethics Relating to Research on Human Subjects, 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/ethics-research>

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 4 of the Kramer Law Building. 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 and referencing style, please consult <http://www.law.lib.uct.ac.za/law/research-guides>.

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 during 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 license 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 licenses 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 (i.e., 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.

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 separate. It is thus possible for a student to be failed by the Faculty and acquitted by the Disciplinary Tribunal.

Please refer to the University Policy and Guidelines for [Plagiarism](#).

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 LLM/MPhil dissertations, 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 An LLM/MPHIL BY DISSERTATION TO A PHD

If it appears that an LLM/MPhil dissertation 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 PhD. 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 PhD to an LLM/MPhil by dissertation degree. Again, the change of status must be arranged well before submission for examination, because it is not possible for an LLM/MPhil by dissertation degree to result from a failed PhD.

8. SUBMISSION FOR EXAMINATION

8.1 LLM/MPHIL DISSERTATION

Where a candidate intends to submit his or her dissertation for examination in the hope of the award of the degree at either March or December graduation ceremonies, he or she must inform the Faculty Office in writing of his or her intention to do so six weeks before submitting the dissertation for examination. It is recommended that the dissertation be submitted for examination five months before the graduation ceremony to allow time for the examination process to run its course. Details on the submission dates can be found [here](#). The University does not however undertake to reach a decision on the award of the degree by any specific date.

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. Instructions on the submission process can be found [here](#).

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 end 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 can access the PeopleSoft Student Administration Self Service.

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

8.2 PHD THESES

At the end 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.

A PhD Candidate can submit at any time subject to being registered for 2 years. While the DDB will not insist on the supervisor's approval before accepting a PhD thesis, it is recommended that candidates submit with the approval of their supervisors.

Where a candidate intends to submit his or her thesis for examination in the hope of the award of the degree at either March, July or December graduation ceremonies, he or she must inform the Faculty Office in writing of his or her intention to do so six weeks before submitting the dissertation for examination. It is recommended that the thesis be submitted for examination five months before the graduation ceremony to allow time for the examination process to run its course. Details on the submission dates can be found [here](#). The University does not however undertake to reach a decision on the award of the degree by any specific date.

For more information on the PhD submission process visit the [Doctoral Degrees Board](#) website.

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 end 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 can 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

The following information should be reflected on the front cover of your thesis/dissertation:

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 research either the whole or any portion of the contents in any manner whatsoever.

Signature:Date:

9. THE EXAMINATION PROCEDURE

9.1 LLM/MPHIL DISSERTATIONS

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 PHD 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 LLM/MPhil dissertations

Please refer to the [timeline document](#) for guidelines on submission dates. The University does not however undertake to reach a decision on the award of the degree by any specific date.

9.3.2 Doctoral theses

Please refer to the [timeline document](#) for guidelines on submission dates. The University does not however undertake to reach a decision on the award of the degree by any specific date.

10. CONTACTS IN THE LAW FACULTY AND UNIVERSITY

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