FACULTY OF LAW

GUIDELINES FOR
DOCTORAL AND MASTERS THESES
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This document gives 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.uct.ac.za/undergrad/docs/handbooks/fac_law.pdf](http://www.uct.ac.za/undergrad/docs/handbooks/fac_law.pdf)

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. We are indebted to both the Faculty of Health Sciences Postgraduate Committee and the University of Toronto School of Graduate Studies.

The original document is available in pdf format at: [http://www.sgs.utoronto.ca/current/supervision/guidelines.pdf](http://www.sgs.utoronto.ca/current/supervision/guidelines.pdf)

Last updated in April 2006
1. TYPES OF DEGREE AND NATURE OF THE THESIS

1.1 TYPES OF DEGREE

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

- an LLM/MPhil by coursework. This is administered by the School for Advanced Legal Studies. Further information may be obtained from Ms Khadija Khan (+27 21 6502997 kkhan@law.uct.ac.za).

- an LLM by thesis. When the thesis 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 Mrs Judy Fuller (+27 21 6503087 jfuller@law.uct.ac.za)

- an MPhil. In this case, the thesis will span two or more disciplines. If the topic is predominantly legal, the thesis will be registered in the Law Faculty and 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, 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.
An LLM or MPhil thesis may be either a single treatise on a ‘subject of legal interest’ or ‘a series of four treatises on cognate areas of the law’. Whichever form is chosen, the final text must not exceed 40 000 words in length.

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 thesis

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

- law degrees from UCT 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 master's degree
- an honours degree, or a four-year bachelor's degree, plus at least one year's registration for a master's degree
- a three year bachelor's degree plus at least two years registration for a master's 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 2006, the fees for South African students and students from SADC countries were:

- LLM or MPhil by dissertation: R6 360
- PhD or LLD: R7 080.

International Students from outside the SADC region pay an additional annual fee of R10 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.advancedlaw.uct.ac.za/fees.htm.

### 2.3 INTERNATIONAL STUDENTS

Under South African law, international students may not be admitted to the University nor may they participate in an academic programme unless they have a valid study permit and proof of medical insurance. Hence, students from abroad are required to attach to their registration forms:

- certified copy of the pages from their passports containing their photographs and passport number
- the page containing a valid study permit
- documentary evidence of health insurance
- the ‘International Students Pre-registration’ form.

Registration will not be approved without these documents, together with payment of the necessary fees. Please refer to http://www.uct.ac.za/depts/finance/fees/handbook.htm

Further inquiries may be directed to the International Academic Programmes Office at (021) 650 2822 or iapo@world.uct.ac.za or the website http://web.uct.ac.za/misc/iapo/index/htm

### 2.4 FINANCIAL ASSISTANCE

UCT places great emphasis 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 magwan@its.uct.ac.za; website http://www.pgfo.uct.ac.za; or http://www.advancedlaw.uct.ac.za/scholarship.htm.
3. REGISTRATION

3.1 APPLICATION PROCEDURES

3.1.1 Application for the LLM and MPhil

Candidates must submit to the Central Admissions Office of the University:

- a duly completed University entrance application form
- 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)
- if requested by the University, accreditation of qualifications by the South African Qualifications Authority (SAQA).

At the same time as making the above application, candidates will be required to submit to the Law Faculty Office:

- a brief curriculum vitae
- if not South Africans, evidence of residence status within this country
- an indication of a preferred starting time
- copies of previous academic qualifications, other than those obtained at UCT
- a thesis proposal.

3.1.2 Application for the PhD and LLD

The same procedures as for the LLM apply. Please note, however, that the Law Faculty does not control the admission of candidates to doctoral degrees. Responsibility for these degrees lies with the University’s Doctoral Degrees Board, which acts on recommendations made by the Law Faculty’s Higher Degrees Committee.

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 THE THESIS PROPOSAL

When preparing a proposal, please bear in mind that the Law Faculty’s Higher Degrees Committee needs to be convinced that you are capable of undertaking postgraduate research and that your work will advance knowledge of 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 connected with the humanities, precise topics may emerge only as work progresses. Nevertheless, candidates must demonstrate an understanding of how to set about a research project. Hence, the thesis proposal should be
regarded as a means for ensuring that basic issues have been carefully considered before work begins. In this way, both the candidate and the supervisor may avoid misunderstandings and save time.

A thesis proposal should include the following information.

<table>
<thead>
<tr>
<th>1. Descriptive title</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Reasons for choosing the subject</td>
</tr>
<tr>
<td>Give both the academic and, where relevant, the practical reasons for undertaking research in the chosen area.</td>
</tr>
<tr>
<td>3. Outline of the thesis</td>
</tr>
<tr>
<td>The word ‘thesis’ is used here in its traditional meaning, namely, a proposition that is proved through a sustained argument. The problems and questions to be examined must be clearly stated, together with a brief elaboration of the argument through its various stages.</td>
</tr>
<tr>
<td>4. Major sources</td>
</tr>
<tr>
<td>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 be familiar with all the literature in the field before they start research, but they should at least show that they are aware of the main works and their position in relation to them. Hence, candidates should be in a position to account for each item appearing in a preliminary bibliography.</td>
</tr>
<tr>
<td>5. Method</td>
</tr>
<tr>
<td>Whenever method plays a significant role in the thesis, candidates must show that they are aware of the methodological problems involved. In the case of legal work, 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 UCT Code of Ethics for Social Research.</td>
</tr>
<tr>
<td>6. Comparative studies</td>
</tr>
<tr>
<td>If the thesis is to involve a comparison of different legal systems, candidates should indicate which systems will be compared, with reasons for their choice. If necessary, they may also be required to show at least a reading competence in the different language(s) involved.</td>
</tr>
<tr>
<td>7. Structure of the thesis</td>
</tr>
<tr>
<td>The thesis should be presented by way of a division into chapters, each one describing the general field of inquiry.</td>
</tr>
<tr>
<td>8. Research schedule</td>
</tr>
<tr>
<td>Give a rough indication of how long the initial period of research will last</td>
</tr>
</tbody>
</table>
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.

In order to determine your general competence, the Higher Degrees Committee may ask you to submit an extensive piece of work you wrote for another university, such as an assignment or minor dissertation.

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 Higher Degrees Committee may issue a warning, and, if necessary, may refuse re-registration.

3.4 RENEWAL OF REGISTRATION

Candidates for both masters and doctoral theses must renew their registration at the Faculty Office before the last Friday in February each year. Before the Faculty Board approves re-registration, the supervisor must submit a report on progress. This report is included in the Annual Supplement to the Memorandum of Understanding. 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.

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

3.6 LIBRARY FACILITIES

On application, and while registration is still being considered, candidates are free to make use of UCT library facilities for a period of three months.

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 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 topic chosen by the candidate, 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 that may last for some years, the candidate may indicate a preference in the appointment of a suitable person. In order to obtain information on potential supervisors, candidates should consult the Faculty website www.uct.ac.za/law/staff/staff.htm and the student Handbook, both of which have profiles of all members of staff.

4.2 THE MEMORANDUM OF UNDERSTANDING

When embarking on a co-operative enterprise, such as 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’. 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
In addition to the Memorandum of Understanding, supervisors and candidates must complete an Annual Supplement, which reports on progress during the year. This document must be handed in to the Faculty Office by no later than 31 October each 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 the supervisor has a duty to be reasonably available for consultation, the primary responsibility for keeping in touch rests with the candidate.

A candidate’s other responsibilities include the following:

- 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
- advising any significant changes in the progress of research
- acquiring the necessary skills for undertaking the proposed 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 Memorandum of Understanding, 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 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 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 a candidate 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 counselors: 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 Memoranda of Understanding, they should make sure that the following issues were discussed and decided.
1. Mutual expectations
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?

2. Definition of project
Has the topic of research been suitably refined? Is the scope of the thesis too ambitious or too narrow? Are you satisfied with the candidate's background knowledge of the subject?

3. Arrangements for the return of work
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?

4. Absences from the University
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?

5. Requirements for successful submission
Is the candidate aware of the requirements to which the thesis is expected to conform?

6. Finances and academic activities
Did you support your candidate's attempts to acquire financial assistance, to publish articles and to present conference papers?

7. Co-supervision
Does your candidate understand what tasks you and your co-supervisor will perform?

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 unsuccessfully 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

5.1 GENERAL
Research should always be carried out with sensitivity, responsibility and respect for the dignity of the participants. To this end, researchers should:

- ensure that they are qualified to work with particular communities, and, when necessary, consult experts on such communities
- communicate findings honestly, clearly, comprehensively and accountably
- report findings, and the limitations thereof, so that they may be scrutinised by peers and the public in general
- point to the possibility of alternative interpretations
- respect the right of fellow researchers to work with different paradigms and methods
- honour the authority of professional codes in specific disciplines
- refrain from using their positions for personal gain.

If researchers have any doubt about the ethical implications of their research, they must, before continuing, consult their faculties, supervisors or any other authoritative body knowledgeable about the ethics of research. Further details are available at the UCT website:
http://web.uct.ac.za/depts/socialanth/dev/ethics/uctethics.htm

5.2 INFORMED CONSENT
The informed consent of participants is a basic ethical tenet of any research on human populations, especially when vulnerable groups (such as youth, recent immigrants or the mentally ill) are involved. When obtaining such consent, researchers must appreciate that participants may be under subtle pressures to co-operate, and they must take this possibility into account when designing informed consent procedures. Under most circumstances, payment is considered coercion, although minimum payment to cover the costs of attending interviews may be considered.

Consent is considered ‘informed’ when, in a language that is understood by participants, researchers explain:

- the nature of the research
- the participants’ freedom to decline to participate at any time
- factors that may influence a participant’s willingness to take part, such as emotional trauma or limitations on confidentiality
- the methods to be used, such as video-, tape-recording or scribing.

In short, the participant must have a complete understanding of the aims and processes of the research, its intended outcome, as well as any consequences that may follow from publication.
The research results may not be used for any purpose other than those originally consented to by both parties.

5.3 FORSEEABLE CONSEQUENCES

When planning research, researchers must consider its consequences, and they must attempt to protect participants against physical, psychological or social harm. No research should be undertaken on vulnerable subjects, if the required information can be obtained by other means.

5.4 TERMS OF PARTICIPATION

If conflict arises between the interests of researchers and those of research participants, the interests of the participants take precedence.

The research should be conducted to suit the convenience of participants, so that their income and work is not affected.

The privacy of a participant must be respected on that person's terms. Interviews (whether focus groups or one-on-one) must be conducted in private.

5.5 CONFIDENTIALITY

Researchers must ensure that confidentiality is protected, and must accordingly take into account the long-term uses of research information, such as submission for a higher degree, placement in public archives or examination by other researchers. Data which may reveal the identity of a participant is confidential, unless the participant agrees to its release. Hence, the researcher must remove any information that would identify the research participants in any way.

The obligation to maintain confidentiality extends to all members of research teams and collaborating organisations.

Researchers may not use research as evidence for the arrest or exposure of a participant. If the participant is involved in activities that are endangering themselves or others, such as participation in serious crimes, a different set of ethics applies, and the researcher may then have to report on those activities. For this purpose, legal advice should be sought.

5.6 INTERVENTION

Researchers and assistants are permitted to perform only those tasks for which they are appropriately trained. Hence, researchers must not provide advice on any medical, psychological or legal matter, unless they are professionally trained to do so.
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. Hence, students whose primary language is not English may be required to submit one of the following:

- a recent score (obtained within 3 to 5 years before application for admission) of at least 570 (paper-based test) or 230 (computer-based test) on the Test of English as a Foreign Language (TOEFL)
- a recent overall band score of 7.0 (with no individual element of the test scoring below 6.0) on the International English Language Testing System (IELTS)
- a score of at least 65% on the University’s Placement Test in English for Educational Purposes (PTEEP).

6.2 THE WRITING CENTRE

The Writing Centre at UCT seeks to improve academic writing skills in various Faculties. 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 or typing service. Rather, it is a learning experience, aimed at helping students to improve the quality of their writing.

The Writing Centre may be contacted at the Student Development and Services Building, Room 4.02 Telephone: 650-5021 Email: garend@ched.uct.ac.za. Hours: Monday to Friday from 09:00–16:00.

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
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 guide-lines 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 theoretically 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-registration by the HDC (and 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 via the HDC to the Doctoral Degrees Board.

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 sent to the Faculty Office 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.

Four copies of the thesis, and four brief summaries of the contents must be lodged with the Faculty Office by 1 March or 15 August (depending on whether graduation is to be in June or December). Two of the copies must be in temporary binding (eg ring binding) and two copies must be unbound. (Do not punch holes into these two copies, because they will eventually be bound by the University Library.)

Once the examination procedure is complete, an electronic copy of the thesis, including any necessary corrections, must be sent to the Faculty Office.

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

8.2 DOCTORAL THESES

When candidates are ready to submit their theses for examination, they must inform the Doctoral Degrees Board Office by no later than 10 January (if they wish to graduate in June) or 20 June (if they wish to graduate in December).

The candidate’s supervisor must provide a signed statement indicating whether submission of the thesis is supported. Even if the supervisor does not support submission, a candidate is not barred from submitting the thesis, and examiners are not informed in advance of the fact that a supervisor did not approve the thesis.

The text of the thesis must be prefaced by an abstract indicating in what way the thesis constitutes a contribution to knowledge. Five copies of the thesis, three in temporary binding and two unbound, must submitted to the DDB by 15 February or 15 August (depending on whether graduation is to be in June or December).

8.3 DOCUMENTS TO BE ATTACHED TO ALL THESES

<table>
<thead>
<tr>
<th>Title of thesis</th>
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<tbody>
<tr>
<td>by</td>
</tr>
<tr>
<td>Student: (full names and Student number)</td>
</tr>
<tr>
<td>SUBMITTED TO THE UNIVERSITY OF CAPE TOWN</td>
</tr>
<tr>
<td>in fulfilment of the requirements for the degree LLM/MPhil/PhD/LLD</td>
</tr>
<tr>
<td>Faculty of Law</td>
</tr>
<tr>
<td>UNIVERSITY OF CAPE TOWN</td>
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</table>
In the front of your thesis, a signed and dated declaration in the following format must be included.

<table>
<thead>
<tr>
<th>DECLARATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
<tr>
<td>I authorise the University to reproduce for the purpose of research either the whole or any portion of the contents in any manner whatsoever.</td>
</tr>
<tr>
<td>Signature: ………………………………</td>
</tr>
<tr>
<td>Date: ………………………………</td>
</tr>
</tbody>
</table>

Date of submission:
Supervisor[s]: Name, Department and University
9. THE EXAMINATION PROCEDURE

9.1 MASTER’S TESSES

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 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 Higher Degrees Committee, 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 TESSES

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 three examiners, whose names may not be disclosed to the candidate. The DDB then formally appoints these 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 Faculty Officer, by no later than 1 February of that year, and
- submit your thesis by no later than 1 March of that year.

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

- give a letter of intention to submit to the Faculty Officer, 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
- submit your thesis by no later than 15 February of that year.

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
- submit your thesis by no later than 15 August of that year.
## 10. CONTACTS IN THE LAW FACULTY AND UNIVERSITY

<table>
<thead>
<tr>
<th>Role</th>
<th>EMAIL</th>
<th>OFFICE ADDRESS</th>
<th>TELEPHONE</th>
<th>FAX</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dean</td>
<td><a href="mailto:corder@law.uct.ac.za">corder@law.uct.ac.za</a></td>
<td>Dean's Suite 4.07 Kramer Bldg, Middle Campus</td>
<td>Tel 650 2705</td>
<td>Fax: 650 5662</td>
</tr>
<tr>
<td>Dean's Executive Assistant</td>
<td><a href="mailto:sarig@law.uct.ac.za">sarig@law.uct.ac.za</a></td>
<td>4.07 Kramer Bldg, Middle Campus</td>
<td>Tel 650 2706</td>
<td>Fax 650 5662</td>
</tr>
<tr>
<td>Faculty Officer</td>
<td><a href="mailto:jfuller@law.uct.ac.za">jfuller@law.uct.ac.za</a></td>
<td>4.48 Kramer Bldg, Middle Campus</td>
<td>Tel 650 3087</td>
<td>Fax 650 5608</td>
</tr>
<tr>
<td>Doctoral Degrees Board</td>
<td><a href="mailto:vnaidoo@bremner.uct.ac.za">vnaidoo@bremner.uct.ac.za</a></td>
<td>Bremner Bldg, Middle Campus</td>
<td>Tel 650 2155</td>
<td></td>
</tr>
<tr>
<td>Admissions Office</td>
<td><a href="mailto:admissions@bremner.uct.ac.za">admissions@bremner.uct.ac.za</a></td>
<td>Level 3 Kramer Bldg, Middle Campus</td>
<td>Tel 650 2128</td>
<td></td>
</tr>
</tbody>
</table>