

## **RESEARCH DEGREES - SUPERVISION GUIDELINES – Faculty of Law**

### **Selection of a Supervisor**

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

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

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

### **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 (MoU). When meeting to draw up the Memorandum, the parties should discuss the following issues:

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

All students registered for a dissertation component must complete the Memorandum of Understanding at the point of registration. Returning students are required to complete the Annual Supplement to the Memorandum of Understanding at the point of registration each academic year. In addition to the MoU, supervisors and candidates must complete an Annual Renewal form, which reports on progress during the year. This document must be handed in to the Faculty Office by no later than 31 October each year.

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

### Supervisor's responsibilities

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

- help to plan a research programme
- establish, with the candidate, a realistic timetable for completing the thesis
- acquaint the candidate with the relevant rules and procedures
- be available to give feedback on work as soon as possible
- ensure that candidates have an understanding of the relevant theories and skills necessary for the research

- provide an annual report of the candidate's progress
- make arrangements to ensure continuity of supervision during extended periods of leave
- encourage participation in Faculty seminars
- encourage candidates to present their work at conferences and to publish in appropriate journals
- avoid personal or professional relationships that may constitute a conflict of interests
- be honest with candidates when they do not meet expectations. Dealing with inadequate academic performance may be difficult, but no one will benefit from prolonging a programme of study if success is unlikely.

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

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

<p><b>1. Mutual expectations</b></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><b>2. Definition of project</b></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><b>3. Arrangements for the return of work</b></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><b>4. Absences from the University</b></p> <p>Did you inform the candidate when you plan to be absent for an extended period of time from the University? Have you made arrangements for substitute supervision during this time?</p>
<p><b>5. Requirements for successful submission</b></p> <p>Is the candidate aware of the requirements to which the thesis is expected to conform?</p>
<p><b>6. Finances and academic activities</b></p> <p>Did you support your candidate's attempts to acquire financial assistance, to publish articles and to present conference papers?</p>
<p><b>7. Co-supervision</b></p> <p>Does your candidate understand what tasks you and your co-supervisor will perform?</p>

## **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.

## **CONFLICT RESOLUTION**

### **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.

### **Formal complaint procedures**

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

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

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

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

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

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

Before a matter is raised publicly within or outside the University, the Vice-Chancellor must be given an opportunity to resolve the matter. If an amicable resolution is not possible within a reasonable period of time, and, if the complainant wishes to raise the matter publicly, the Vice-Chancellor must

give a reasonable opportunity for expression of contrary views. The provisions of this paragraph do not apply to:

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

## **WRITING THE THESIS**

### **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.

### **The Writing Centre**

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

The Centre is located on Level 2 of the Kramer Building and is open between 1400-1600 on Thursday. Please make an appointment if you need help.

### **Format of the Thesis**

#### **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.

#### **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
- paragraphs must be indented
- the right-hand margin must not be justified.

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

## **CHANGES TO THE THESIS**

### **Changing the Title or Topic**

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

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

### **Upgrading from a Masters to a Doctorate**

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

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

## **PUBLICATION & 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 (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).

## **PLAGIARISM**

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

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

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

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

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