

# III. Albrecht Mendelssohn Bartholdy Graduate School of Law Doctoral Degree Regulations

Current as of July 7, 2010

On July 7, 2010 in accordance with § 108(1) of Hamburg's Higher Education Act (Hamburgisches Hochschulgesetz – (HmbHG)) dated July 18, 2001, as amended June 8, 2010, the University of Hamburg's University Management ratified the Doctoral Degree Regulations that were passed by the Faculty of Law's Faculty Council on July 7, 2010 in accordance with § 91(2)(1) HmbHG.

## § 1 Doctoral Degree, Requirements to complete the Doctoral Program

(1) The University of Hamburg's Faculty of Law will confer the academic degree Doktorin/ Doktor der Rechtswissenschaft (*Doctor of Laws*) (abbreviated: Dr. iur., *Doctor iuris*) to graduates of the Albrecht Mendelssohn Bartholdy Graduate School of Law (abbreviated: AMBSL) according to the prescribed course of study set forth in the following provisions. At the request of the graduate, the School will confer the academic degree as a Ph. D. in lieu of Dr. iur.

(2) A doctoral degree is evidence of the capacity for in-depth jurisprudential work through independent research activities in excess of the successful completion of a non-terminal degree.

(3) The doctoral program consists of

- a written doctoral thesis (dissertation) or multiple individual papers or related essays (a cumulative thesis) as well as
- its oral defense (disputation), as a rule in German or English.

(4) A degree pursuant to subsection 1 above may only be conferred once.

## § 2 Committee for Doctoral Studies

(1) In order to implement the doctoral program, a Committee for Doctoral Studies shall be instituted to act as an examination board within the meaning of § 63(1) of Hamburg's Higher Education Act (HmbHG), which must be certified by the Dean's Office and the University of Hamburg's Faculty of Law's Faculty Council. The Committee shall consist of at least one approved member of the faculty eligible to take part in the doctoral proceedings together with a post-doctoral research assistant (*research fellow*) and three university professors or members of the faculty that have completed a '*Habilitation*' (*venia legendi*) or from other participating AMBSL institutions, of which one must be a member of the AMBSL Board of Governors. A member *locum tenens* shall be appointed for each member of the Committee.

(2) The Committee for Doctoral Studies shall decide on the admission of applicants and their dissertation proposal for the doctoral program. The Committee is responsible for advising applicants. In cases of interdisciplinary doctoral projects, the Committee for Doctoral Studies shall ensure that the other disciplines and corresponding faculties / departments reasonably participate in the evaluation. Committee meetings shall not be open to the public.

(3) The Committee for Doctoral Studies may delegate the authority to make decisions in a specific case as well as specific powers generally to the Committee's Chairperson, or to any sub-committees. The Committee may revoke such delegation of authority at any time.

(4) The Committee for Doctoral Studies shall adopt rules for the implementation of these Doctoral Degree Regulations.

(5) The Committee for Doctoral Studies shall be held accountable to the Faculty Council and the AMBSL Board of Governors. The Committee shall report to the Faculty Council and the AMBSL Board of Governors once a semester about its decisions.

### § 3 Admission Requirements

(1) An application for admission to the doctoral program must be made to the Committee for Doctoral Studies before commencing any attendant work on the dissertation topic. The Committee shall decide upon any exceptions. Generally, the conditions for admission to the doctoral program are:

- a) Admission to a structured graduate program or to a general AMBSL program;
- b) The completion of a legal course of study with outstanding grades by passing or completing, respectively:
  - the first bar examination within the meaning of the German Judiciary Act (*Deutsches Richtergesetz*)
  - a master's degree encompassing a total of at least 300 credit points (ECTS) including the points earned in an undergraduate program.
  - 'Magister' degree [*similar to a master's degree*] at a university or similarly situated higher education institution
  - 'Diplom' degree [*similar to a master's degree*] at a university or similarly situated higher education institution
- c) The submission of two final grades of "vollbefriedigend" (*fully satisfactory*) from two legal seminars. If at the time an application for admission is made the applicant should only have one such grade, admission may be made upon the condition that evidence of course completion with the requisite grade be submitted together with the dissertation. Candidates that are admitted to a structured graduate program are exempted from furnishing seminar certificates of completion. The Committee for Doctoral Studies shall decide about any other exceptions.
- d) Proof of the successful participation in a general AMBSL program; admission may be granted upon the condition that such proof be submitted no later than with the submission of the dissertation.

(2) An applicant may be admitted after the successful completion of a bachelor of laws program in deviation of subsection (1) (b) ("fast track"), if the applicant completed his or her degree with an 1.0 average [*equivalent to an A+ avg.*] and successfully passes an assessment

examination given by two full-time faculty professors or members of AMBSL, *venia legendi*, at least one of which being a professor, in a subject of jurisprudence that is material for the doctorate. The Committee for Doctoral Studies shall determine the structure of an assessment examination. Program admission pursuant to the provisions of this subsection shall be conditional on the doctoral candidate acquiring a master's degree in a jurisprudential course of study significant for the doctorate before submission of the dissertation.

(3) If the applicant has a degree other than those specified in subsections (1b) and (2) above, then he or she may be admitted to the doctoral program, if he or she has acquired the qualifications that would permit a course of study in a doctoral program. This shall apply in particular if the applicant has been conferred a master's degree in a non-juridical research-oriented course of study. The Committee for Doctoral Studies may require that such applicants cumulatively or alternatively

- submit in addition to subsection (1b) herein an additional certificate of course completion within a specified period of time in order to meet standard university requirements in accordance with the respective university degree described in subsection 1 or to supplement the skills and knowledge demonstrated by the applicant, which are necessary for the desired doctorate,
- take an assessment examination pursuant to subsection 2.

(4) If there is doubt as to equivalency, then the applicant must obtain a certificate of equivalency from the *Zentralstelle für ausländisches Bildungswesen beim Sekretariat der Ständigen Konferenz der Kultusminister der Länder in der Bundesrepublik Deutschland* (Central Office for Foreign Education at the office of the Standing Conference of the Ministers of Education and Cultural Affairs of the Laender in the Federal Republic of Germany) or such similar institutional equivalent. This notwithstanding the Committee for Doctoral Studies shall decide about equivalency of performance and grades. The Committee may consult a competent member of AMBSL for a specialized opinion.

(5) The applicant whose degree does not originate from a German-speaking higher education institution within Germany must furnish proof that he or she possesses sufficient language proficiency in order to complete the doctoral degree program:

- Applicants with a degree from a foreign university or institutional equivalent whose native language is not German, but who want to complete a doctoral program in the German language, must pass a German language proficiency examination for admission into a higher education institution (*Deutsche Sprachprüfung für den Hochschulzugang – DSH*) or furnish equivalent proof.
- If the doctoral program is to be completed in the English language, then proof of proficiency in the English language must be furnished equivalent to proficiency level C1 of the Common European Framework of Reference for Languages (CEFR) or such other equivalent.
- If the doctoral program is to be completed in another research language pursuant to section 7 (2) or section 11 (1), then the Committee for Doctoral Studies shall establish ap-appropriate guidelines and requirements for proof.

#### § 4 Admission Procedure

(1) Applications for admission to the doctoral studies program must be submitted to the Committee for Doctoral Studies together with the following documents:

- a) Transcripts, diplomas and proof of qualifications, which are necessary pursuant to section 3,
- b) A tabular curriculum vitae with a summary of pertinent activities and experience with regard to the proposed doctoral project,
- c) A list of all individually or jointly authored works that have been published.
- d) A statement attesting as to whether the applicant has previously submitted an application for a doctoral program, or whether a doctoral program is currently being pursued or has been completed at another higher educational institution or in another faculty; where applicable provide all details about previous doctoral applications or projects,
- e) A statement that the applicant is familiar with the applicable doctoral degree regulations.

(2) A description of the research question [*thesis*] and its justification in light of the current state of available research, goals, and methods of scholarly work as well as a detailed study plan and time schedule for the proposed dissertation (“Exposé”) must be submitted together with the application for admission. The proposed dissertation topic must be endorsed by at least one professor or member of AMBSL, *venia legendi*, who likewise agrees to supervise the applicant.

(3) As a rule, the Committee for Doctoral Studies decides about applications submitted for admission within a month’s time. Rejections must be specified in writing and contain information about the right to appeal the decision.

(4) An application for admission to a doctoral degree program shall be rejected, if:

- a) the prerequisites pursuant to section 3 have not been met,
- b) the documents pursuant to subsection 1 and 2 are missing or incomplete,
- c) a doctoral program in the area of law has already been successfully completed,
- d) the applicant is already admitted to doctoral proceedings for the requested doctoral subject,
- e) the declaration pursuant to subsection 1(d) was untruthfully submitted,
- f) the dissertation topic cannot be supervised competently by a member of AMBSL,
- g) a doctoral program has already been prematurely terminated because of fraud [*cheating or deceit*] or fraud attempts, a doctorate has been rescinded *ex post* because of fraud, or a candidate has attempted to make materially untruthful assertions during the ongoing admissions process or has otherwise acted deceitfully,
- h) commercial services have been engaged to assist in obtaining a doctorate.

#### § 5 Enrollment as Doctoral Student

(1) Doctoral candidates must matriculate at the University of Hamburg as a doctoral student.

(2) If enrollment is not completed within the time period specified in the letter of acceptance or any extension of time requested therefor, then the University shall deny enrollment, which will extinguish the admission to the doctoral program. This shall not bar the candidate

from resubmitting a new application for admission to the doctoral program, however, the new application may, at the earliest, be submitted in the semester subsequent to the semester in which enrollment was denied.

## § 6 Dissertation Project Supervision and Guidance, Standard Completion Time

(1) Once a doctoral candidate has been admitted to a doctoral program AMBSL is then responsible for the supervision and later evaluation of the dissertation project by at least two persons (Supervisory Commission). Furthermore, the faculty must warrant that the doctoral candidate is given the “Guidelines for ensuring Good Scientific Practice and preventing Academic Misconduct at the University of Hamburg” from September 9, 1999, as amended, at the beginning of the doctoral process.

(2) Dissertation supervisors may be those members of AMBSL who are

- professors,
- faculty members, *venia legendi*, or from an AMBSL participating institution,  
or
- externally-funded [*post-doctorate*] junior research group leaders for whom the University of Hamburg or another AMBSL participating institution is the hosting institution and who have been awarded per contract in accord with the hosting institution the right to supervise doctoral candidates.

The supervisor has an ongoing obligation to supervise the dissertation and may not delegate this duty to any one else. The Committee for Doctoral Studies shall appoint the supervisor upon the applicant’s identification of the proposed supervisor upon admission pursuant to section 4. The supervisor is invariably the person who furnished an endorsement pursuant to section 4 (2) sentence 2.

(3) In justified exceptional cases, the Committee for Doctoral Studies may also appoint professors as supervisors who are not law school faculty members or who belong to an AMBSL participating institution. In such a case the Committee for Doctoral Studies shall identify at least one professor or AMBSL member *venia legendi* as an additional member of the Supervisory Commission. External supervisors whose primary work and activities are conducted outside of the Free and Hanseatic City of Hamburg must ensure that they are able to provide proper supervision and guidance and warrant that personal contact with the doctoral candidate is guaranteed.

(4) The dissertation topic may be freely chosen, however, the choice must be made in accord with the supervisor. The supervisor shall execute a supervision agreement with the doctoral candidate, wherein the dissertation topic, mutual rights and obligations, and as a rule a calculated study plan or academic itinerary based on the standard completion time shall be memorialized. The mutual rights and obligations shall include, *inter alia*, an obligatory and periodic consultation regarding the progress of the doctoral project, periodic feedback about the doctoral candidate’s performance and potential, and the obligation regarding compliance with the “Guidelines for ensuring Good Scientific Practice and preventing Academic Misconduct at the University of Hamburg” from September 9, 1999, as amended. If the supervisor changes, then admission to the doctoral program shall terminate when as a consequence of the change the admission prerequisites are no longer valid.

(5) While working on the dissertation, doctoral candidates should be given the opportunity to present their dissertational work in progress within a suitable framework.

(6) Normally, the dissertation should be submitted within three-years' time and the program completed within four years (standard completion time). In special cases the Committee for Doctoral Studies shall fix other appropriate periods.

(7) The supervisor shall promise both the doctoral candidate and AMBSL to supervise the dissertation project during the period of time stipulated therefor in the study plan. The Committee for Doctoral Studies shall decide on any time period in excess of this upon application therefor and in accord with the supervisor. The doctoral candidate must seasonably submit a corresponding application to the Committee for Doctoral Studies prior to the end of the supervisory period. Should a supervisor or doctoral candidate be disposed to terminate the supervisory relationship for an important reason during the course of work, then both shall be obligated to promptly inform the Chairperson of the Committee for Doctoral Studies furnishing the reasons therefor.

(8) If a supervisor's association with AMBSL is terminated, then he or she shall maintain the right for five years thereafter to finish any supervisory work attendant with an ongoing dissertation and sit on the examination commission with voting rights. This time limitation shall not apply to former University of Hamburg full-time professors or individuals from an AMBSL participating institution whose teaching and examination qualifications continue to apply.

## § 7 Dissertation

(1) The aptitude for independent and in-depth scholarly work must be demonstrated by the written doctoral thesis, which is aimed at constituting an advancement of scholarship.

(2) A doctoral thesis composed in German, English or in another research language consented to by the Committee for Doctoral Studies may be submitted as:

- a) A work, which is a complete and detailed exposition of research efforts and results (monograph). This work may have already previously been wholly or partially published.
- b) A work that consists of published and / or unpublished pieces, which in their totality represent an equivalent achievement of a dissertation pursuant to subsection 2 a (cumulative dissertation). In addition to the designated information set forth in section 7 (5) and (6) herein, a cumulative thesis must have a collective title and consist of an introduction and synthetic essay, which comprehensively interprets, evaluates and discusses the individual papers and related essays included in the cumulative work.

(3) When written doctoral theses pursuant to subsection 2 are produced in collaboration with other scholars, the doctoral candidate's contribution must be clearly definable and assessable. The doctoral candidate must indicate in detail his or her contribution to the conception, realization and documentation.

(4) Doctoral candidates must cite all resources and aids, and affirm in an affidavit that the thesis was independently written and that no other resources were used except for those specified. The thesis may not have already been accepted in a previous doctoral program or assessed as insufficient. In cases of doubt works from previous doctoral programs are to be submitted for comparison.

(5) The doctoral candidate shall submit a publication list together with the dissertation in those cases where there have been prior publications of the dissertation or portions thereof pursuant to subsection 2a or 2b, wherein it must be ascertainable which publications of the dissertation have already occurred and which works or portions of work from the dissertation have been submitted for publication or have gone to press. This also includes such publications in which the doctoral candidate has used portions of the work in joint authorship that have been released to the public. The list of prior publications must contain the respective complete bibliographical support. The list must be accompanied by the doctoral candidate's written assurance that this list of prior publications is complete and contains all parts of the dissertation that have already been or will be publicized, have already been or will be submitted for publication, or have already gone or will go to press.

(6) The dissertation must have a title page with the name of the author, its designation as a dissertation submitted to the University of Hamburg's School of Law – AMBSL – and the year of submission. The dissertation must have a short summary of results attached as an appendix in English or German. If the dissertation is written in a language other than German or English, then the dissertation must also contain a summary composed in this other language.

(7) Three bound and printed copies of the dissertation are to be submitted to AMBSL in addition to an electronic copy on a media storage device, which must be composed in a common word processing program (as a rule as a .doc file). A written assurance must accompany the media that the text therein is identical to the printed copy. Each assessor shall receive a printed copy. One printed copy and the media storage device shall remain at AMBSL and be appropriately archived.

## § 8 Examination Commission

(1) The Committee for Doctoral Studies shall establish an Examination Commission for each doctoral candidate upon the submission of his or her dissertation or the supervisor's confirmation that the submission will be made in the near future. The Committee shall appoint a Chairperson and a Vice-Chairperson from the members of the Commission, each of whom must be members of AMBSL.

(2) The Examination Commission shall consist of at least three qualified persons entitled to conduct examinations in the doctoral proceedings, of which two must be professors or AMBSL members, *venia legendi*. Section 6(2) and (3) shall correspondingly apply for examination qualifications. One member of the Examination Commission must be a law school faculty member from the University of Hamburg. Generally, the supervisor should be appointed as a member of the Commission. At least one member must be identified as an expert in the field covered by the dissertation. The Examination Commission shall not have more than one professor among its members who has been released from service or retired.

(3) The Committed for Doctoral Studies shall replace members of the Examination Commission who must be excused for compelling reasons or who will otherwise be impaired for a longer period of time taking in to account the provisions contained in subsection 2.

(4) The Examination Commission's duties shall include:

- a) an evaluation of the dissertation on the basis of the available assessments and any opinions pursuant to section 9 (5),
- b) conducting and evaluating the oral defense (disputation),
- c) assigning a final grade pursuant to section 12.

(5) Examination Commission meetings shall not be open to the public.

(6) Examination Commission decisions shall be taken upon a simple majority vote of those members entitled to vote. All Examination Commission members must participate in all votes pertaining to grading of performance. Votes shall not be cast by secret ballot and no abstentions are permissible.

## § 9 Evaluation of Dissertation

(1) The Committee for Doctoral Studies shall appoint assessors [*readers/reviewers*] to evaluate the dissertation simultaneously with the creation of the Examination Commission pursuant to section 8 (1) and (2) of these Doctoral Degree Regulations.

(2) Generally, the dissertation project supervisor or a member of the Supervisory Commission is to be appointed as an assessor for the dissertation. The Committee for Doctoral Studies shall appoint an additional assessor. At least one assessor must be a University of Hamburg Faculty of Law faculty professor. At least one assessor must be an expert in the field covered by the dissertation. If material methodological and substantive aspects of the dissertation include another discipline, which is primarily covered by another faculty or school, then the additional assessing professor shall be appointed from this faculty. Section 6 (3) shall not be affected.

(3) Assessments must be composed independently and shall be submitted within twelve weeks subsequent to a request therefor. Any reason for untimely submissions must be explained to the Committee for Doctoral Studies in writing. Members of the Committee for Doctoral Studies and the Examination Commission must treat the assessments confidentially. The assessments must acknowledge the significance of the dissertation and its results within a larger context and indicate any shortcomings. In the overall evaluation each assessor must recommend either approval according to a grade specified in section 10 or rejection. If the requisite evaluations cannot be clearly extracted from the assessment, then it will be returned for revision. In such case, the assessor is to be given a 4-week extension period.

(4) If the evaluations in the assessments deviate by more than one full grade from each other or if one assessor grades the dissertation as "fail" and recommends rejection while the other assessor recommends approval, the Committee for Doctoral Studies shall then appoint an additional assessor, who, being apprised of the first two assessments, shall submit an additional assessment of the dissertation within 10 weeks.

(5) After the assessment process has been completed, the dissertation together with the assessments shall be deposited for review with AMBSL's Doctoral Studies Office for two weeks. All AMBSL members who are entitled to supervise a dissertation pursuant to section 6 (2) and (3) may review the dissertation and proposed grades and submit a written opinion that is to be added to the doctoral file. The Committee for Doctoral Studies shall inform this group of persons about the availability of the dissertation in an appropriate manner.



Furthermore, members of the Committee for Doctoral Studies and the respective Examination Commission shall also be entitled to review the dissertation during this review period. The Committee for Doctoral Studies may appoint an external assessor in the event an opinion is submitted during the review period.

### § 10 Decision about Approval of the Dissertation and Scheduling the Oral Defense

(1) After the review period has expired, the Examination Commission shall decide about the approval or rejection of the dissertation, the admission of the doctoral candidate to the oral defense phase (disputation), and the dissertation grade. The Commission shall use the following grading scale without averages:

- with distinction (*summa cum laude*, 0.7) for
  - a) work that has resulted in significant scholarly insight, which contains new and original research or studying methods that were independently developed and executed by the doctoral candidate, or
  - b) empirical or experimental work containing new valuable scholarly insight, which was achieved upon the basis of an independently developed experimental design and independently developed research methods, and exhibits a high degree of originality, or
  - c) other work that has led to new valuable scholarly insight because of the analytical issue. This was made possible because of a new and original approach or a complex theoretical model, which was developed and cogently presented by the doctoral candidate.
- very good (*magna cum laude*, 1) for
  - a) sophisticated observational studies that have resulted in new scholarly insights, which were essentially planned and executed independently by the doctoral candidate, or
  - b) empirical, experimental, or methodologically complex work that has led to new scholarly insights whilst implementing new methods or methods modified by the doctoral candidate during the course of the essential independent planning and execution of the work, or
  - c) other work, which is based on a comprehensive scrutiny of literature or a critical analysis of available information and views, has led to an independently developed and persuasively well-founded new academic finding or opinion by the doctoral candidate;
- good (*cum laude*, 2) for
  - a) independently conducted observational studies containing a clear thesis, which resulted in new scholarly insight, or
  - b) empirical or experimental work using various established and complex methods, whereby the execution of the experiments / research, work plan and structuring of the task was independently completed by the doctoral candidate, or
  - c) other work, containing a prescribed academic problem, whereby the doctoral candidate is able to demonstrate a considerable degree of individual initiative in developing a scholarly solution;

- sufficient (rite, 3) for
  - a) independently conducted observational studies containing a narrow thesis (e.g. “retrospective studies”), which is fundamentally sound work at a normal level and does not contain any significantly new insights or particularly original issues and approaches, or
  - b) empirical or experimental and for the most part reconstructive work using established methods, or
  - c) other work, which is predominantly of discourse character and upon a prescribed academic problem demonstrates a discernible degree of individual initiative on the part of the doctoral candidate in the development of the scholarly solution.
- fail (not sufficient; non rite).

(2) To the extent that both assessors grade the dissertation as a fail or in the event of diverging assessments, in which one has resulted in a “failing” grade, and the third assessment, which is obtained pursuant to section 9(4), also results in a “failing” grade, the Committee for Doctoral Studies shall inform the doctoral candidate about this result in writing. The written assessments are to be included with the notification. The doctoral candidate shall also be informed that he or she has the option to revise the dissertation based on the critical comments made in the assessments. The doctoral candidate shall have four weeks in which to submit a declaration about whether he or she shall undertake revisions. If the doctoral candidate does undertake revisions, then the dissertation must normally be submitted to AMBSL no later than 12 months after notification about the possibility for revision in accordance with section 10(2), sentence 1. The Examination Commission shall inform the doctoral candidate about this date in writing. In the event of a revision, the Examination Commission and the assessors shall be the same as in the first evaluation. In justified rare cases the Committee for Doctoral Studies may appoint another Examination Commission and/or assessors. This notwithstanding the provisions of sections 8 and 9 of these Doctoral Degree Regulations shall apply.

(3) If the doctoral candidate does not seasonably indicate his or her interest in revising the dissertation, or if the revision is not properly and seasonably submitted, or should the revised dissertation concordantly be graded as a fail, or in the event of diverging assessments where one assessment evaluates the work as “fail” and the third assessment, which is obtained pursuant to section 9(4), likewise results in a “failing” grade, shall the dissertation be conclusively rejected.

(4) In the event of a conclusive rejection of the dissertation the Examination Commission shall, without scheduling an oral defense (disputation), declare that the doctoral program has not been successfully completed and set forth the reasons for the decision. The Chairperson for the Committee for Doctoral Studies shall inform the doctoral candidate in writing about the rejection and set forth the reasons for the Examination Commission’s decision together with information about available legal remedies.

(5) If the dissertation is approved, the Examination Commission shall inform the doctoral candidate of its decision together with the time scheduled for the oral defense (disputation). The disputation shall be held within two months of receipt of the last assessment. The Chairperson for the Committee for Doctoral Studies shall decide about justified exceptions upon

petition. Such exceptions shall particularly include general dates scheduled by AMBSL for conducting multiple disputations. The Chairperson of the Committee for Doctoral Studies shall issue the invitation to the oral defense. Invitations must be given upon two weeks' advance notice; notice may be waived. Upon notification of the oral defense appointment, the dissertation assessments are to be made available to the examinee.

(6) If the doctoral candidate is unable to attend the scheduled appointment for an important reason, then a new date is to be scheduled in accordance with notice requirements. If the doctoral candidate does not attend the oral defense and does not provide an excuse, he or she will fail the oral defense. The doctoral candidate shall be informed of this fact in writing setting forth the reasons therefor and information about available legal remedies. Should the doctoral candidate declare his or her intention to forego the oral defense, then he or she will be deemed to have failed the doctoral program. The Chairperson of the Committee for Doctoral Studies shall inform the doctoral candidate of this in writing setting forth the reasons therefor and information about available legal remedies.

### **§ 11 Oral Defense (Disputation)**

(1) The purpose of the oral defense is for the doctoral candidate to demonstrate his or her aptitude for oral recitation and discussion of scholarly problems. The disputation may be conducted in German or English. The Committee for Doctoral Studies shall respect the doctoral candidate's wishes in this regard. The Committee for Doctoral Studies shall decide on conducting the oral defense in another academic language upon petition by the doctoral candidate. It must be warranted that all members of the Examination Commission are proficient in the examination language. The disputation is open to members of AMBSL as well as law school faculty from the University of Hamburg, unless objected to by the doctoral candidate. The Chairperson can exclude the public to the extent that this is necessary for the proper conduct of the oral defense; members of the Committee for Doctoral Studies and the Dean's Office are not considered members of the public for this purpose. In exceptional cases the Examination Commission Chairperson can allow other university members as well as the doctoral candidate's relatives to attend the disputation as audience, provided that the doctoral candidate does not object. Members of the Examination Commission must participate in the oral defense.

(2) The disputation shall commence with a maximum 20-minute recitation, in which the doctoral candidate shall present and elucidate the important results of the dissertation and their significance within a broader subject-related context, which must be submitted in a two-page maximum summary outline. Subsequently, the doctoral candidate shall defend the dissertation. Additionally, the doctoral candidate may address the content of the assessments. Further, the candidate shall answer questions from members of the Examination Commission. Questions may refer to the classification of the problems from the dissertation in a larger scholarly context. The discussion shall last about 30 minutes.

(3) The Examination Commission Chairperson shall coordinate the scholarly discussion and shall decide on the priority and, if necessary, the permissibility of the questions.

(4) The Examination Commission members shall appoint one member of the Commission to act as secretary. The secretary shall keep the minutes of the disputation. A transcript

of the minutes shall be placed in the doctoral degree file. Minutes must contain the following information:

- Day/Time/Location of the Oral Defense
- Attendance List for the Members of the Examination Commission
- The Dissertation Grade
- Bullet point information about the topics discussed
- The Grade for the Oral Defense (Disputation)
- The Final Grade pursuant to Section 12
- Unusual or Particular Events

The secretary and the Examination Commission Chairperson must sign the transcript of the minutes.

## § 12 Decision about the Oral Defense and Doctorate

(1) Immediately following the oral defense the Examination Commission shall retire into a closed session in order to grade the oral defense applying the grading standards set forth in section 10 (1). Thereafter, the Examination Commission shall assign a final grade using the grading standards set forth in section 10 (1). In calculating the final grade the dissertation grade shall be weighted three-quarters and the disputation grade one-quarter. The final grade for the doctorate shall be based on the following weighted average scale rounded to the tenth of a decimal point:

- “with distinction” (summa cum laude; 0.7 – 0.81),
- “very good” (magna cum laude; 0.82 – 1.0),
- “good” (cum laude; 1.1 – 2.0),
- “sufficient” (rite; 2.1 – 3.0).

The grade “with distinction” (summa cum laude) may only be issued as an overall final grade if the dissertation and the oral defense (disputation) both received this grade.

(2) The Examination Commission shall inform the doctoral candidate about the individual grades for the dissertation and oral defense as well as the final overall grade.

(3) After the Examination Commission has assigned the final grade, the doctoral candidate shall receive an interim diploma containing the title of the dissertation, the individual grades for the dissertation and disputation as well as the overall final grade. This interim diploma does not authorize use of the doctor title.

(4) If the doctoral candidate failed the oral defense, then he or she shall be informed of this decision by the Committee for Doctoral Studies Chairperson within two weeks in writing setting forth the reasons therefor. The disputation may be repeated no earlier than one month and no later than six months thereafter.

(5) If the candidate fails the second oral defense attempt, the Examination Commission shall declare that the candidate has failed the doctoral program (not sufficient; non rite) and set forth their reasons. Within two weeks the Committee for Doctoral Studies Chairperson will inform the doctoral candidate about the decision in writing together with information regarding legal remedies.

### **§ 13 Publication and Submission Obligations**

(1) The dissertation must be published within two years of the completion of the doctoral program. If the dissertation cannot be published within the time fixed therefor, the Chairperson of the Committee for Doctoral Studies may grant an extension of time upon a well-grounded petition.

(2) The Committee for Doctoral Studies in accordance with the Hamburg State and University Library requirements shall decide how many printed or reproduced copies of the dissertation must be submitted by the doctoral candidate. The Committee shall also determine in what form printed copies may be substituted with other information media.

### **§ 14 Diploma**

(1) A diploma conferring the doctorate will be issued in the German language and upon application also in English. The diploma shall contain information pertaining to the field of study, title of the dissertation submitted, grade received for the dissertation and disputation, the overall final grade, and the date the oral defense was successfully completed.

(2) The diploma will not be awarded to the applicant if, before being conferred, it becomes apparent that conditions have been met, which warrant divestiture of the doctorate. The applicant shall be informed about this decision in writing specifying the reasons therefor and information about legal remedies.

(3) As soon as notification has been received that the obligation to publish pursuant to section 13 has been fulfilled, the Committee for Doctoral Studies shall promptly grant the candidate permission to immediately use the academic title. The Committee for Doctoral Studies may also grant permission to use the academic title in advance if the candidate furnishes proof that a seasonable contract has been executed with a publishing company for the publication of the dissertation. If the dissertation is not published within the additional time limit set in the specific case by the Committee for Doctoral Studies, of which notification must also be made to the doctoral candidate, then the right to use the academic title shall be revoked.

### **§ 15 Appeal and Procedural Review**

The applicant is entitled to appeal decisions in accordance with these Doctoral Degree Regulations. If an application for reconsideration is denied relief by the Examination Commission, the matter shall be remitted to the Appeals Committee (§ 66 of Hamburg's Higher Education Act [HmbHG]).

### **§ 16 Joint Doctoral Programs with Foreign Institutions**

(1) The doctoral degree program may be completed in a joint program with foreign universities or equivalent higher education and research institutions if

- a) the applicant meets the requirements for admission to the doctoral program at AMBSL, and
- b) the foreign institution may according to its national legal provisions confer a doctorate,

which degree so conferred by this institution would be recognized if it were subject to the jurisdiction of the [German] constitution.

(2) Pursuit of a joint doctoral program of study must be governed by agreement. The contractual provisions of the agreement shall apply in addition to the provisions contained in these Doctoral Degree Regulations. Upon executing the agreement, these Regulations must be taken into consideration with respect to the requirements and the procedure for ensuring equivalence. It must be mutually determined which doctoral degree rules and regulations are applicable. A German or English translation, where applicable, of the foreign doctoral degree regulations must be submitted in order to determine whether these regulations are similar to AMBSL's Doctoral Degree Regulations with respect to requirements and procedures. If the foreign doctoral degree regulations prevail, then assurance must be had that the essential provisions of AMBSL's Doctoral Degree Regulations are complied with.

(3) The doctoral degree candidate must be admitted to both participating institutions.

(4) The languages in which the dissertation may be written must be contractually stipulated. The dissertation must contain a summary in English and in German. If the dissertation is written in a language other than English or German, then a summary in this third language must also be furnished.

(5) The Examination Commission shall be comprised of two professors or faculty members, *venia legendi*, from each participating university or equivalent research or educational institution. Both assessors [*readers/reviewers*] shall be members of the Commission. Upon petition, the Commission may be expanded to include up to two additional professors or faculty members, *venia legendi*, from the participating faculties or schools, whereby equal representation must be maintained. It must be warranted that members of the Examination Commission are proficient in the examination language.

(6) If both countries have different grading systems, then an agreement must be reached on the denomination of jointly determined examination grades as well as how they will be uniformly documented.

(7) Both universities will jointly award a bilingual diploma according to the template developed by the German Rectors' Conference (*Hochschulrektorenkonferenz [HRK]*). This will entitle the doctoral candidate to carry the academic title in either its German or foreign variation. However, only one doctorate will be conferred.

## § 17 Procedures in Cases of Dishonesty and Divestiture of the Doctoral Degree

(1) If the doctoral candidate intentionally perpetrated a fraud during the course of the doctoral degree program, then after the person affected has been afforded an opportunity to be heard at a hearing the Committee for Doctoral Studies may hold that the candidate has failed the doctoral degree program.

(2) If the doctoral degree has already been conferred when such deception becomes known, the Committee for Doctoral Studies may subsequently divest the graduate of his or her title and rescind the doctorate after the person affected has been afforded an opportunity to be heard at a hearing. Such a divestiture shall be executed especially in those cases where the deceit affects those portions of the doctoral thesis, which were materially significant for the evaluation of the dissertation, oral defense (disputation), or overall final grade.

(3) This notwithstanding, legal provisions shall apply in cases of doctoral degree divestiture.

### **§ 18 Dismissal, Withdrawal, Readmission to the Doctoral Program**

(1) If more than eight years have passed since admission into the doctoral program, the Committee for Doctoral Studies may dismiss the student after affording the doctoral candidate an opportunity to be heard at a hearing and upon the supervisor's prior written consent and comment. Reasons for dismissal must be set forth in the administrative notice of decision (*Einstellungsbescheid*). The administrative notice of decision regarding dismissal must be made in writing by the Chairperson of the Committee for Doctoral Studies. This will not bar any reapplication for admission to the doctoral degree program.

(2) The doctoral candidate may voluntarily withdraw from the program at any time before the first assessment is received. All procedural steps that have been completed up until the withdrawal shall no longer be considered part of the doctoral process.

### **§ 19 Legal Effect and Interim Regulations**

These Doctoral Degree Regulations shall become effective the day after their publication, unless however AMBSL has not yet been effectively established, in which case they shall become effective on the date AMBSL is effectively established.