



Universität Hamburg
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FAKULTÄT
FÜR RECHTSWISSENSCHAFT

RULES AND REGULATIONS

FOR THE DOCTORAL DEGREE PROGRAM

AT THE UNIVERSITY OF HAMBURG – FACULTY OF LAW

JANUARY 2020

TABLE OF CONTENT

I.	University of Hamburg's Faculty of Law Doctoral Degree Regulations current as of July 7, 2010	3
II.	Policy Rules for The University of Hamburg's Faculty of Law's Doctoral Degree Regulations dated July 7, 2010 (PromO)	19
	1. Section 7: Dissertation	27
III.	Albrecht Mendelssohn Bartholdy Graduate School of Law Doctoral Degree Regulations	28
IV.	Guidelines for ensuring Compliance with the Rules of Academic Honesty, Avoidance of Plagiarism and the Requirements for the Evaluation Process within the Doctoral Degree Program at the University of Hamburg's Faculty of Law	43
Appendix:		
	Draft Template of a Supervision Agreement pursuant to § 6 (5) of the University of Hamburg's Faculty of Law Doctoral Degree Regulations dated July 7, 2010	47
	Supervision Agreement	48

DOCTORAL DEGREE PROGRAM

I. University of Hamburg's Faculty of Law Doctoral Degree Regulations

Current as of July 7, 2010

On July 26, 2010 in accordance with § 108 (1) of Hamburg's Higher Education Act (*Hamburgisches Hochschulgesetz – [HmbHG]*) dated July 18, 2001 (HmbGVBl. page 171), as amended June 8, 2010 (HmbGVBl. page 431), 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*]) according to the prescribed course of study set forth in the following provisions.

(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) For particular scholarly achievements the honorary degree Doktorin/Doktor der Rechtswissenschaft (*Doctor of Laws*) ([*honoris causa*], abbreviated: Dr. iur. h. c., *Doctor iuris honoris causa*) may be conferred.

(5) 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). 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*). A member *locum tenens* shall be appointed for each member of the Committee. If no member of the faculty is a research fellow, then another approved member of the faculty eligible to take part in the doctoral proceedings shall be appointed. If none of the elected members of the Committee for Doctoral Studies is a member of the Dean’s Office, then a delegate from the Dean’s Office may be dispatched to the Committee for Doctoral Studies who shall have the right to be heard and attend all meetings despite having no right to vote on decisions.

(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. The Committee shall report to the Faculty Council 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) The successful completion of a law degree at a higher education institution within the purview of [German] constitutional law by passing or completing, respectively:
 - the first bar examination within the meaning of the German Judiciary Act (*Deutsches Richtergesetz*)
 - a master’s in a research-oriented jurisprudential degree program encompassing a total of at least 300 credit points including the points earned in an undergraduate program.
 - ‘*Magister*’ degree in law [similar to a master of laws] at a university or similarly situated higher education institution
 - ‘*Diplom*’ degree in law [similar to a master of laws] at a university or similarly situated higher education institution
 and achieving at least an overall grade, respectively, of “vollbefriedigend” (*fully satisfactory*) or comparable thereto as well as
- b) 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. The Committee for Doctoral Studies shall decide about any other exceptions.

If a degree program was completed and a final grade of *vollbefriedigend* (*fully satisfactory*) or equivalent thereto was not achieved, admission still may be had if the applicant submits a qualified opinion from a faculty professor, wherein based on all existing course work and a qualified exposé about the doctoral proposal he or she is of the opinion that the applicant can be expected to successfully complete a doctoral program within the next three years. Moreover, the Committee for Doctoral Studies may make the submission of an additional course grade of at least *vollbefriedigend* (*fully satisfactory*) and / or assessment examination in excess of the course grades required pursuant to section 3(1b) herein contingent on admission. The Committee for Doctoral Studies shall determine the structure of an assessment examination.

(2) An applicant may be admitted after the successful completion of a bachelor of laws program in deviation of subsection (1)(a) ("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 the faculty, *venia legendi*, at least one of which being a professor, in a subject of jurisprudence that is material for the doctorate. 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 from the University of Hamburg significant for the doctorate before submission of the dissertation. The Committee for Doctoral Studies may recognize a master's degree in a jurisprudential course of study from another university outside of Hamburg as equivalent in the specific case.

(3) If the applicant has a degree other than those specified in subsections (1a) 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,
- in a course of study encompassing less than 300 credit points including any points earned in an undergraduate program, or
- in a non-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) An equivalent legal degree from a higher education institution outside the territorial jurisdiction subject to the [*German*] constitution may also be accepted as a degree pursuant to subsection 1a herein. 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. In the event the Central Office for Foreign Education does not classify the grades from the foreign degree program, the responsible specialized Committee representative will review whether or not the grades from the foreign degree program at least represent the equivalent of an overall final grade of “vollbefriedigend” (*fully satisfactory*). If an equivalency cannot be determined then the Committee for Doctoral Studies shall proceed in accordance with section 3(1).

(5) If the applicant earned a degree designated “*Diplom*” [*supra.*] from a university of applied sciences or technical university [*a.k.a. vocational academy or cooperative tertiary educational institution*], then the applicable aptitude must be demonstrated by means of a final examination taken at such an institution in a course of study concentrating on law whereupon the highest possible overall grade according to the grading scale set forth in the respective examination regulations was achieved. This notwithstanding, the Committee for Doctoral Studies shall also proceed in accordance with section 3(3) as well as section 3(2) sentences 3 and 4.

(6) 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 B1 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 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 the faculty *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 the faculty,
- 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 the faculty is then responsible for the supervision and later evaluation of the dissertation project. 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) Generally dissertation supervisors are professors or faculty members, *venia legendi*. 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 expert opinion pursuant to section 3 (1) sentence 4 [*Translator's note: see section 3 (1) (b)*] or an endorsement pursuant to section 4 (2).

(3) Notwithstanding subsection 2, other persons within the Faculty of Law's doctoral program are also vested with the rights and obligations of professors and faculty members, *venia legendi*:

- in accord with the Faculty of Law, members of non-university research and educational institutions, who have been granted the right to act as supervisors, assessors [*readers / reviewers*] or examiners in doctoral programs by the University of Hamburg within the scope of cooperation agreements;
- externally-funded [*post-doctorate*] junior research group leaders for whom the University of Hamburg is the hosting institution and who have been awarded per contract in accord with the law school the right to supervise doctoral candidates.

(4) In justified exceptional cases, the Committee for Doctoral Studies may also appoint professors as supervisors who are not law school faculty members. In such a case the Committee for Doctoral Studies shall identify at least one professor or faculty member *venia legendi* as an additional supervisor. 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.

(5) 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.

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

(7) Normally, the dissertation should be submitted within three-years' time and the program completed within four years (standard completion time). The Committee for Doctoral Studies shall fix commensurate time periods for doctoral candidates who have been admitted to the doctoral program pursuant to section 3 (2) herein.

(8) The supervisor shall promise both the doctoral candidate and the law school 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 ter-

minate 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.

(9) If a supervisor's association with the University of Hamburg 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 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 2a) (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 a specified faculty or school of the University of Hamburg, 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 the law school 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 the law school 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 a professor or faculty member, *venia legendi*.

(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 faculty members *venia legendi*. 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. Section 6 (3) shall not be affected.

(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 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 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 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 law school's Doctoral Studies Office for two weeks. All faculty 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 origi-

- nal 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 (*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 the law school 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 the law school 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 Examination Commission shall respect the doctoral candidate's wishes in this regard. The Examination Commission 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 the faculty, 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).

(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 (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 ap-

plicant 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, 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 the University of Hamburg's Faculty of Law, 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 the Faculty of Law'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 University of Hamburg's Faculty of Law'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 Honorary Doctorate

(1) The conferral of the degree Doktor / Doktorin der Rechtswissenschaft (*Doctor of Laws*) (Dr. iur. h. c.) shall occur upon recognition of exceptional scholarly achievement within an area of research of the faculty at the recommendation of one or more faculty members.

(2) Two-thirds of the members of the Faculty Council must vote in favor of the conferral.

(3) The honorary doctorate shall be effective upon award of the diploma, wherein the achievement of the honoree is acknowledged.

§ 18 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.

§ 19 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.

§ 20 Legal Effect and Interim Regulations

(1) These Doctoral Degree Regulations shall become effective the day after their publication.

(2) They shall apply to doctoral program admissions applications submitted the day after publication.

Hamburg, August 19, 2010

University of Hamburg

Policy Rules for The University of Hamburg's Faculty of Law's Doctoral Degree Regulations dated July 7, 2010 (PromO)

The Faculty of Law's Committee for Doctoral Studies did adopt the following Rules for the implementation of the Doctoral Degree Regulations in the meeting held on July 5, 2011 pursuant to section 2 (4) of the Doctoral Degree Regulations dated July 7, 2010 (PromO). These Rules shall come into effect on July 11, 2011.

Re: § 3 (1) Sentence 1

No. 1

The work on the requisite qualified exposé pursuant to section 3(1) sentence 5 of PromO (*Translator's note: section 3 [1b]*) and the work on the exposé that must be attached to the application pursuant to section 4 (2) sentence 1 of PromO is not considered work on the dissertation within the meaning of section 3 (1) sentence 1 of PromO.

Rather such an exposé is normally worked out before submitting an application and is a basis of the supervisor's expert opinion pursuant to 3 (1) sentence 5 of PromO (Translator's note: section 3 [1b]) as well as the supervisor's endorsement pursuant to section 4 (2) sentence 2 of PromO.

No. 2

For research assistants who are participating in research projects within the scope of their employment agreements, *inter alia*, in which they are given the opportunity to complete a doctoral program within the scope of this research undertaking, any research activities conducted within the overall project and any associated texts and publications shall not be considered as a commencement of work towards the dissertation within the meaning of these Rules.

Re: § 3 (1) Sentence 2

No. 1

Individual papers that have already been published, have been submitted for publication, or that have gone to press, as well as joint authorship works that have been published, submitted for publication or that have gone to press, which are either to become individual elements of a cumulative dissertation pursuant to section 7 (2b) of PromO, or publications of a dissertation as a monograph pursuant to section 7 (2a) shall routinely be considered exceptions within the meaning of section 3 (1) sentence 2 of PromO and shall not require any further

decision from the Committee for Doctoral Studies. This also includes research reports and other so-called 'grey papers' made available to the academic community.

No. 2

Such works that have been published, submitted for publication or that have gone to press must be listed separately together with complete bibliographical information in addition to the list required pursuant to section 4 (1c) of PromO, if at the time an application for admission is submitted the texts, which have been produced, published or are in the process of being published, are to become part of the dissertation. This list must be submitted together with the application for admission to the doctoral program. If the listed writings are not generally accessible in German libraries, then copies of these works must be submitted with the application for admission.

No. 3:

Individuals who are research assistants or scholarship recipients at the University of Hamburg's Faculty of Law that have commenced work on their dissertation before December 22, 2010 shall be excluded from this provision. These individuals shall have 12 months from the time these Rules become effective to submit an application for admission to the doctoral degree program.

Re: § 3(1b) 1st Clause

No. 1:

Seminars within the meaning of this provision are only upper-division seminars not lower-division or introductory level courses that are offered at some universities during the beginning semesters and before interim examinations. Seminar completion certificates are those in which the examination requirements for course completion include both a written and oral component.

Re: § 3(1) Sentence 5 (in addition to Letter b Sentence 2)

No. 1:

In cases where individuals who satisfy the admission prerequisites pursuant to section 3 (1a) are admitted the submission of a second upper-division seminar certificate of completion, which evinces a grade of "*vollbefriedigend*" (*fully satisfactory*), may be substituted with the following:

- Publication of a professional article in sole authorship in an academic journal, commemorative publication, or in a volume of academic works, as well as commentary authorship, provided that the scope and quality of the written work corresponds to the work required to receive a seminar certificate. For joint authorship publications proof of the candidate's share of work on the publication is required.

- In addition to the study of law, the successful completion of an additional master's or comparable degree program ("*Diplom, Master, Magister*") or state examination at a university or other academic higher education institution with an overall above average grade.
- Written work completed abroad that is equivalent to a seminar paper according to the opinion of the Committee for Doctoral Studies.
- Publications that are part of a cumulative dissertation are not publications within the meaning of this rule regarding the substitution of a seminar certificate of completion. Likewise, portions of the dissertation in the case of a monographic dissertation are not works that may be used to substitute a seminar certificate of completion.

No. 2:

In special well-founded exceptional cases the Committee for Doctoral Studies may waive the submission requirement for both seminar certificates of completion. This prerequisite is satisfied if the applicant is a faculty research assistant, has completed his or her course of studies with an overall grade of "*gut*" (*good*) or better (or a comparable grade), and the applicant has already published a number of high-quality scholarly publications, which prove that the applicant has outstanding academic experience, knowledge and skill. This must pertain to publications, which are not part of the dissertation within the meaning of prior publications.

Re: § 3(1) Sentence 6

No. 1:

A qualified exposé is a text that approximately corresponds to the scope of a seminar paper. The exact research question [*thesis*] must be presented in this text; a justification for the thesis and its scholarly relevance must be addressed and the topic must contextualize the state of national and international research; and the intended method of work as well as a detailed study plan and time schedule must be exhibited.

No. 2:

A qualified opinion shall require a comprehensive professional position assessing the entire academic career of the doctoral candidate up until this point in time whilst taking into account his or her complete scholastic performance and other academic achievements.

No. 3:

Indications for the anticipated successful completion of a doctoral program are in particular: above average performance on term papers and upper-division seminar papers, above average performance on examinations in upper-division required courses, above average performance in major courses, scholarly publications and scholarly publication collaboration, outstanding performance as a student assistant on research projects as well as outstanding performance as a research assistant. Furthermore, above average achievements in a second course of study completed at an academic higher education institution are to be regarded as positive indicators.

No. 4:

For individuals who do not satisfy the prerequisites for admission pursuant to section 3(1a), no substitution of the required seminar certificate of completion pursuant to section 3(1b) is possible.

Re: § 3(1) Sentence 7

No. 1:

If during the previous course of study no additional above average academic achievement has been demonstrated other than the two seminar courses wherein the minimum grade received was at least “*vollbefriedigend*” (*fully satisfactory*), which course completion certificates must be submitted pursuant to section 3(1b) 1st clause, then a third seminar completion certificate shall be required, wherein a grade of at least “*vollbefriedigend*” (*fully satisfactory*) is reported. In such a case the candidate may be admitted to the program upon the condition that he or she shall submit this third seminar certificate of completion at the latest when the dissertation is submitted.

No. 2:

The submission of a third upper-division seminar certificate of completion, which evinces a grade of “*vollbefriedigend*” (*fully satisfactory*), may be substituted with the following:

- Publication of a professional article in sole authorship in an academic journal, commemorative publication, or in a volume of academic works, as well as commentary authorship, provided that the scope and quality of the written work corresponds to the work required to receive a seminar certificate. For joint authorship publications proof of the candidate's share of work on the publication is required.
- In addition to the study of law, the successful completion of an additional master's or comparable degree program (“*Diplom, Master, Magister*”) or state examination at a university or other academic higher education institution with an overall above average grade.
- Written work completed abroad that is equivalent to a seminar paper receiving an above average grade according to the opinion of the Committee for Doctoral Studies.

Publications that are part of a cumulative dissertation are not publications within the meaning of this rule regarding the substitution of a third seminar certificate of completion. Likewise, portions of the dissertation in the case of a monographic dissertation are not works that may be used to substitute a third seminar certificate of completion.

Re: § 3(3) Sentence 1

The qualification presupposes the proof of an above average overall final grade for a course of study in the degree programs specified in section 3(3) sentence 2. Further proof must be submitted that the qualification comports with the completion of a legal doctorate, and a

qualified exposé must be submitted within the meaning of section 3(1)sentence 7 of PromO (*Translator's note: section 3 [1b]*) together with a qualified opinion from a professor who along with becoming the faculty supervisor for the dissertation project confirms that a successful completion of the doctoral program can be expected during the next three years.

Such a qualified opinion shall require a comprehensive professional position assessing the entire academic career of the doctoral candidate up until this point in time whilst taking into account his or her complete scholastic performance and other academic achievements. In addition, the evaluator must also express an opinion about the extent of existing requisite legal knowledge for the doctoral degree program and how this has been substantiated.

Re: § 3(3) Sentence 3

If in the previous course of study there have been no other above average academic achievements with regard to legal courses that can be proven except for an above average final grade for the degree program and the required grades for two legal seminars, then a third legal seminar completion certificate shall be required, wherein a grade of at least “*vollbefriedigend*” (*fully satisfactory*) is reported. For this, the Committee for Doctoral Studies shall grant the applicant a period of 12 months, within which he or she must furnish such proof. If such a certificate of course completion has not been submitted within the time period set, admission to the doctoral degree program shall be denied.

To the extent a course has been completed (third course completion certificate) and evidence of such has been submitted within the 12-month period, but the performance has not yet been graded, an extension period shall be granted up until such time as a grade is issued. If the grade for academic performance is less than “*vollbefriedigend*” (*fully satisfactory*), admission to the doctoral degree program shall be denied.

Re: § 5(2)

The Committee for Doctoral Studies shall set a 1-month deadline for submitting an application for matriculation as a doctoral student in the notification about admission to the doctoral degree program, which shall commence upon admission to the program.

Re: § 6(2)

The Committee for Doctoral Studies shall routinely appoint as supervisor that person who has furnished an expert opinion pursuant to section 3(1)sentence 6 (*Translator's note: section 3 [1b]*) and/or an endorsement pursuant to section 4(2) of PromO. If the opinion and the endorsement are submitted by two different individuals, then that person who submitted the expert opinion pursuant to section 3(1)sentence 6 (*Translator's note: section 3 [1b]*) shall be appointed as supervisor.

Re: § 6 (5)

Periodic consultation must be specified within the scope of the mutual rights and obligations set forth in the supervision agreement, and provide that there must be at least one conference per semester (or every 6 months) concerning the progress of the dissertation project and presentation of work by the doctoral candidate. Furthermore, the supervision agreement shall also include a provision requiring that the doctoral candidate be informed, receive and comply with the *“Guidelines for ensuring Good Scientific Practice and preventing Academic Misconduct at the University of Hamburg”* from September 9, 1999, as amended, in addition to *“Guidelines for ensuring Compliance with the Rules of Academic Honesty, Avoidance of Plagiarism and the Requirements for the Evaluation Process within the Doctoral Degree Program at the University of Hamburg’s Faculty of Law”*, which shall be binding for all dissertation work. Moreover, the doctoral candidate must contractually agree that his or her text may be screened with applicable screening software and that he or she waives any right to raise copyright infringement objections thereto. If a doctoral candidate colloquium is established, regularly taking part in this colloquium shall be recommended in the supervision agreement.

The Committee for Doctoral Studies shall provide a contract template, which it recommends using as a supervision agreement.

Re: § 6 (7)

In the event admission is premised on section 3 (2), then the standard program completion time shall be extended by the standard time required to complete a master’s program according to the respective master’s degree program rules and regulations. This shall also apply to cases of admission pursuant to section 3 (5).

Re: § 6 (8) Sentence 4

If there is some amount of just cause to terminate the supervisory relationship, then the Committee for Doctoral Studies shall assign a new supervisor to the doctoral candidate whilst taking into consideration his or her wishes. Otherwise admission to the doctoral degree program shall terminate pursuant to section 6(5) sentence 4.

Re: § 7 (2)

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

- a) *[Monograph]*
- 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 letter a (dissertation by publication). In addition to the designated information set forth in Section 7 subsections 5 and 6 herein, a dissertation by publication must have a collective title and consist of an introduction and essay, which synthesizes the individual papers and related essays included in the dissertation by publication through comprehensive interpretation, evaluation, and discussion.*

Policy rules for dissertations by publication

These policy rules provide more detail on the requirements for a dissertation by publication in accordance with Section 7 subsection 2 letter b of the doctoral degree regulations dated 7 July 2010 for the Faculty of Law at Universität Hamburg. More specifically, the policy rules set forth the minimum requirements of form and substance for a dissertation by publication.

- With respect to its academic contribution, the dissertation by publication must, in its totality, be comparable to a dissertation in the form of a monograph. The individual papers or essays must be related and linked by a superordinate substantive question.
- A dissertation by publication must be comprised of at least three related papers or essays. The substantive context of the related individual papers or essays must be set forth in a detailed introduction and essay, which synthesizes them through comprehensive interpretation, evaluation, and discussion. In doing so, both the overarching academic question and the specific academic issues broached in the individual papers or essays must be addressed together with the methodology, findings, and conclusions, *inter alia*. The introduction is part of the dissertation and will be graded.
- Applicable papers or essays include:
 - a. Essays that have been published or accepted for publication in renowned national or international professional and trade journals that meet the quality standards and scope of recognized peer-reviewed professional and trade journals.
 - b. Contributions in anthologies, compendia, commentaries, or similar academic publications may be recognized, if the work corresponds in all respects to the requirements set forth in letter a, especially with regard to the academic character of the work. Only articles that have already been published or accepted for publication will be accepted.
- Each paper or essay must constitute an independent work in terms of its content and form.
- Only papers or essays that have been published or accepted for publication after admission to doctoral studies will be considered.
- The doctoral student must have written at least two papers or essays alone. For co-authored papers or essays, the doctoral student's specific contribution must be clearly delineated for evaluation. In such a case, a statement executed by all co-authors must be enclosed with the dissertation by publication detailing the doctoral student's contribution concerning conception, realization, and drafting.
- The assessors shall evaluate the entire dissertation. The determination of quality of previously published papers or essays shall vest solely in the assessors.

Re: § 10 (2) Sentence 5

A revised and corrected dissertation must be submitted as an entirely new electronic file and hardcopy corresponding to the provisions contained in section 7 of PromO, which are fully applicable hereto.

Furthermore, an updated list of prior and current publications must be submitted (section 7 [5]) as well as resubmitting a new affidavit pursuant to section 7 (4). The form and number of copies of the revised and corrected dissertation as specified in section 7 (7) must also be submitted.

Re: § 10 (5)

The Examination Commission shall coordinate the date for the oral defense (disputation) with the Chairperson of the Committee for Doctoral Studies and the law school's Doctoral Studies Office in advance. In scheduling the oral defense general dates for multiple disputation shall be taken into particular account. In rare cases upon the assent of the Chairperson of the Committee for Doctoral Studies may an exception therefrom be had.

Re: § 11 (1) Sentence 5

Every member of the Examination Commission must furnish a statement in advance that if an examination will be conducted in another language other than German that he or she is proficient enough in the examination language to be able to adequately conduct the examination.

Re: § 13 (1)

No. 1:

The dissertation must be published as it was presented to the assessors (*readers/ reviewers*) during the examination and evaluation process. Any updates and corrections must be approved upon application and require the consent of the supervisor. Updates and corrections, which were recommended in one or both of the written assessments, must be incorporated.

No. 2:

The Committee for Doctoral Studies shall furnish the published version of the dissertation to the supervisor of the doctoral project and request that the same provide a brief statement with regard as to whether this publication is a correct publication of the dissertation. As a rule such a statement must be made within 14 days. In justified cases the responsible supervisor may petition the Committee for Doctoral Studies for an extension of time of up to a maximum of 2 months. Only after the supervisor has certified the correct publication will a notification of entitlement to use the title of doctor pursuant to section 14(3) of PromO be dispatched. If a statement by the supervisor is no longer possible, then another member of the Examination Commission shall take his or her stead.

Re: § 14 (1)

A diploma conferring the doctorate shall first be awarded after all of the pre-conditions for the doctorate have been completely satisfied, which shall also include the obligations of publication and submission.

Re: § 14 (3)

The publication obligation within the meaning of section 14(3) sentence 3 shall only then be satisfied, if the publication exemplifies a correct publication of the dissertation. If the publication is not a correct publication within the meaning of section 13(1), then the advance authorization to use the academic title shall correspondingly be revoked.

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 Doktor/ 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-proprate 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.

IV. Guidelines for ensuring Compliance with the Rules of Academic Honesty, Avoidance of Plagiarism and the Requirements for the Evaluation Process within the Doctoral Degree Program at the University of Hamburg's Faculty of Law

The Faculty of Law's Committee for Doctoral Studies did adopt the following general Guidelines for the implementation of the Doctoral Degree Regulations in the meeting held on June 29, 2011 pursuant to section 2 (4) of the Doctoral Degree Regulations dated July 7, 2010 (PromO 2010).

These Guidelines for doctoral studies from the Faculty of Law memorialize and supplement the University of Hamburg's *Guidelines for ensuring Good Scientific Practice and preventing Academic Misconduct at the University of Hamburg introduced on September 9, 1999 and amended on March 8, 2001 and February 17, 2005*, which are applicable for the entire University. (Pursuant to section 6 (1) sentence 2, the law school must distribute these guidelines, which are applicable to the entire University, to all doctoral candidates).

These Guidelines set forth the general rules for the preparation of the doctoral thesis (dissertation), its supervision and its evaluation. These are rules that are binding on the procedures surrounding the doctoral program at the Faculty of Law. Attached explanations are intended to clarify issues and provide assistance for interpretation and understanding.

I. RULES OF ACADEMIC HONESTY WHEN DRAFTING

The following rules represent general guidelines for doctoral proceedings, which are oriented on the current state of international discourse concerning good scientific practice,¹ and

1 There is much literature from the Deutsche Forschungsgemeinschaft (*German Research Funding Organization*), Sicherung guter wissenschaftlicher Praxis, Denkschrift 1998; MPG, Regeln zur Sicherung guter wissenschaftlicher Praxis, 2000; BBAW, Richtlinien der Sicherung guter wissenschaftlicher Praxis an der Berlin-Brandenburgischen Akademie der Wissenschaft, 2002; Office of Research Integrity, M Roig, Avoiding plagiarism, self-plagiarism, and other questionable writing practises: A guide to ethical writing, <http://facpub.stjohns.edu/~roigm/plagiarism/Index.html>, 2006; Eidgenössischen Technische Hochschule (ETH), Annex 3 (leaflet for students regarding the subject of "Plagiarism") zu den Richtlinien für Integrität in der Forschung und gute wissenschaftliche Praxis an der ETH Zürich from November 14, 2007 (Current as of: March 31, 2009), [Http://www.rechtssammlung.ethz.ch/pdf/414_Integrit%C3%A4t_Forschung.pdf](http://www.rechtssammlung.ethz.ch/pdf/414_Integrit%C3%A4t_Forschung.pdf)).

while they do not explicitly take into account all possible scenarios, they do however address standard work and offer solutions in cases of doubt. Students and junior researchers are encouraged to seek out the advice of their dissertation supervisors when in doubt.

Rules of good scientific practice, which have been partially detailed herein, are not designed simply to avoid infringements of copyrights, but rather extend much further.

Plagiarism is the complete or partial use of another's work without citing sources or authors. This is tied to the copyright term of *work*. Plagiarism is always a violation of the rules of good scientific practice.

The rules of good scientific practice go even further: They require the differentiation of one's own ideas from those of others.² They are essential for the proper operation of the system of scientific study to the extent that they protect the reputation of academics and scientists from the unidentified appropriation of their work by others, who pass off such work as their own in order to unjustly gain credit and recognition. Furthermore, they demonstrate an ethical obligation of academics and scientists amongst themselves.

General Rule 1:

The work, ideas, and thoughts of others must always be properly acknowledged and referenced using the proper forms of citation or quotation within the text.

General Rule 2:

Literally quoting from the text of another must be properly placed within quotation marks.

The literal use of a source without citing such is considered to be a complete violation of this rule and is plagiarism. Simply citing the source in the bibliography is not the proper form of citation and quotation. Rather quotation must occur in the exact location of use and take into account the amount of text being cited.

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- 2 Correspondingly, the rules of good scientific practice routinely specify more extensive cases, for example "The improper use of the intellectual property of another – whether this is copyright protected work or still unpublished findings or hypothesized research approaches – by a) the unauthorized use upon arrogation of authorship (plagiarism), b) the exploitation of research approaches and ideas, in particular as an expert, (wrongful appropriation of ideas), c) the arrogation or unjustified claim of scholarly authorship or co-authorship, d) the falsification of content (e.g. though use of improper quotations)", taken from the Berlin-Brandenburg Academy of Sciences and Humanities (BBAW), rules (n. 1), attachment at 1.4, p. 5, cf. also sec. 2 (2) (2) of the Guidelines for ensuring Good Scientific Practice and preventing Academic Misconduct at the University of Hamburg from Sept. 9, 1999, as amended Feb. 17, 2005.

Thus, ways of quoting, which incorrectly lead one to believe that only one sentence has been used, when in actuality a longer quote was used, are considered violations of the rules of good scientific practice (i.e. so-called sacrificial lamb footnotes or other forms of token footnotes or concealment).

General Rule 3:

Even if the text from another source is not literally quoted, but rather is evidently paraphrased or summarized, this must be acknowledged.

Summarizing and paraphrasing material is the use of someone else's thought processes and therefore must be acknowledged. Altering individual words or clauses found in a text does not discharge one from the responsibility of acknowledgement upon use. In such a case, however, quotation marks are not necessary. The citation form of (cf. author, year, p.) should only be used when a text has not been literally quoted or paraphrased, but rather suggests that similar thoughts and arguments can be found from other specified authors.

General Rule 4:

When paraphrasing or summarizing care must be given not to attribute opinions to other authors or sources that were never expressed.

This requires an exact examination of the foreign text. One of the most common violations of this rule is the use of another author's opinions about the scientific conclusions of a third party (secondary citation) and doing this can ascribe incorrect positions, which is attributable to a poor examination of the original text. Likewise another common violation is the unverified use of authorities from other texts (mindless citation). This also documents a lack of diligence and can result in the ascription of scientific conclusions that were never expounded.

One must clearly acknowledge that the original source was unavailable and therefore one quoted the conclusions of a third party about this source.

General Rule 5:

Translation plagiarisms are the translations of foreign language texts without properly citing the source. One's own translation of foreign language texts must be acknowledged as such and cite the original source. A rough translation or a linguistically revised and edited version into the target language must be indicated. General Rule No. 4 must be observed here. Likewise, existing translations must be specified if they are the basis or source of one's own translation.

General Rule 6:

General public knowledge need not be verified with citation.

General knowledge is fundamental knowledge that can be assumed to be widely known within the academic field. This is knowledge that has become generally known and can no longer be attributed to a specific author. If text has been taken from encyclopedias or Internet sources, then the source of this information must always be cited just as is the case with other sources.

General Rule 7:

The use of one's own previously published work is occasionally referred to as "self-plagiarism", but is not a specific violation of these rules of good scientific practice. Nevertheless it is recommended to cite the use of one's own work using the appropriate format and specifying the extent of use.

According to some international standards the unidentified use of one's own previous work is considered plagiarism. Because the rationale behind plagiarism is the protection of others' works and ideas this cannot be classified as such. Individual examination regulations can exclude this type of recycling. This is similarly the case for the rules for a host of scientific magazines and journals. Therefore, identification is recommended.

General Rule 8:

Using ghostwriters is a clear violation of the rules of good scientific practice. This means passing off texts as your own with the consent of the authors who composed them.

General Rule 9:

Authorship is not only a right, but also a responsibility. Material contributions are evidenced by authorship. Conversely, no one can become an author who himself/herself has not contributed substantially to a work. Honorary authorship, authorship by virtue of hierarchy, authorship by virtue of a leadership position or authorship as a consequence of the control over resources are clear cases of academic misconduct.

There is an extensive consensus within the scientific community that the rules governing authorship must be specifically followed. Authorship creates the basis of responsibility for the work and to be more precise – unless specific contributions have otherwise been indicated – for the whole work. Authorship presupposes a material contribution to a work. Naturally is such attested authorship vital even in cases of cumulative doctorates with respect to the individual contributions submitted for this.

II. RULES FOR EVALUATION

Supervisors must facilitate and ensure that the rules of good scientific practice – both the general rules established by the University of Hamburg and the rules specified herein with regard to the doctoral degree program for the Faculty of Law – are complied with when evaluating dissertations.³

Assessments prepared within the scope of the dissertation examination proceedings must address the extent and means implemented to determine this.

Moreover, it is obligatory to determine whether or not theses that have been submitted have actually complied with these rules. The assessors [*readers/reviewers*] must specify whether or not they have ensured compliance with the rules, to which extent compliance has been confirmed, and which instruments they used to determine compliance with the rules.

For this purpose, *inter alia*, at the Faculty of Law everyone agrees that the dissertation which must also be submitted as an electronic file on a data storage device pursuant to section 7(7) of PromO 2010 shall, as standard operating procedure, be screened using suitable software.

³ The other rules pertaining to good scientific practice shall be unaffected by this.

Supervision Agreement

by and between

Prof. Dr. _____ and Mr. / Mrs. _____

University of Hamburg
Faculty of Law

Address _____

(Matriculation No.)

(Supervisor)

(Doctoral Candidate)

NOW THEREFORE, in consideration of the mutual rights and obligations hereinafter set forth the Supervisor and Doctoral Candidate do hereby execute this Agreement for the supervision of a dissertation project pursuant to § 6(5) and (8) [of the University of Hamburg's Faculty of Law Doctoral Degree Regulations (PromO)]:

§ 1 Topic

(1) The dissertation project is the basis of the doctoral degree Dr. jur. (*Doctor juris*) to be conferred upon the Doctoral Candidate by the University of Hamburg's Faculty of Law. The working title of the dissertation is: “_____”

(2) The Doctoral Candidate shall develop and justify the thesis in an Exposé taking into account how it relates to the state of research and academic and/or legal policy discourse. The Exposé must further specify the organization of the thesis and the intended method of work. The Exposé is the memorialization of the project upon which the Supervisor is prepared to shepherd the dissertation. If justified the Doctoral Candidate may adjust or change themes that have been specified in this plan. This must be discussed with the Supervisor and is subject to his or her approval.

§ 2 Study Plan and Supervisory Period

(1) The Supervisory Period shall encompass a three-year period after admission to the doctoral degree program pursuant to § 6 (7) of PromO. The Doctoral Candidate promises to have completed the dissertation at the end of this period, at the latest, and have submitted it to the Committee for Doctoral Studies for evaluation.

(2) During the course of an addition year, the doctoral proceedings are to be completed (evaluation and oral defense [disputation]) and concluded.

(3) The study plan and time schedule that must be submitted with the Exposé as part

of the application for admission shall be incorporated into this Supervision Agreement by reference.

(4) If it becomes apparent to the Doctoral Candidate that he or she will not be able to adhere to the specified time schedule, then he or she must immediately discuss this with the Supervisor. The Supervisor shall for his or her part promptly draw the Doctoral Candidate's attention to the fact that he or she believes that the Doctoral Candidate may have difficulty in maintaining the deadlines specified in the time schedule. If necessary the Doctoral Candidate shall submit an application for an extension of time to the Committee for Doctoral Studies. The Supervisor must declare whether or not he or she is prepared to continue to shepherd the Doctoral Candidate during an extension period.

(5) The obligation of the Supervisor to supervise is based on the time designated for the completion of work set forth both in this Supervision Agreement and in the study plan and time schedule. Any period of time beyond this shall require the execution of a supervision agreement to establish supervisory obligations.

§ 3 Voluntary Commitment

(1) The Doctoral Candidate and the Supervisor promise to abide by the "Guidelines for ensuring Good Scientific Practice and preventing Academic Misconduct at the University of Hamburg" dated September 9, 1999, as amended.

(2) Furthermore, the Doctoral Candidate and the Supervisor promise to abide by the "Guidelines for ensuring Compliance with the Rules of Academic Honesty, Avoidance of Plagiarism and the Requirements for the Evaluation Process within the Doctoral Degree Program at the University of Hamburg's Faculty of Law" dated June 29, 2011.

§ 4 Continuous Supervision and Consultation

(1) Upon the Supervisor's request the Doctoral Candidate shall permit the Supervisor to examine the Doctoral Candidate's written essays and preliminary work within the scope of the dissertation project as well as grant him or her access to data, research material, literature, records, documents or other similar materials that are referenced by the Doctoral Candidate in his or her dissertation.

(2) Upon the Supervisor's request the Doctoral Candidate shall furnish the Supervisor information about the progress of work, interim results and where applicable identifiable modifications to certain aspects of the study plan.

(3) At the minimum of at least once a semester the Supervisor and the Doctoral Candidate agree to periodically meet in order to discuss in detail the status of work, any possible topical modifications or updates that might be necessary, or any problems that have arisen or become apparent.

(4) The Supervisor is there to assist the Doctoral Candidate with suggestions and academic guidance. He or she is there to actively support the candidate finish his or her dissertation expeditiously. The Supervisor shall supply the Doctoral Candidate with periodic feedback about the quality of interim results that have been submitted and shall point out mistakes and required changes. Subsequent to the completion of the doctoral program the

Supervisor shall support the Doctoral Candidate with advice and guidance with regard to the publication of the thesis.

(5) The Doctoral Candidate promises make his or her scholarly publications and presentations created during the supervisory period concerning the dissertation project available to the Supervisor before their publication. The Doctoral Candidate shall inform the Supervisor as early as possible about the planning and content of such publications and presentations prior to their publication.

(6) The Doctoral Candidate shall seasonably provide the Supervisor with a draft of the complete dissertation prior to the expiration of the dissertation period and before evaluation. The Supervisor shall read this version of the dissertation completely at least once before it is submitted to the Committee for Doctoral Studies for evaluation. He or she shall promptly point out mistakes and areas of improvement to the Doctoral Candidate, if necessary, so that the Doctoral Candidate may still make final corrections and revisions within the scheduled dissertation period.

§ 5 Computerized Screening, Authorship and Intellectual Property Rights

(1) The Doctoral Candidate shall provide the Supervisor with a copy of the dissertation and any preliminary drafts on a storage medium in an appropriate electronic file format created using a common word processing program.

(2) The Doctoral Candidate is in agreement that using suitable software his or her submitted writings, drafts and the version of the dissertation that is to be evaluated may be screened for proper citation and use of scholarly literature and sources. The Doctoral Candidate shall not raise any objections thereto with regard to his or her own copyrights or other intellectual property rights. The Doctoral Candidate represents and warrants that no such objections on the part of third party may be raised.

§ 6 Miscellaneous Provisions

(1) This Supervision Agreement may be mutually cancelled at any time.

(2) If this Agreement is cancelled by mutual consent, then the Doctoral Candidate and the Supervisor shall inform the Committee for Doctoral Studies about this without undue delay.

(3) If either the Supervisor or the Doctoral Candidate wants to prematurely and unilaterally terminate the supervisory relationship, or if either does not want to continue the supervisory relationship within an extension period, then they shall promptly inform the Committee for Doctoral Studies about this detailing the reason therefor.

(4) The Committee for Doctoral Studies shall decide about how to proceed in cases pursuant to § 4 (1)–(3) hereunder. Please specifically refer to § 6 (1) sentence 1 and § 6 (5) sentence 4 of the Doctoral Degree Regulations.

(5) If during the Supervisory Period it turns out that the prerequisites pursuant to § 3 of PromO have not been met and/or the application for admission to the doctoral degree program should have been denied pursuant to § 4 (4) of PromO and / or the requisite enrollment as a student pursuant to § 5 of PromO was not carried out in a timely fashion, then the Supervisor's obligations arising out of this Supervision Agreement shall immediately cease.