

Regulations for Completion of a Doctoral Degree in the Law Department at the University of Bremen ¹

dated 24th June 1992 ²

Article 1 Doctoral Degree

The Law Department of the University of Bremen awards the degree of Ph.D. in Law (Dr. Jur.) on the basis of outstanding academic achievement.

Article 2 Scope

- (1) The outstanding academic achievement is to be demonstrated by means of a jurisprudence/law treatise (dissertation) and a public defence of the dissertation in front of the board of examiners (viva voce).
- (2) The dissertation must conform to academic standards and contribute to the advancement of the field of law.
- (3) The dissertation has to be the result of independent work and research. In the case of a joint piece of research being submitted by one or more students, the individual contributions have to be clearly definable and each contribution must fulfil the requirements of a dissertation.
- (4) Several individual pieces of research may be combined when accompanied by a scholarly explanation of the research context.
- (5) The dissertation may be published partially or entirely prior to submission.

Article 3 Ph.D Commission

- (1) The body responsible for the implementation of the process of gaining the doctoral degree is the PhD commission.
- (2) This is to comprise :
 - 5 professors
 - 2 Ph.D. students/research assistants
 - 1 student
 - 1 further member of staff

¹ Wording last amended 02.05.2007; Amtl. Mitteilungsblatt der Universität Nr. 1/2008, 251; this wording in force since 22.01.2008

² BremABl. 93, 341

The members are proposed by their peer groups, and independently elected according to groups by the faculty council for a period of two years, student members respectively for the duration of one year. The Ph.D commission elects a chairperson from its midst.

- (3) The Ph.D commission decides on the acceptance of applicants as Ph.D. candidates (Articles 4,5), nominates the supervisor (Article 8), decides on the initiation of the Ph.D. examination process (Articles 9,10), appoints the examiners (Article 11), appoints the members of the Board of Examiners (Article 12) and keeps the procedural register (Article 23).
- (4) The final decision will be in accordance with Articles 98, 101 BremHG
- (5) The PhD commission may reach decisions without the need for the commission to convene, provided no member of the commission objects.
- (6) Appeals against decisions taken by the Ph.D commission are to be adjudicated by an appeal committee selected by the academic senate, always assuming that the PhD commission is not able to resolve the issue itself.

Article 4 Acceptance of Doctoral Candidates

- (1) On application, Ph.D. candidates are to be admitted to the examination procedure
 1. upon completion of studies of law at the University of Bremen (erstes Staatsexamen) with the overall grade “completely satisfactory” or better or their postgraduate studies of law (*zweites Staatsexamen*) with the same grade or better, or those who have completed upon completion of an equivalent educational path within the *Einstufige Juristenausbildung* with an equivalent final examination; in this case the above-average achievement is to be supported by a reference from a professor;
 2. upon completion of undergraduate studies of law at another German University (*Erste juristische Staatsprüfung*) or their postgraduate studies of law (*zweites Staatsexamen*) or upon completion of an equivalent educational path within the *Einstufige Juristenausbildung* with an equivalent final examination with at least the grade “completely satisfactory”;
 - 2a. upon completion of a minimum three-year course of study in law at a German university ending with a university examination and having obtained a grade comparable to Item 1 above;
 3. upon completion of an equivalent course of studies abroad that culminated in an equivalent examination and having achieved a grade comparable to that mentioned under Item 1. Should these requirements not be met it is possible to compensate by means of participation in a postgraduate course of study or a Master’s / Magister Programme in the Law Department at the University of Bremen, always provided that the final result is comparable to that under Item 1;
 4. upon completion of a university degree in a subject other than law, with a result comparable to that described under Item 1, having met the local requirements for acceptance as a Ph.D. candidate, having studied two semesters of law at the University of Bremen and having submitted a written seminar paper in the subject of law and having obtained the minimum grade of “good”;

- 4a. upon completion of a university of applied science degree with special emphasis on law, having obtained a result comparable to that described in Nr.1, having studied two semesters of law at the University of Bremen and having submitted a written seminar paper in the subject of law that has obtained the minimum grade of "good";
5. upon having met the requirements described in Items 1 to 4 except for the required grade, if previous performances indicate that the outstanding academic achievement is to be expected. This is to be supported by
- a) submission of a written piece of work that was drawn up within the context of a seminar, a Ph.D. colloquium or a postgraduate course within the Law Department at the University of Bremen, and having obtained the minimum grade of "good". This piece of work is not to be identical with the piece of work described in Item 4 or 4a,
 - b) presentation of a draft dissertation proposal and
 - c) the favourable votes of two senior lecturers of the law department, in which on the basis of a presentation and appraisal of previous performances of the applicant the substantiated prognosis is made that he or she is capable of producing an outstanding academic achievement;
6. as result of being employed as research assistant in the law department of the University of Bremen or being accepted in a graduate college of the law department or, under supervision by professors of the law department, in a graduate school of the University of Bremen;
7. as a result of having been independently involved in research for a year at an institute of law which is associated with the University of Bremen or as a jurist at another institute of the Bremen University or within the framework of a third-party funded project directed by a professor of the law department at the University of Bremen. This is equally applicable to the activity of research assistant to a law professor or to a law institute of the University of Oldenburg.

(2) Such candidates are to be rejected who have unsuccessfully gone through the process of examination for a doctoral degree more than once, who have been stripped of their doctoral title for reasons of fraud or those who have been forced to abandon the Ph.D. examination process for reasons of attempted deception.

(3) If all prerequisites described in section 1 are met, an application may only be rejected if the department is unable to provide adequate expertise for supervision of the dissertation topic.

Article 5

Acceptance Procedure

- (1) The application for acceptance as a Ph.D. candidate is to be addressed to the chair of the Ph.D. commission. Documentation complying with the requirements outlined in article 4 section 1 numbers 1 to 5 letters a and b, and number 6, is to be enclosed with the application.
- (2) The application has further to be accompanied by :
 1. the provisional title of the proposed dissertation or the title of the previously completed or published treatise (Article 2 section 5),
 2. a written declaration of whether any impediments exist according to Article 4 section 2,

3. details of the dissertation supervisor and of who, if necessary, is to provide a vote of confidence according to Article 4 section 1 number 5 letter c
- (3) The appointment of expert opinions for the acceptance of the application is adjudicated by the Ph.D. commission. The decision is to be taken within the period of three months and to be communicated in writing without delay.
- (4) The acceptance as Ph.D. candidate may only be declined on justifiable grounds, and a rejection is to be accompanied by an appropriate reference to legal remedy.

Article 6 Consequence of Acceptance

With an acceptance the applicant obtains Ph.D. candidate (doctoral candidate) status. This obliges the Ph.D. commission to ensure the implementation of the examination process, and obliges the department to make its research facilities available as far as possible.

Article 7 Cessation of Doctoral Candidate Status

The Ph.D. candidate status ceases with completion of the process of gaining a Ph.D., at the latest however after five years, as long as there is no indication of further pursuit of the dissertation project before the end of this time limit.

Article 8 Supervision

If possible :

- (1) The work on the dissertation is to be supervised by a senior lecturer/professor.
- (2) The Ph.D. commission generally selects as supervisor the senior lecturer who has proposed the dissertation topic, who has taken on a topic proposal by an applicant, or who has verified the qualifications of the applicant according to Article 4 section 1 number 5 letter c. The commission is to obtain the consent of the supervisors to be nominated together with that of the Ph.D. candidate, in the case of Article 4 section 1 number 5 as agreed by the voting senior lecturers.

Article 9 Admission to Examination

- (1) Persons accepted as Ph.D. candidates are to be admitted to the examination, as long as there is no ground for rejection.
- (2) Grounds for rejection are given in the event that

1. the application is not completed in accordance with regulations, or the documentation is incomplete (Article 10 section 2 & 3),
2. the case of intentional fraud in the context of prerequisites for the acceptance as Ph.D. candidate (Articles 4,5), or admission to the examinations (Articles 9,10).

Article 10 Admission Application

- (1) The application for admission is to be addressed to the chair of the Ph.D. commission.
- (2) The application is to contain the following information :
 1. topic of the dissertation
 2. if applicable, the name of the supervisor (Article 8);
 3. if applicable, the names of the senior lecturers/professors who have been proposed as examiners (Article 11)
- (3) The following is to be enclosed with the application:
 1. a curriculum vitae with description of the course of study attended and educational background,
 2. the dissertation in three bound copies,
 3. the written declaration : "I have compiled this piece of work independently. I have only used referenced sources and aids for the development of the submitted work, and have clearly marked direct quotations as well as references."
- (4) The application may be withdrawn up until the submission of the first report by an examiner.

Article 11 Appointment of Examiners

The Ph.D. commission appoints a minimum of two examiners as soon as possible once a decision on admission to the examination has been made. At least one of these has to be a professor within the law department. In the case of supervised work, one of the reports is to be submitted by the supervisor.

Article 12 Board of Examiners

- (1) After admission to the examination, the Ph.D. commission promptly appoints a board of examiners. The latter judges the research performance and decides on the awarding of the doctoral degree.
- (2) The board of examiners comprises :
 1. the examiners

2. an equal number of Professors or experts themselves in possession of doctoral degrees, of which one is selected by the Ph.D. commission to chair the board of examiners.
3. two further members of the University of Bremen in an advisory capacity, of which one should be a Ph.D. student of the law department, if possible.

The board of examiners is only quorate when all members mentioned in number 1 and 2 are present.

- (3) In the case of dissenting votes having been cast, it is possible for the Ph.D. commission to appoint one to three dissenting experts as members to the board of examiners. The professors of the department are to constitute the majority of the board members; this may be secured by further appointment of professors from the department.

Article 13

Assessment of the Dissertation

- (1) On appointment of examiners the Ph.D. commission will set a deadline of a maximum of three months during which an assessment of the dissertation is to be submitted.
- (2) The examiners are to complete their assessment of the piece of work with a grade according to Article 17 section 4.
- (3) The review is to be supplied to the applicant as well as the board of examiners. All authorised Ph.D. examiners of the university are to be given access to the assessment. For this purpose both the assessment and the dissertation are to be displayed in the department. This is announced to the authorised examiners of the department by means of a circular letter or by notice in the departmental office. The period of display is to last 14 days. All authorised examiners may submit a dissenting vote to the board of examiners.
- (4) Any examiner may make their positive vote dependent upon whether the applicant subsequently corrects or amends his or her work due to criticism. For this reason the examiner and the applicant may agree to return the piece of work for revision. For the duration of the revision, the period set as deadline in section 1 is interrupted. In the case of an applicant rejecting a request for revision, or should he or she not comply with the time limit set by the chair of the Ph.D. commission, the assessment is to be submitted.

Article 14

Rejection of Dissertation

- (1) The board of examiners is to reject a dissertation as not representing the required outstanding academic achievement in the event that two or more examiners assess it as "non rite" (Article 17 section 4). The same applies when one assessment concludes "non rite" and a second one assesses the piece of work no better than "rite". In the latter case the applicant may, within a period of one month, request that the Ph.D. commission appoint a further, or an external examiner. If no such request is brought forward, or in the case of the result of the assessment on the part of the additional examiner being "non rite", the board of examiners shall reject the piece of work as not having fulfilled the academic requirements.

- (2) The board of examiners shall further reject a dissertation in the case of the applicant being guilty of deception.
- (3) In the event that the board of examiners rejects a piece of work, the degree awarding process is suspended. The rejection is to be communicated to the applicant in writing by the chairperson of the board of examiners, accompanied by an appropriate reference to legal remedy. Appeals are to be dealt with by a committee appointed by the academic senate, should the board of examiners fail to arrive at a remedy of their own. All submitted copies and assessments shall remain in the files of the department.

Article 15 **Acceptance of work**

- (1) In all cases other than those described in Article 14 the board of examiners will accept the piece of work.
- (2) When the piece of work is accepted, the dissertation viva voce (Article 16) will convene at the earliest a week after the display period. Venue and time of the viva voce shall be announced by means of a notice at the departmental office and to be communicated to all participants and to those who have submitted a dissenting vote.

Article 16 **Dissertation Viva Voce**

- (1) The viva voce is open. All members with an entitlement to vote must be present. The Ph.D. commission may appoint a deputy in case of absence of any member. The applicant will defend his/her piece of work in the context of a discussion, which, besides the members of the board of examiners, all those may participate who have submitted a dissenting vote.
- (2) In the case of collaborative research work (Article 2 section 3 sentence 2) the discussion is to be conducted with all applicants. The board of examiners may hear participants involved in the collaboration who are not themselves applicants.
- (3) To start the seminar the applicant is expected to give a presentation on the content of his/her work, and may at this point refer to the assessments and dissenting votes. Beyond this the discussion may extend to selected problems of the subject and linked fields.
- (4) The introductory presentation is to last a maximum of 15 minutes, the entire viva voce approximately one hour, in the case of collaborative work this may respectively be prolonged. The remaining course of the viva voce shall be decided upon by the chairperson of the board of examiners.
- (5) Minutes are to be taken on the course of the viva voce. These are to contain the names of the members of the board of examiners, the length of time of the examination, an overview of the topics raised during the discussion and the grades.
- (6) A failed viva voce may be repeated once.

Article 17

Assessment of the Ph.D. Examination

- (1) The board of examiners assesses the written and oral examination performance with the grades listed in section 4. In the case that no consensus can be achieved by the majority of the the members of the board on a grade, the grade is to be formed by disregarding both the highest and lowest mark and by creating the arithmetic mean of the remaining assessments.
- (2) After the viva voce the board of examiners will agree on an overall grade for the Ph.D. examination. This will be derived to $\frac{3}{4}$ from the arithmetic mean of the grades acquired for the written performance and to $\frac{1}{4}$ from the arithmetic mean of the grades acquired for the oral performance during the viva voce. Should it be the case that a dissenting vote differs significantly from the assessment of the written work by both the examiners, the board of examiners may consider this at its discretion before awarding the final grade.
- (3) The applicant may only be awarded a doctoral degree when both the written work as well as the viva voce separately obtain the minimum grade "rite".
- (4) The grades are as follows:

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|-----------------|---|---|-------|
| Summa cum laude | = | excellent, exceptional performance | (1) A |
| Magna cum laude | = | very good performance | (2) B |
| Cum laude | = | good performance | (3) C |
| Rite | = | performance that suffices the requirements of the Ph.D. regulations | (4) D |
| Non rite | = | performance that does not suffice the requirements of the Ph.D. regulations | |
- (5) The listed comparative numbers do not contain any measure of assessment and are not to be included in the diploma. They merely act as a calculation basis for the formation of the overall grade. For the calculation, no more than two decimal places are to be used. Should the calculation result in a fraction, the next best grade is to be awarded down to and including 0.5. The rating of "summa cum laude" is only to be awarded if the numeral value of the overall grade is no worse than 1.4.

Article 18

Publication

- (1) The dissertation is to be published as a book, in journals or as duplicated manuscript. The author is to submit copies required beyond the process of gaining the Ph.D. as follows:
 - a) 60 copies in form of book or photocopy for the purpose of distribution by the University, or
 - b) 10 copies, in the case of a commercial publisher taking on the distribution and a minimum circulation of 150 copies can be demonstrated, or
 - c) a mastercopy and 30 further copies in the form of microfilms. In this instance the author authorises the university to produce and circulate further copies from the dissertation in form of microfilms, or

- d) eight copies, if an electronic version is submitted, of which the data format and data carrier are to be approved by the State and University Library Bremen.
- (2) The dissertation may be published as a revised or shortened version. The revision or shortening of the dissertation is to be agreed upon by the author and the chair of the board of examiners. In the event that the dissertation is published in either a revised or shortened version, the extent of the revision or shortening is to be mentioned in the publication.

Article 19 Revocation of Title

- (1) The Ph.D. commission may abort the process at any stage or may refuse to award the degree, if prior to the awarding of the degree the doctorand is proven to have deceived the examiners to a considerable extent or essential requirements for acceptance as doctorand are not fulfilled.
- (2) The doctoral degree may only be revoked retrospectively if it is proven that it was obtained by fraud. Revocation is decided upon by the academic senate upon request of the department.

Article 20 Awarding of the Doctoral Degree

- (1) Upon successful completion of the entire examination process a diploma is issued, signed by the head of department and the chair of the board of examiners.
- (2) The doctoral degree title may only be used after awarding of the diploma.
- (3) The awarding of the Ph.D. diploma takes place once the dissertation is published or publication is secured, or when the appropriate number of copies of the dissertation has been submitted in accordance with Article 18 section 1.

Article 20 a Joint supervision of the completion of a doctoral degree with a foreign university

- (1) The process of gaining a Ph.D. may be jointly supervised in co-operation with a foreign university if an agreement on the joint supervision has been concluded with the foreign university and this has been approved by the Ph.D. in Law Commission. The agreement determines
 - by whom the dissertation will be supervised at the two universities
 - the alternation of study terms of Ph.D. candidates
 - at which university the oral examination will take place
 - how the board of examiners is made up, to which the supervisors of both universities are appointed as examiners
 - in which language the dissertation and the summary have to be submitted
 - which doctoral degree will be awarded by the two universities upon successful completion

- (2) The regulations for completion of a Ph.D. in Law apply to doctoral degrees completed under joint supervision with a foreign university unless otherwise provided.
- (3) The applicant can only be accepted as a jointly supervised doctoral candidate at the University of Bremen if the prerequisites for admission as a Ph.D. candidate are fulfilled at both universities.
- (4) The board of examiners to be appointed comprises:
 1. the two supervisors
 2. one professor of each the foreign university and the University of Bremen; these may also be the examiners.

The members of the board of examiners of the University of Bremen are appointed by the Ph.D. in law commission. The members of the board of examiners have to have a sufficient command of the language in which the dissertation is written and the language in which the viva voce examination is held to take part in the viva voce and the consultation of the board of examiners.
- (5) The assessment of the viva voce and the dissertation have to fulfil at least the requirements of the regulations for completion of a Ph.D. in Law.
- (6) Upon successful completion of the entire examination process a diploma is jointly issued and signed by both universities. Alternatively, both universities may issue a diploma which expressly states that the Ph.D. was completed under joint supervision of the participating universities. The awarding of the Ph.D. diploma takes place once proof of publication of the dissertation has been received.

Article 21 Ph.D. Register

- (1) The Ph.D. commission keeps a register on the acceptance as doctorand and the conclusion of the process. The register is to contain the following : topic or title of the dissertation, name and address of the doctorand, date of acceptance as doctorand, name of the supervisor, names of the examiners, date of commencement and conclusion of the examination process, as well as a note as to whether and with which grade the examination was passed or whether it was failed.
- (2) The register may be viewed by parties with justified interest; the regulations of the data protection act of Bremen remain unaffected.

Article 22³ Transition and Finalisation

³ Article 22 regulated the coming into force of the preceding version of Regulations and contained transitional regulations that are now null and void. Article 20a was inserted by the Amendment of 2.5.2007 and has been in force since 22.1.2008. In accordance with the transitional regulation pertaining to this Amendment, Article 20a has to be applied accordingly to such procedures in which an agreement with a foreign university corresponding to the regulations of Article 20a was concluded before 22.1.2008.