

This English version of the PhD regulations of the Faculty of Law of European University Viadrina is for your information only. The legally binding version is the one in German. You may access the German version at the Faculty's website.

Pursuant to section 31 (3) sentence 5 and section 72 (2) No. 1 of the University Act of the Federal State of Brandenburg [§ 31 Abs. 3 S. 5 and § 72 Abs. 2 Nr. 1 Brandenburgisches Hochschulgesetz (BbgHG)] dated 28 April 2014 (GVBl. [Federal-state Gazette] I/14, No. 18), as amended by Article 2 of the Act of 1 July 2015 [Artikel 2 Gesetz vom 01.07.2015] (GVBl. I/15, No. 18) in conjunction with section 13 (5) No. 1 of the Statutes of European University Viadrina [§ 13 Abs. 5 Nr. 1 Grundordnung der Europa-Universität Viadrina Frankfurt (Oder)] dated 28 January 2015 (Official Publications by European University Viadrina [Amtliche Bekanntmachungen der Europa-Universität Viadrina Frankfurt (Oder)] No. 01/2015, p. 1), the Council of the Faculty of Law of European University Viadrina has adopted the following PhD regulations<sup>1</sup>:

## **PhD Regulations for the Faculty of Law of European University Viadrina**

dated 13 January 2016

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<sup>1</sup> The President has issued his approval by an order dated 27 January 2016.

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## **I. Doctoral degree and PhD procedure**

### **Section 1**

#### **Doctoral degree and purpose of the PhD**

- (1) The Faculty of Law of European University Viadrina awards the academic degree of "Doktor der Rechte" or "Doktorin der Rechte" (Dr. iur.).
- (2) The PhD procedure serves to demonstrate the candidate's ability to conduct in-depth scientific work. The doctoral degree is awarded on the basis of scientific work (thesis) that is based on independent research and an oral examination (defence).
- (3) Pursuant to section 5 hereof, the faculty can award the title of "Doktor ehrenhalber" or "Doktorin ehrenhalber" (*Dr. iur. h.c.*) in recognition of outstanding scientific achievements.

### **Section 2**

#### **PhD procedure**

- (1) The PhD procedure is carried out by the dean and the examination bodies.
- (2) The examination bodies are the PhD admission board and the PhD commission.

## **II. Examination bodies**

### **Section 3**

#### **PhD admission board**

- (1) The PhD admission board consists of the professors, junior professors, extraordinary professors as well as associate professors [Privatdozenten/-innen] of the faculty.
- (2) Members of the PhD admission board are visiting professors, honorary professors, professors emeritus or retired professors as well as external professors if they were appointed as reviewers.
- (3) The dean is the chairperson of the PhD admission board. The PhD admission board constitutes a quorum if all members were invited in writing at least two weeks in advance and if the majority of its members are present. If the PhD admission board does not constitute a quorum, the dean can convene another meeting with the same agenda with at least one week's prior notice. The PhD admission board then constitutes a quorum if at least three members are present. This circumstance must be mentioned in the invitation.
- (4) The PhD admission board passes its decisions with the majority of the votes cast at meetings. Transfer of voting rights is not permitted. In the event of a tie, the chairperson has the casting vote.

**Section 4  
PhD commission**

(1) The members of the PhD commission for the defence procedure are:

1. as chairperson, a member of the PhD commission board appointed by the dean and belonging to a field of law other than the field being the focus of the thesis, as well as
2. the first and second reviewer appointed to assess the thesis.

(2) If a third reviewer was appointed, the dean can, with such third reviewer's consent, appoint him or her as another member of the PhD commission.

**III. Special and joint PhD procedures**

**Section 5  
Honorary PhD**

(1) The awarding of an honorary PhD (pursuant to section 1 (3)) is contingent upon a written application by at least three professors and junior professors [Hochschullehrer/-in, according to the University Act of the Federal State of Brandenburg, Section 40, (1)] of the faculty. The application must be submitted to the dean. The dean forwards the application using the circulation method to all members of the PhD admission board individually for their comments. The proposed honorary PhD is awarded if at least two thirds of the members of the PhD admission board entitled to vote support this.

(2) The dean awards the honorary PhD by handing over a certificate signed by the president and the dean and honouring the scientific work of the person honoured. The right to use the honorary PhD title is awarded by handing over the certificate.

**Section 6  
Joint PhD procedures with universities in Germany and co-operative PhD procedures**

(1) The performance of joint PhD procedures with other domestic universities authorised to perform PhD procedures or domestic universities of applied sciences is based on bilateral agreements between European University Viadrina and the respective universities or universities of applied sciences.

(2) Agreements with universities of applied sciences should include a provision setting forth that the thesis is supervised by a professor/ junior professor [Hochschullehrer/-in, according to the University Act of the Federal State of Brandenburg, Section 40, (1)] at the Faculty of Law of European University Viadrina and a professor of the respective university of applied sciences (co-operative PhD procedure).

**Section 7**  
**Binational PhD procedures**

(1) A binational PhD procedure is performed on the basis of a co-operation agreement between European University Viadrina and the respective foreign university (Cotutelle procedure).

(2) If proposed by the PhD admission board to the president of European University Viadrina, such agreements can contain provisions which differ from those of the PhD regulations of the Faculty of Law if compatibility with the PhD regulations of the partner university cannot be achieved in any other way. The PhD admission board must notify and justify the proposed deviations before the co-operation agreement is signed.

**IV. Admission to regular PhD procedures**

**Section 8**  
**Admission of applicants with a German law degree**

(1) A doctoral researcher is admitted to the PhD procedure if the first law examination or the second law examination was passed with a grade of "fully satisfactory" [vollbefriedigend] or better.

(2) Graduates with a grade below this level are admitted to the PhD procedure if they demonstrate their special qualification for a PhD in law pursuant to section 13 hereof.

**Section 9**  
**Admission of applicants with other German law degrees**

(1) Applicants who have passed a law examination equivalent to the first law examination [erste juristische Prüfung] and received the title of "Diplom-Jurist" with a grade of "good" [gut] or better at a university or scientific institution of higher education of the German Democratic Republic, are admitted to the PhD procedure.

(2) Applicants who have passed the master's degree in a master's programme of the Faculty of Law of European University Viadrina with a grade of "good" or better and who are specially qualified within the meaning of section 13 hereof are admitted to the PhD procedure.

(3) Applicants who have passed a master's degree containing a high share of the subject law at a German university or university of applied sciences with a grade of "good" or better and who are specially qualified within the meaning of section 13 hereof are admitted to the PhD procedure. A master's programme is only deemed to be a law programme within the meaning of sentence 1 hereof if legal sciences are the focus or the main field of study.

(4) Applicants who have a bachelor's degree in law from a German university with a grade of "good" or better can be admitted to the PhD programme even without another degree if they

1. can demonstrate their special ability by successfully passing two tests, each consisting of a research paper for advanced students and one written examination from the seminars for advanced students in the field of civil law, criminal law or public law, in each case with a grade of "fully satisfactory" or better, and
2. are specially qualified for a PhD in law procedure within the meaning of section 13 hereof.

### **Section 10**

#### **Admission of applicants with German non-law degrees**

Applicants are also admitted to the PhD procedure if they have passed another bachelor's, master's, M.A. or diploma degree in a subject with a clear connection to legal sciences with the grade "very good" [sehr gut] and

1. can demonstrate their special ability by successfully passing two tests, each consisting of a research paper for advanced students and one written examination from the seminars for advanced students in the field of civil law, criminal law or public law, in each case with a grade of "fully satisfactory" or better, and
2. are specially qualified for a PhD in law procedure within the meaning of section 13 hereof.

### **Section 11**

#### **Admission of applicants with foreign university degrees**

(1) Applicants with foreign university degrees are admitted to the PhD procedure if their degree is comparable to a German degree that would qualify for the PhD procedure and if the grade achieved abroad corresponds to the respective grade level of German university degrees. The preconditions set forth in sections 8 to 10 and 13 hereof apply in addition.

(2) The dean decides whether the university degree is comparable and whether the final grade corresponds to German grades.

### **Section 12**

#### **Admission of applicants from a joint research training group with Adam Mickiewicz University Poznań**

Applicants admitted to the PhD procedure within the scope of a joint research training group at the Faculty of Law and Administration of Adam Mickiewicz University Poznań are admitted to the PhD procedure notwithstanding the requirements set forth above.

### **Section 13**

#### **Special qualification for a PhD in law**

Special qualification for a PhD procedure in law is deemed to be demonstrated if the applicant has attended a seminar in a focal field at the Faculty of Law of European

University Viadrina, if the seminar paper was given a mark of "good" or better or if a research paper in the focal field was given a mark of "good" or better and if the supervisor of the thesis supports admission to the PhD procedure.

#### **Section 14**

##### **Waiver of admission conditions**

The PhD admission board can waive certain admission requirements set forth in the foregoing for good reason or due to the applicant's personal circumstances. This requires the majority of votes of the members of the PhD admission board.

#### **Section 15**

##### **Admission by way of acceptance by a professor/ junior professor [Hochschullehrer/-in, according to the University Act of the Federal State of Brandenburg, Section 40, (1)] prior to his or her membership of the faculty of law**

A doctoral researcher who was accepted by a professor/ junior professor [Hochschullehrer/-in, according to the University Act of the Federal State of Brandenburg, Section 40, (1)] before such professor became a member of the Faculty of Law of European University Viadrina can be admitted to the PhD procedure by the dean if the doctoral researcher fulfils the PhD requirements of such other university and provides suitable proof thereof.

#### **Section 16**

##### **Admission to the PhD procedure**

(1) The dean admits applicants to the PhD procedure at their request. Apart from fulfilment of the preconditions for admission, applicants must be additionally accepted as doctoral researchers pursuant to sections 18 and 19 hereof.

(2) At the applicant's request, the dean can decide whether or not individual preconditions for admission are fulfilled even before the application for admission to the PhD procedure is submitted.

#### **Section 17**

##### **Exclusion from admission to the PhD procedure**

(1) An applicant is not admitted to the PhD procedure if he or she has already received a PhD degree in law from a scientific institution of higher education and if he or she is entitled to use this title in Germany or if he or she has finally failed a PhD examination in law.

(2) Applicants where reasons exist that would justify withdrawal of the PhD degree are not admitted. Evidence that such reasons do not exist is to be provided in the form of an official certificate of conduct which should not be older than six months at the time of the application.

## **V. Acceptance, supervision and PhD agreement**

### **Section 18**

#### **Acceptance as a doctoral researcher and supervision**

- (1) All members of the PhD admission board, guest professors, honorary professors as well as professors emeritus and retired professors of the faculty are entitled to accept doctoral researchers and to supervise their thesis.
- (2) The supervision relationship can be continued beyond the supervisor's departure from the faculty at the supervisor's request. The request must be addressed to the dean. If a departing junior professor has not fulfilled the requirements for a proven academic track record within the meaning of section 46 (2) sentence 1 of the University Act of the Federal State of Brandenburg, the dean appoints another supervisor for the doctoral researcher.
- (3) If the supervision of the thesis terminates due to the supervisor's departure from the faculty or due to death, the dean appoints a supervisor according to subsection (1) hereof.

### **Section 19**

#### **PhD agreement**

- (1) The acceptance as a doctoral researcher is usually carried out by signing a PhD agreement within the meaning of section 31 (8) sentence 1 of the University Act of the Federal State of Brandenburg or by admission to a research training group [Graduiertenkolleg] with a PhD agreement being signed in conjunction with the latter. The PhD agreement is signed if the preconditions for PhD admission are fulfilled or if individual preconditions which are not yet fulfilled can be fulfilled during the course of the thesis. Enrolment is carried out pursuant to section 31 (6) sentence 1 of the University Act of the Federal State of Brandenburg, and in the case of co-operative PhD procedures between European University Viadrina and universities of applied sciences pursuant to section 31 (6) sentence 2 of the University Act of the Federal State of Brandenburg. Admission to the PhD procedure is carried out pursuant to section 16 hereof.
- (2) PhD agreements set forth the rights and obligations of the doctoral researcher, of the respective PhD supervisors and of the faculty. They do not create any enforceable rights. PhD agreements can, in particular, contain indications regarding the commencement of the PhD procedure, regular scientific meetings and a provisional, non-binding time and work schedule, and should include the doctoral researcher's representation that he or she has read and understood the PhD regulations as well as the Directive to Secure Good Scientific Practice and to Avoid Scientific Misconduct at European University Viadrina dated 17 July 2002 in its applicable version [Richtlinien zur Sicherung guter wissenschaftlicher Praxis und zur Vermeidung wissenschaftlichen Fehlverhaltens an der Europa-Universität Viadrina Frankfurt (Oder)]. PhD agreements can also include warranties regarding certain preconditions for admission yet to be ful-

filled. A non-binding template of a PhD agreement is attached to these PhD regulations. PhD agreements are entered into between the supervisor and the doctoral researcher and forwarded to the dean. The dean's signature is only required if a PhD agreement sets forth any rights or obligations of the faculty.

(3) In order to settle disputes between the parties to the PhD agreement, the parties affected can approach the scientific staff council, the Viadrina Center for Graduate Studies, the Institute for Conflict Management [Institut für Konfliktmanagement], further counselling offices or – if appointed at European University Viadrina – an independent arbitrator.

(4) In the event of suspected scientific misconduct, the case can be referred to the independent person of trust (ombudsperson) of European University Viadrina pursuant to section 5 (1) of the Directive to Secure Good Scientific Practice and to Avoid Scientific Misconduct at European University Viadrina dated 17 July 2002 in its applicable version.

(5) PhD agreements can be amended in writing by mutual agreement. The supervisor can terminate the PhD agreement for a compelling reason. The doctoral researcher can terminate the PhD agreement at any time. Subject to agreement with the supervisor, the dean can terminate the PhD agreement for a compelling reason if and in as far as it sets forth any rights and obligations of the faculty. The PhD admission board must be informed in writing of such termination.

## **VI. PhD examination**

### **Section 20**

#### **Application for admission to the PhD examination**

(1) The application for admission to the PhD examination must be addressed in writing to the dean. The following documents must be included in the application:

- a curriculum vitae (CV) in German describing, in particular, the doctoral researcher's education history or, when requested and subject to the dean's consent, a CV in English, French or Polish in the case of foreign doctoral researchers;
- documents evidencing fulfilment of the preconditions set forth in sections 8 et seq. hereof as well as the examinations already successfully passed;
- the thesis in three bound or stapled copies with page numbers;
- the thesis in an electronic format that is not protected against software to detect plagiarism;
- a declaration on one's honour by the applicant indicating the PhD in law examination which he or she has already successfully passed or tried to pass; this must include information regarding an application for admission to the PhD procedure at the same or another faculty that has been withdrawn;

- the declaration on one's honour with a reference to the Directive to Secure Good Scientific Practice and to Avoid Scientific Misconduct dated 17 July 2002 in its applicable version stating that the applicant has personally written the thesis, not used any non-permissible external help before or during the writing of the thesis, not used any references other than those listed in the list of references of the thesis, and identified as such any sections literally or analogously taken from the writings of other authors and that the thesis has not been submitted to any other university or faculty resulting in the passing or final failure of the PhD examination.
- (2) The dean issues a written notice on the application for admission to the PhD examination which, when negative, must include reasons therefor and information regarding appeals. Admission must be denied if
1. the required documents are incomplete or incorrect,
  2. reasons as contemplated in section 17 hereof exist.
- (3) The application for admission to the PhD examination can be withdrawn as long as the PhD procedure has not yet been completed by a decision that the thesis was failed or the defence has begun.

## **Section 21**

### **Thesis**

- (1) The thesis must be independent scientific work by the doctoral researcher. It must be submitted in German. At the doctoral researcher's request and subject to the thesis supervisor's consent, the dean can allow submission of the thesis in English, French or Polish.
- (2) The dean appoints two members of the PhD admission board as reviewers, one of whom is the supervisor of the thesis. He or she drafts the first assessment. If the first reviewer is a junior professor, an honorary professor or a guest professor, a full professor must be appointed as the second reviewer. If no qualified second reviewer is available at the faculty for a thesis, the second reviewer should be a member of another faculty of European University Viadrina or of another German or foreign university. In justified exceptional cases, the dean can appoint as first or second reviewers university professors of law who belong to universities where a PhD in law procedure is not possible. One of the reviewers must be a member of the Faculty of Law of European University Viadrina.
- (3) Furthermore, the dean can from case to case appoint as a third reviewer a professor of another faculty of European University Viadrina or another habilitated member of another German or foreign university. In the cases as contemplated in section 6 (2), the professor of the university of applied sciences mentioned there can be appointed as a reviewer.
- (4) Professors emeritus or retired professors are not obliged to serve as reviewers.
- (5) Any empirical data collected must also be submitted in its entirety in electronic form along with the thesis.

## **Section 22**

### **Mark of the thesis**

- (1) Each reviewer submits a substantiated assessment of the thesis. The assessments may recommend requirements for the final version. The assessment must recommend the acceptance or rejection of the thesis. The application for acceptance must include a proposed mark for the thesis.
- (2) Assessment by the two reviewers should take place within three months in each case.
- (3) If both reviewers recommend acceptance of the thesis, the thesis and the assessments are laid open for inspection at the dean's office for a period of two weeks. The thesis is accepted unless a member of the PhD admission board raises objections to this within another period of one week. The PhD admission board decides on objections which must be substantiated in writing.
- (4) If one reviewer recommends accepting and the other reviewer rejecting the thesis, they will meet in order to reach agreement. If no agreement is reached, the PhD admission board will then decide. Prior to convening the PhD admission board, the thesis and the assessments are laid open for inspection at the dean's office for a period of two weeks. The dean should appoint another reviewer in order to prepare for the decision.
- (5) If the proposed marks differ by more than one mark, both reviewers will meet in order to reach agreement. If no agreement is reached, the dean will then appoint another reviewer.
- (6) If the thesis is rejected, the doctoral researcher can repeat his or her PhD application with a thesis on another topic once.
- (7) In the cases as contemplated in subsections (3) and (4) hereof, the dean informs all the members of the PhD admission board that the thesis will be laid open for inspection.

## **Section 23**

### **Revision and rejection of the thesis**

- (1) The thesis can be returned for rework to the doctoral researcher if both reviewers recommend this or if the PhD admission board decides this pursuant to section 22 (3) or (4) hereof.
- (2) If the thesis is returned for revision and not submitted again within one year or a longer period not to exceed two years granted to the doctoral researcher by the dean, the thesis is then considered to be rejected.

(3) Instead of revising the thesis, the doctoral researcher can repeat the examination by submitting a new thesis within a period not to exceed two years. The thesis is deemed to be rejected if this deadline is exceeded.

(4) Theses that have been rejected are retained, including all assessments, in the files of the faculty.

## **Section 24 Defence**

(1) After the thesis has been accepted, the doctoral researcher must defend it before the PhD commission. The defence should take place within six weeks after acceptance of the thesis. The dean can extend the deadline at the doctoral researcher's request.

(2) The dean informs the doctoral researcher of the names of the members of the PhD commission as well as the defence date and at the same time also forwards the assessments and any further comments. No later than two weeks before the date of the defence, the doctoral researcher must present a discussion paper for the thesis in the language of the defence procedure. The dean forwards the discussion paper to the members of the PhD commission.

(3) The defence is held in German. At the doctoral researcher's request and with the consent of the supervisor and the other members of the PhD commission and with the dean's approval, the defence can be held in English, French or Polish. The defence covers the thesis, the assessments and comments as well as the discussion paper presented and begins with an oral presentation by the doctoral researcher of around 15 to 20 minutes. The defence should take a total of around 60 minutes.

(4) The members of the PhD admission board as well as other habilitated members or other members of the faculty holding a PhD degree are entitled to ask the doctoral researcher questions as part of the defence.

(5) The defence is open to members of the university subject to available space. Participation is therefore limited to persons belonging to European University Viadrina.

(6) The PhD commission can demand that the published version meet certain requirements. Requirements aiming at changing the subject of the thesis submitted are not permitted.

(7) If a doctoral researcher fails to attend the defence without a valid reason, the defence is then deemed to be failed. The reasons for failing to attend must be immediately communicated and substantiated to the dean in writing. In the case of the doctoral researcher's illness, the dean can request that a medical certificate be submitted. The dean decides whether the reasons claimed are sufficient.

## **Section 25 Grade of the PhD examinations**

(1) The following marks of the individual parts of the examination and the following overall grade are awarded:

summa cum laude (1)	particularly outstanding
magna cum laude (2)	very good
cum laude (3)	good
rite (4)	satisfactory
insufficenter (5)	insufficient

(2) The mark for the thesis is the average of the marks proposed by the reviewers.

(3) In the case of an appeal pursuant to section 22 (3) and in the case as contemplated in section 22 (4) hereof, the PhD admission board determines the mark according to subsection (1).

(4) The PhD commission determines the mark of the defence on completion thereof. The PhD commission also determines the overall PhD grade.

(5) If the doctoral researcher's defence result is "insufficenter", the examination is not passed.

(6) The PhD commission determines the overall PhD grade as a whole-numbered grade on the basis of the average value of the individual marks of the thesis pursuant to subsection (2) hereof and the defence. The average overall mark of the thesis accounts for two thirds. The calculated values correspond to the following grades:

1.00 to 1.50 – summa cum laude (1)

1.51 to 2.50 – magna cum laude (2)

2.51 to 3.50 – cum laude (3)

3.51 to 4.00 – rite (4)

(7) The result of the defence and the overall PhD grade are communicated to the doctoral researcher by the chairperson in the presence of the PhD commission.

(8) Minutes must be taken of the defence proceedings. The minutes must be signed by the chairperson of the PhD commission and are included in the examination files.

## **Section 26**

### **Repetition of the defence**

If the defence was failed, it can be repeated once. The repeat defence must take place within a maximum period of one year after the examination. The dean determines the date. If this deadline is missed, the defence is then deemed to be finally failed.

## **Section 27**

### **Special notification of negative decisions**

Rejection of the thesis and the decision that the defence has not been passed must be communicated to the doctoral researcher by the dean in a written notice including information regarding appeals.

## **VII. Publication of the thesis and conclusion of the PhD procedure**

### **Section 28**

#### **Publication of the thesis**

- (1) After the defence has been successfully passed, print permission must be obtained prior to publishing the thesis. It must be granted by the dean if the text to be printed matches the version assessed, taking any requirements (section 24 (6) hereof) into consideration. Changes addressing recommendations by the examiners and being merely restricted to text updates are permitted. The dean can approve more far-reaching changes if the chairperson of the PhD commission agrees. In the case of requirements, print permission may only be granted if such requirements are fulfilled; this will be decided by the dean in agreement with the members of the PhD commission.
- (2) Within one year after the successful defence, the doctoral researcher must submit to the faculty five printed copies of the thesis as well as either the corresponding agreement with a publisher or a proof of a lasting and generally accessible publication on the Internet as agreed to with the faculty.
- (3) The copies to be submitted must contain a reference to the faculty awarding the PhD as well as the names of the reviewers.
- (4) If the required copies are not submitted within one year after the examination has been passed, all rights acquired through the examination will become void. The dean should extend the deadline for submission in special cases. The application must be submitted and substantiated by the doctoral researcher in due time.

### **Section 29**

#### **Conclusion of the PhD procedure**

- (1) After submission of the required copies, the PhD degree (Dr. iur.) is awarded by handing over of the PhD certificate. The certificate shows the title of the thesis, the date of the defence, the overall grade of the PhD as well as the names of the president and dean. The certificate is issued in German and, at request, also in English, French or Polish and signed by the dean.
- (2) The right to use the PhD becomes only effective after the PhD certificate has been handed over. The dean can authorise the doctoral researcher to use the title before until further notice; such authorisation may only be granted if the doctoral researcher proves that printing is ensured and will take place in the foreseeable future. In justified, exceptional cases, the PhD certificate can also be handed over if the precondition as contemplated in sentence 2 hereof is fulfilled.

## **VIII. General rules**

### **Section 30**

#### **Compensation for disadvantages and equal opportunity rules**

(1) Cases of special hardship (such as longer periods of illness) must be taken into consideration in the PhD agreements and by the PhD admission board in charge. When such hardship occurs during the course of the PhD procedure, the PhD agreement must be adjusted accordingly.

(2) Doctoral researchers making use of the statutory protection periods under the German Maternity Protection Act [Mutterschutzgesetz] and/or who are on parental leave and/or who look after or care for children outside the statutory parental leave or who look after or care for close relatives are supported by taking their specific needs into consideration during the thesis and defence phase; this should be reflected in the PhD agreement. The dean decides on specific compensatory measures after the special situation has been sufficiently demonstrated. The doctoral researcher is obliged to immediately report any changes in circumstances. The PhD agreement must be adjusted accordingly.

(3) The thesis and defence procedures aim to consider the specific needs of doctoral researchers with disabilities within the meaning of section 3 of the German Equal Opportunities for People with Disabilities Act [§ 3 Behindertengleichstellungsgesetz] and of doctoral researchers with chronic diseases; this should be reflected in the PhD agreement. If the doctoral researcher, by submitting a medical certificate, proves that he or she, due to longer or permanent physical disability or chronic disease, is unable to perform the written and oral parts of the examination, as a whole or in part, in the usual way, the PhD admission board can allow that the procedures for the examinations be adapted accordingly. The dean can additionally demand submission of a certificate issued by a public health officer. The doctoral researcher is obliged to immediately report any changes in circumstances. The PhD agreement must be adjusted accordingly.

### **Section 31**

#### **Deception, plagiarism, invalidity and revocation of the PhD degree**

(1) If, prior to the conclusion of the PhD procedure pursuant to section 29 hereof, serious misconduct of the doctoral researcher is found within the meaning of the Directive to Secure Good Scientific Practice and to Avoid Scientific Misconduct dated 17 July 2002 in its applicable version, such as deception or plagiarism, the PhD admission board can, at the supervisor's request or on its own and after having heard the doctoral researcher, declare the results of the PhD procedure to be invalid.

(2) Plagiarism means failure to quote the relevant source where the wording or essential contents of a document are included in the thesis. Plagiarism also means that another author's work, as a whole or in part, is claimed to be one's own work, that the work, as a whole or in part, is downloaded from the Internet or an electronic medium or

that work in another language is translated, as a whole or in part, and claimed to be one's own work.

(3) Notwithstanding section 48 of the German Administrative Procedures Act [§ 48 Verwaltungsverfahrensgesetz], the PhD degree is to be withdrawn if

1. it is subsequently found that it was obtained through plagiarism or deception in the PhD examinations or through deception with regard to important preconditions of the PhD procedure;
2. the PhD holder is convicted of an intentional crime and has misused the PhD degree in the preparation or commitment thereof.

(4) If the preconditions for admission to the PhD procedure were not fulfilled without the doctoral researcher planning deception in this respect, and if this fact is only discovered after the certificate was handed over, this defect is remedied by the successful passing of the PhD examination.

(5) The PhD admission board decides on the withdrawal. In order to prepare for the decision, it sets up a sub-committee consisting of three members who are not members of the PhD commission. The sub-committee presents to the PhD admission board and the president a report stating whether the preconditions for withdrawing the PhD title are fulfilled. The meetings of the sub-committee can be attended, in each case without voting rights, by the dean, the ombudsperson in order to warrant good scientific practice and the legal counsel of the university.

(6) Prior to the PhD admission board's decision, the president and the reviewers are given the opportunity to make comments. The PhD holder must also be heard before a decision is made pursuant to sentence 1 hereof.

### **Section 32 Suspension of the PhD procedure**

The PhD procedure can be suspended during investigation or criminal proceedings related to a crime which would justify withdrawal of the PhD title in the case of conviction. This decision is made by the dean.

### **Section 33 Archiving periods**

(1) It is not permitted to destroy examination documents if an appeal has been lodged or a lawsuit filed in an examination procedure and if the appeal procedure is not yet completed.

(2) The retention periods for examination documents of PhD procedures are as follows:

1. Fifty years for the following documents:
  - the copy of the thesis submitted
  - the assessments

- the minutes of the defence (oral PhD examination)
  - drafts, carbon copies or copies of the PhD certificate and of the certificate showing the marks and grade
  - if the examination was not passed: the draft, carbon copy or copy of the notice sent to the doctoral researcher,
  - other examination documents of special relevance
2. One year for applications for admission to the PhD procedure including the documents required for admission in as far as such documents have not yet been returned to the doctoral researcher.
- (3) The period commences in each case on the expiration of the calendar year in which the PhD holder received the PhD certificate or in which the PhD procedure was found to be concluded.
- (4) The retention periods apply to all documents mentioned in subsection (1) hereof including the documents already archived.

#### **Section 34 Right of inspection**

Doctoral researchers as well as PhD holders have the right to inspect all documents concerning the PhD procedure within one year after the conclusion of the PhD procedure.

#### **Section 35 Coming into effect/expiry**

These PhD Regulations come into effect on the day of their publication in the Official Journal of European University Viadrina [Amtliche Bekanntmachungen der Europa-Universität Viadrina Frankfurt (Oder)] and, subject to section 36 hereof, supersede the PhD regulations of the Faculty of Law dated 22 July 2009, last revised by the by-laws dated 4 April 2012.

#### **Section 36 Transitional rules**

Doctoral researchers admitted to the PhD procedure at European University Viadrina before the coming into effect of these PhD regulations are examined on the basis of the PhD regulations in effect at the time of their application for admission. They can submit an application to the PhD admission board for the PhD procedure to be continued and concluded on the basis of these PhD regulations.



## PhD agreement

*made and entered into by and between*

**Doctoral researcher:**

.....

Faculty: .....

*and*

**1<sup>st</sup> supervisor** .....

**2<sup>nd</sup> supervisor (if applicable):**

.....

Research training group/graduate school (if applicable):

.....

Represented by:

.....

*and*

**Dean:** .....

Faculty: .....

### **1. Commencement and subject of the thesis and/or more detailed description of the project**

(1) Starting \_\_.\_\_.\_\_\_\_, the doctoral researcher will write a thesis with the following working title and/or on the following project:

.....  
.....  
.....

(2) A time and work schedule is attached to the PhD agreement.

### **2. Regular scientific meetings**

Scientific meetings of the doctoral researcher and the supervisor are planned every ... months.

### **3. Tasks and obligations of the doctoral researcher**

.....  
.....  
.....

**4. Tasks and obligations of the supervisor**

.....  
.....  
.....

**5. Tasks and obligations of the faculty**

The tasks and obligations of the faculty are laid down in the PhD regulations.

**6. University rules and preconditions for admission**

(1) The doctoral researcher represents that he or she has read and understood the following rules of European University Viadrina:

- The PhD regulations of the faculty in their applicable version
- The Directive to Secure Good Scientific Practice and to Avoid Scientific Misconduct dated 17 July 2002 in its applicable version

(2) The doctoral researcher has, in particular, read and understood the preconditions for admission to the PhD procedure.

(3) The doctoral researcher has also read and understood the dispute resolution options as contemplated in the PhD regulations of the faculty.

**7. Miscellaneous provisions**

These PhD regulations can be modified or amended by mutual agreement. This must be carried out in writing.

..... Date	..... Date	..... Date
..... Doctoral researcher	..... 1 <sup>st</sup> supervisor	..... Dean
	..... 2 <sup>nd</sup> supervisor (if applicable)	
	..... Spokesperson (if applicable)	
	..... Research training group/graduate school	