

Regulations Concerning the Doctorate at the Faculty of Law of the University of Bern

The Faculty of Law of the University of Bern,

based on Article 44(1)(c) of the University Act of September 5, 1996 (Universitätsgesetz, UniG)¹, Article 100, 116, and 122b of the University Ordinance of May 27, 1998 (Universitätsverordnung, UniV)² and Article 43 of the University of Bern Bylaws of June 7, 2011 (Universitätsstatut, UniSt)³, as well as Article 12d of the Regulations Concerning the Organization of the Faculty of Law of the University of Bern of February 19, 2009 (Fakultätsreglement, FaR RW),

resolves:

I. General Provisions

SCOPE

Art. 1 ¹ These regulations govern obtaining the doctorate at the Faculty of Law of the University of Bern. It leads to the degree with the title Dr. iur. or Ph.D. in Law.

² The conferring of the honorary title of doctor “honoris causa” is regulated by Article 14(2) FaR RW.

OBJECTIVE

Art. 2 ¹ The promotion to the Dr. iur. or Ph.D. in Law serves to prove the ability to carry out academic work independently.

FORMS OF THE DOCTORAL PROMOTION

Art. 3 ¹ The promotion can be done as a free doctorate, at a doctoral school, or as part of a structured doctoral program.

COMPOSITION OF THE DOCTORAL PROMOTION

Art. 4 ¹ The requirements within the framework of the doctoral promotion consist of an academic paper (dissertation) and an academic colloquium, as well as, if applicable, further requirements which are laid out in the doctoral agreement.

² For doctoral promotions within the framework of a structured doctoral program or at a doctoral school, the further requirements are regulated by the study plan. Doctoral candidates may be required to attend doctoral courses.

³ The further requirements will be listed in the Diploma Supplement.

¹ BSG 436.11.

² BSG 436.111.1

³ BSG 436.111.2

COMPETENCE REGARDING DOCTORAL PROCEEDINGS

Art. 5 The Dean makes all decisions in the doctoral proceedings, unless these regulations, the FaR RW, or organizational regulations of an interfaculty unit declare the Faculty (narrower faculty according to Article 17 FaR RW) or another body to be competent.

II. Admission

ADMISSION

Art. 6 ¹ Admission to the doctorate is granted to those who have obtained the title Master of Law with an overall grade average of at least 4.75 or a Lizentiat in Law with an overall grade average of at least 4.5 or to those who, after completing a Master's degree or Lizentiat at the University of Bern, have obtained a Master of Advanced Studies (MAS) in Law with an overall grade average of at least 5.0.

² Anyone who has completed a Master's degree or a Lizentiat in Law from another Swiss university is admitted if they fulfill the admission requirements of the original university.

³ Those who have obtained the title Master of Law or a degree determined to be equivalent at a foreign university, will be admitted if:

a the converted overall grade average is equivalent to at least 4.75, and

b the fulfillment of the admission requirements at the home university is proven.

⁴ Admission with a non-law Master's degree from a Swiss or foreign university is possible if:

a the candidate has an equivalent additional legal education, and

b the converted overall grade average of the additional legal education is at least 5.0.

⁵ The doctoral program requires sufficient knowledge of the language in which it is conducted.

⁶ Those who do not meet these admission requirements may be exceptionally admitted to the doctorate by the narrower faculty, upon a well-founded request of a member of the narrower faculty.

⁷ The study plans may provide for admission based on additional degrees.

⁸ Study plans may include specific requirements for admission to doctoral schools or structured doctoral programs.

⁹ Admission requires the approval of a supervisor.

ADMISSION PROCEEDINGS FOR THE FREE DOCTORATE

Art. 7 ¹ The application for the free doctorate takes place at the Dean's office.

² The following must be attached to the application:

- a the application form for matriculation as a doctoral candidate,
- b written evidence of having met the admission requirements in Article 6.

ADMISSION PROCEEDINGS FOR DOCTORAL SCHOOLS OR STRUCTURED DOCTORAL PROGRAMS

Art. 8 ¹ Application for admission to doctoral schools or structured doctoral programs is made to the responsible program management.

² Documents listed in Article 7(2) must be attached to the application. The respective study plan regulates further details.

III. Organization of the Promotion

FIRST SUPERVISOR

Art. 9 ¹ The doctoral candidates are each supervised by two lecturers.

² The lecturers named in Article 8(2)(c-f) FaR RW are entitled to act as a first supervisor.

³ Adjunct lecturers of the Faculty of Law can be authorized by the narrower faculty to act as a first supervisor.

⁴ Emeritus professors can act as first supervisors according to the directives of the Executive Board of the University.

⁵ In case of the departure of the first supervisor to another university, the narrower faculty is responsible for the continuation of the supervision.

⁶ The study plans of the doctoral schools may authorize lecturers of other faculties to act as first supervisors.

SECOND SUPERVISOR

Art. 10 ¹ Upon request of the first supervisor, the Dean designates the second supervisor from among the persons named in Article 8(2)(c-f) FaR RW.

² Lecturers from other universities, emeritus professors according to the directives of the Executive Board of the University, and lecturers from other faculties of the University of Bern are also eligible to be second supervisors.

DOCTORAL AGREEMENT

Art. 11 The doctoral candidate and the first supervisor conclude an agreement on the process, the duration, objectives, and general conditions of the doctorate, as well as on any further requirements.

IV. Dissertation

FORM OF THE DISSERTATION

Art. 12 ¹ The dissertation consists of independent research in an area which is represented in the faculty by research or education; it may have an interdisciplinary character.

² The dissertation shall be written in the form of a monograph. It may be based in part on written work by the candidate which has already been published in journals.

³ The dissertation can be written in German, French, or English, or if the first supervisor agrees, in another language.

⁴ In justified cases, a written work that has already been published may also be accepted as a dissertation, if it has not already been submitted to another university for the award of an academic degree.

⁵ The following declaration, dated and signed by hand, must be attached to the dissertation:

“I hereby declare that I have written this work independently and that I have not used any sources other than those indicated. All passages, whose wording or meaning was taken from any sources, are all cited and distinctly noted as such. I am aware that, should the foregoing not be true, the University Senate can revoke the doctor title, pursuant to Article 36(1)(r) of the University Act of September 5, 1996 (UniG) and Article 69 of the University of Bern Bylaws of June 7, 2011 (UniSt). For the purpose of grading and verifying compliance with this Declaration of Independent Work and with the University’s Regulations on Plagiarism, I hereby grant the University of Bern the right to process the necessary personal data and to use the dissertation, in particular to make copies, to store it permanently in a database, and to use it to verify the independence of works by others or to make it available for such purpose.”

REVIEWS

Art. 13 ¹ The dissertation is evaluated by two reviewers, with the first supervisor providing the initial review and the second supervisor providing the second review.

² The Dean’s office collects the reviews in the case of the free doctorate, and the relevant program management collects reviews for a doctoral program or a doctoral school.

³ If both reviews are in favor of the acceptance of the dissertation, each reviewer recommends a Latin honor pursuant to Article 17(2).

V. Examinations

EVALUATION

Art. 14 ¹ The study plans determine for which special courses for doctoral candidates (Art. 4(2)) examinations are carried out and evaluated.

² Evaluated examinations are graded “pass” for sufficient performance or “fail” for insufficient performance.

³ Failed examinations may be repeated once.

⁴ Regarding the conducting of examinations, the Regulations concerning the Bachelor’s and Master’s Degree Programs and Evaluations of Students’ Work at the Faculty of Law of the University of Bern (Study Regulations RW [RSL RW]) apply analogously.

VI. Completion of the Doctoral Promotion

REGISTRATION FOR THE ACADEMIC COLLOQUIUM

Art. 15 ¹ If both reviews are in favor of the acceptance of the dissertation, the candidate registers for the scientific colloquium.

² The following must be attached to the application:

- a* the application form,
- b* proof of matriculation,
- c* proof of the paid Dr. iur.-promotion fee,
- d* the dissertation in written and electronic form,
- e* proof of the fulfillment of the other requirements of the regulations and the respective study plans.

ACADEMIC COLLOQUIUM

Art. 16 ¹ The doctorate is completed with an academic colloquium.

² The public colloquium, with a duration of at least 30 minutes, serves as the academic discussion of the dissertation and is conducted in front of a collegium.

³ The collegium generally consists of the lecturers entrusted with the first and second review.

⁴ The colloquium is graded pass/fail, whereby the first supervisor has the deciding vote. In case of not being passed, the colloquium may be repeated once within six months.

FINAL LATIN HONOR

Art. 17 ¹ The narrower faculty decides on the final Latin honor.

² The doctoral degree certificate is awarded with one of the following Latin honors:

rite

cum laude

magna cum laude

summa cum laude

³ If the Latin honors requested by the supervisors pursuant to Articles 9 and 10 are the same, they shall request that the narrower faculty award this final Latin honor.

⁴ The supervisors shall agree on a final Latin honor in case different honors have been requested.

⁵ The narrower faculty shall decide, if no agreement can be reached.

PUBLICATION OF DEPOSIT COPIES

Art. 18 ¹ The dissertation must be published in a form approved by the faculty within two years after the completion of the doctoral promotion.

² Upon request, the deadline for submitting the deposit copies may be extended by a maximum of four years.

³ In case the deadline pursuant to Paragraph 1 or the agreed extension of the deadline is not observed, the right to use the doctor title expires.

⁴ More details on deposit copies, printing requirements, and the form of publication may be found in the guidelines of the faculty.

⁵ The faculty may decide to change to electronic publication in whole or in part.

AWARD OF THE DOCTOR TITLE

Art. 19 ¹ The doctor title is awarded by the Faculty of Law.

² An interim certificate is issued upon the completed promotion.

DIPLOMA

Art. 20 ¹ The doctoral diploma is issued in German with the title of Dr. iur. The doctoral candidate may instead request the issuance of an English diploma with the title of Ph.D. in Law.

² The doctoral diploma is issued only after the candidate has published the approved version of the dissertation pursuant to the provisions of Article 18, and has submitted the required deposit copies.

REVOCATION OF THE DOCTOR TITLE

Art. 21 ¹ The revocation of the doctor title is regulated by Article 69 of the University of Bern Bylaws of June 7, 2011.

FEES

Art. 22 ¹ The matriculation and doctoral fees are regulated by the University Ordinance of May 27, 1998 (UniV).

² The fee for the doctoral promotion is regulated by the Directorate Ordinance considering Fees for Promotion and Habilitation at the University of Bern of January 31, 2011 (GebDV PHab)⁴.

VII. Administration of Justice

Art. 23 ¹ The procedure is governed by the University Act of September 5, 1996 (UniG) and the Act on Administrative Procedure of May 23, 1989 (VRPG)⁵.

² Decrees are issued by the governing bodies of the Faculty of Law.

VII. Transitional and Final Provisions

TRANSITIONAL PROVISIONS

Art. 24 ¹ Anyone who, according to previous regulations in force at the time of their graduation, fulfilled the requirements for admission to doctoral studies, also fulfills them according to these Regulations.

² Doctoral candidates who are already matriculated in the doctoral program at the time these Regulations enter into force, shall obtain the doctorate according to the previous regulations.

⁴ BSG 436.111.3

⁵ BSG 155.21

Informal Translation of the Governing German Original

ENTRY INTO FORCE

Art. 25 These Regulations enter into force on December 1, 2011.

Bern, August 18, 2011

On behalf of the Faculty of Law
The Dean:

Prof. Dr. Stephan Wolf

Approved by the Department of Education in amendment of Article 25.

This now reads as follows:

These Regulations enter into force retroactively as of December 1, 2011.

Bern, January 10, 2012

Head of the Department of Education:

Dr. Bernhard Pulver