University of Cape Town
FACULTY OF LAW

GUIDELINES FOR THE RESEARCH TASKS FOR THE

PROFESSIONAL LLM

Contents

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This booklet draws heavily on existing Faculty Guidelines for Student Research and should be read in conjunction with these, as well as the General Rules for Students (Handbook 3), the Law Faculty Handbook (Handbook 10) and the UCT Fees Booklet (Handbook 12).

Basic requirements for the research tasks

A student registered for the Professional Master of Laws (LLM) must undertake and complete four research tasks drawn from the four courses taken towards the LLM degree tasks.

The student will register for four courses and four linked research tasks. The student must obtain at least 50% for each course and 50% for each research task. A student who fails only a research task may repeat the task the following year when it is offered.

The research task is an independent research component demonstrating innovation or professional expertise. The nature of the research task will vary depending on the course and may include reports and legal opinions. The task may not exceed 5 000 words in length. In view of the professional nature of the task, it is expected that footnoting will be kept to a minimum and where appropriate in- text referencing should be used, unless the course convenor directs otherwise. An explanation on in-text referencing is set out below.

Depending on the nature of the particular task, a student will be required to demonstrate competence in all or some of the following:

- identification of the relevant facts;

- identification, formulation and articulation of the legal issue arising from a complex set of facts;

[1] Prior to 2017, this entailed registering for one research project course under which one average mark was recorded for all four tasks. As from 2017, students will register separately for the four tasks.

• analysis and critical evaluation of the identified legal issue;

• identification of the leading cases and relevant law;

• accurate statement of the relevant legal principles;

• identification of and the ability to distinguish between primary and secondary sources and the extent of authority of each;

• development of an argument and application of the law in a logical and coherent argument;

• competence in articulating and communicating professional solutions arising from a complex set of facts.

• competence in applying the law to practical situations;

• the capacity for independent thought and sound reasoning.

Availability and submission of research tasks

The research tasks will be made available to students at the beginning of the course, usually before the end of the second week of lectures in the term in which the course is offered.

The following rules and procedures apply to the submission of the research tasks.

- The research tasks must be submitted for assessment by no later than the day on which examinations start in the semester in which the course from which the research task is drawn runs.

- One hard copy of the research task may be submitted directly to the Departmental administrative assistant on or before the deadline; and an identical copy must submitted on Vula for purposes of the turn-it-in report.

- The research task must be no longer than 5,000 words including, where appropriate, footnotes and excluding bibliography.

Role of the course convenor/lecturer

The lecturer or course convenor may provide additional guidelines for the research task but will not supervise the task. Although providing initial guidance, the lecturer/convenor will not provide comments on draft research tasks submitted. The lecturer/convenor will be reasonably available for consultation.

Language policy

At UCT, English is both the medium of teaching and of examination, except in departments where another language is taught. This rule applies at all levels, and to all theses for higher degrees. Research tasks must be expressed in clear and grammatical English. If English is not your first language it is highly recommended that you make timeous use of the postgraduate writing centre to refine the language and grammar employed in your written work (see 'Postgraduate Writing Centre' immediately below).

Postgraduate Writing Centre

The Faculty has its own Writing Centre, which provides support for both LLB and postgraduate students. Postgraduate support is available in two forms. First, a programme of workshops is held during the first and second semesters. Attendance at the workshops is voluntary but **highly** recommended. Notification of the workshops will be by email and Vula announcement.

In addition, postgraduate students seeking individual advice may seek an appointment with the postgraduate writing tutors. The contact details of the writing tutors will be available on the postgraduate website (email: LawPGtutors@uct.ac.za).

Finally, please note that there is a UCT Writing Centre open to students from all disciplines on Level 6 of the Hlanganani Building, Upper Campus. Useful information is available on their website: http://www.ched.uct.ac.za/adp/writing/.

Format of the research task

1. Instructions from lecturer/course convenor

Your lecturer/course convenor will provide you with the specific details of the structure of the professional task. If the task is a legal opinion, typically, the opinion will consist of three parts:

1. An introduction which identifies the pertinent facts and legal issues and the relevant area of law. Note however that you should not simply restate the facts.

2. A main body which contains:

    • a discussion of the relevant rules and principles,

    • the application of the rules and principles to the facts

    • an engagement with current debates related to the legal issue.

3. A conclusion which provides appropriate advice to the client or solution to the legal issue identified in the introduction.

2. Page set-up

• print on only one side of the page;

• left- and right-hand margins about 2.5cm;

• A4 page size;

• use fonts such as Arial, Times New Roman, Book Antiqua or Bookman Old Style; avoid any comic fonts;

• font size 12;

• page numbers in the same font as that used for the text; and placed at the top right-hand corner of the page;

- set language checks to English [South Africa]. Do not use American spelling;

- line spacing of 1.5 is recommended; spacing should allow 6pts after each paragraph, which improves the look of the document and avoids the need to include extra paragraph breaks;

- paragraphs should be indented;

- the right-hand margin should not be justified.

3. Mandatory information on the cover

The outside cover of the research task must have the following information:

- the student's full name;

- student number;

- the qualification (degree/ postgraduate diploma) for which the student is registered;

- the course name and code of the research task

- the lecturer/convenor's full names;

- the word-count;

- AND the following statement, which must be signed and dated:

Research task presented for the approval of Senate in fulfillment of part of the requirements for the course *for which the research task is required.*

I hereby declare that I have read and understood the regulations governing the submission of <course for *which the research task is required*> including those relating to length and plagiarism, as contained in the rules of this University, and that this research task conforms to those regulations.

Information on plagiarism, referencing and style conventions is set out below.

Style rules

To supplement the guidelines below, please read the Law School Writing Guide, available on the Law Library website. http://www.lib.uct.ac.za/law.

1. Quotations

- Use single quotation marks.

- Quotations within quotations should appear within double quotation marks.

- Quotations that are four or more lines in length should be indented and single-spaced.

2. Ellipsis

- Ellipsis points are used when certain words are omitted from a quotation. Use three points to indicate the omission of part of a sentence. Use four points to indicate thatthe sentence ends with the quoted passage or that the ellipsis extends into a new sentence.

3. Interpolations

- It is sometimes necessary to alter a quotation slightly to clarify the meaning. For example, the original quotation reads: 'The judge stated that his evidence was not credible.' It is not clear to whom the word 'his' refers. You may therefore interpolate a word or phrase to clarify the meaning: 'The judge stated that [the defendant's] evidence was not credible.'

- Square brackets are also used to indicate that you are inserting a lower-case letter instead of the capital letter that appeared in the original: '[h]e was not telling the truth'. The sentence in the original read: 'He was not telling the truth.'

4. Abbreviations

The general rule is that full stops are omitted in all abbreviations: ie (in other words),eg (for example), etc (et cetera), viz (namely). Try to avoid making excessive use ofabbreviations, and never use an abbreviation at the beginning of a sentence.

- The following words may be abbreviated when used in a sentence before a number or in footnotes: section (s), paragraph (para), regulation (reg), article (art), Government Notice (GN), schedule (sched). They are not otherwise abbreviated: 'The article that addresses the issue...'

5. Dates, times, numbers, fractions and decimals

- 28 November 2000

- Avoid using 'from/between 1950-1969'. Write 'from 1950 to 1969' or 'between 1950 and 1969'.

- Unless 'am' or 'pm' is used, the time of day should be spelled out: 'At five o'clock the jury retired. At 6.16pm the jury returned.'

- Sums of money: R20 000 and R125.59.

- Ages are always given in figures: The boy is 8 years old.

- Numbers from 1 to 10 are written in words, except in references to pages and in percentages. Numbers greater than 10 are given in figures. Also use figures for numbers that include a decimal point or fraction (4.25, 41⁄2).

- Per cent' is written as two words (not 'percent' or '%').

1 Fractions should be hyphenated (two-thirds, four-fifths) and spelled out in words, unless attached to whole numbers. Use fractions for approximate figures; use decimals for more exact figures.

6. Footnotes

- While styles vary, the main rule is to be consistent.

- Keep footnotes brief; the detail is provided in the bibliography.

- Numbers of footnotes appear outside final punctuation marks. For example, 'Amnestyis a heavy price to pay. It is, however, the price that the negotiators believed our country had to pay to avoid an "alternative too ghastly to contemplate".'[19]

- Footnotes can also be used to provide further information that is of interest, but is not directly relevant to your main argument.

7. In-text referencing style

Statutes and cases should be referenced in-text, for example:

In *Protekon (Pty) Ltd v CCMA & others* [2005] 7 BLLR 703 the employer had provided travel concessions to employees ...

The Basic Conditions of Employment Act 75 of 1997 provides a level of protection to employees ...

Provide a 'Bibliography' which follows the bibliography guidelines set out below.

Footnotes may be used for additional comment and clarification but should be kept to a minimum.

8. Bibliographies

Students should consult existing Faculty guidelines on the preparation of a bibliography. A summary of the key information is set out below:

- A bibliography is a detailed list of sources referred to in your research task.. It contains more detail than footnote or in-text references. In particular, it indicates the

publisher and place of publication of books. (Publishing details of journals and law reports are never provided)

- Secondary sources are ordered alphabetically by authors' surnames. It is usually not necessary to distinguish between books and journals, but it may be, depending on the number of sources consulted.

  - Official publications and publications produced by organisations, for which there is no named author, should be listed by reference to the body responsible for the publication thereof, for example, Commission for Gender Equality; Department of Justice; Organisation of African Unity.

  - Primary sources of law should be listed in separate tables of statutes and cases. When primary sources from more than one jurisdiction are used, these tables should be sub-divided by jurisdiction, or at least so as to distinguish between South African and foreign/ international sources.

Example:

BIBLIOGRAPHY

Primary Sources

Cases *Boesak v Minister of Home Affairs* 1987 (3) SA 665 (C).
Mohlomi v Minister of Defence 1997 (1) SA 124 (CC).

Statutes Income Tax Act 58 of 1962. Labour
Relations Act 66 of 1995. Restitution of Land
Rights Act 22 of 1994.

Secondary Sources

Books Fish, Stanley *Is there a text in this class?* (1980) Harvard University Press, Cambridge Mass. Seeger, Anthony 'Ethnomusicology and music law' in Bruce Ziff and Pratima V. Rao (eds) *Borrowed power: essays on cultural appropriation* (1997) Rutgers University Press, New Brunswick. Twining, William and Miers, David *How to do things with rules: a primer of interpretation* 4ed (1999) Butterworths, London.

Journals Alford, William P 'Exporting "The pursuit of happiness"' (2000) 113 *Harvard LR* 1677. Blackman, MS 'Companies' *LAWSA* vol 4, Part 1 First Reissue (1997) Butterworths, Durban. Cockrell, Alfred 'Second-guessing the exercise of contractual power on rationality grounds' 1997 *Acta Juridica* 26.

Plagiarism in postgraduate research

The Law Faculty has a zero tolerance policy in respect of plagiarism. Plagiarised work is penalised heavily and will in most cases result in a mark of zero awarded for the particular piece. Plagiarism can, in addition, lead to expulsion from the university. Key details contained in UCT's Plagiarism Guidelines for Students are summarised below:

1. What is Plagiarism

Whenever you do written work you must differentiate between your own ideas and those, which you did not think of yourself, but which you have read elsewhere – in particular you must distinguish what you have written from what you are quoting. You commit plagiarism in written work when you use another person's words, ideas or opinions without acknowledging them as being from that other person. You do this when you copy the work word-by- word (verbatim); or submit someone else's work in a slightly altered form (such as changing a word with one meaning to another word with the same meaning); and you do not acknowledge the borrowing in a way that shows from whom or where you took the words, ideas or reasoning. You must provide references whenever you quote (use the exact words), paraphrase (use the ideas of another person, in your own words) or summarise (use the main points of another's opinions theories or data).

It does not matter how much of the other person's work you use (whether it is one sentence or a whole section), or whether you do it unintentionally or on purpose; if you present the work as your own without acknowledging that person, you are taking someone else's work and passing it off as your own. Because of this, plagiarism is regarded as a very serious offence and carries heavy penalties.

The onus is on students to ensure that their research task contains no elements of plagiarism. In this regard we wish to highlight the severe consequences of plagiarism.

2. The Consequences of Plagiarism

Procedures for Dealing with Plagiarism

• <u>**Disciplinary Action**</u>

(a) Plagiarism is a breach of the student rules. Where plagiarism is found or suspected, the Head of Department must refer the matter to the Vice- Chancellor's nominee for possible disciplinary action in terms of the rules ondisciplinary jurisdiction and procedures (DJP1.1).

In considering each case, the Head of Department should try to ascertain whether there is an academic problem (such as the student had not been adequately taught referencing conventions), or a purposeful attempt to cheat.

(b) A Head of Department must inform the Dean where he/she has referred a case tothe Vice-Chancellor or nominee for possible disciplinary action.

(c) The Vice-Chancellor's nominee will make the decision whether to prosecute the student. There are varying degrees of plagiarism (from referencing inadequately, in the instance where the student quotes the source but does notinsert the inverted commas, to copying a thesis and submitting the work in itsentirety as one's own.). This will be taken into account first, in the decision toprosecute, and secondly on imposing the sentence for a student found guilty.

(d) If a decision is made to prosecute the student, and the student is found guilty, the sentencing will take into account factors such the academic seniority of the student. For the same extent of plagiarism, a first year student is likely to be given a lesser sentence than a postgraduate student.

(e) It is possible, however, that the University Tribunal will acquit a prosecuted student, if the University fails to prove the charge on the balance of probabilities. This does not alter the action that the department, Faculty Examinations Committee or Doctoral Degrees Board, will have taken in theacademic assessment of the student.

3. Turn-It-In

Given the above serious consequences, students are encouraged to use any available avenue to ensure that they do not fall foul of plagiarism. One such tool is Turn-It-In and students are encouraged to submit the draft research papers through Turn-It-In prior to submission. Please use the following link to access more information regarding turn-it-in submissions.

https://xerte.uct.ac.za/play.php?template_id=46#page1

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