

PhD in Law

Program Guidelines and Requirements

2016-2017

Below is an overview of the suggested course of study for doctoral students in law (Ph.D.). However, a student may have to follow a slightly different schedule depending on his or her research project and personal and professional demands. If that is the case, the student must first consult with his or her thesis supervisor and members of the thesis committee. The student must then submit a revised schedule approved by his or her thesis supervisor to the Assistant Dean of Graduate Studies Sochetra Nget. The Assistant Dean must approve the new schedule in consultation with the Vice-Dean of Graduate Studies (Sophie Thériault) and ensure that the student takes the necessary administrative actions to comply with the program's requirements (i.e. ensure that the student submits the required requests for an extension or modification of the time limit to the Faculty of Graduate and Postdoctoral Studies (FGPS)).

Students must take into consideration the following elements when establishing their schedule and course of study. Students must be registered full-time for the first 6 sessions (2 years) of the program. While students should complete all program requirements within 4 years, the maximum time permitted is 6 years.

When it is necessary to make changes to a student's course of study (i.e. request an extension) and once the schedule has been approved by the student's supervisor and the Vice Dean of Graduate Studies, the student must contact Geneviève Breton-Harper, Coordinator of Academic Services to ensure that all administrative requirements have been completed. The necessary forms and instructions on how to fill them out can be found on the FGPS website in the "Forms" section.

A student who must change his or her status (from full-time to part-time), request a leave of absence or make any other administrative request must also contact Geneviève Breton-Harper and complete the appropriate forms found on the FGPS website.

Suggested course of study:

Session	Courses/Activities
Year 1	DCL 8330 – Legal Research Methodology and Theory (*only offered in the fall) DCL 9998 – Comprehensive Exam
Year 1	DCL 9998 – Comprehensive Exam 1 elective course (related to the thesis area) *Students may choose to register for an elective course either during the January Intensive session or the regular winter session (from February to April)
Year 1	<ul style="list-style-type: none"> • DCL 9998 – Comprehensive Examination
Year 2	<ul style="list-style-type: none"> • DCL 9998 – Comprehensive Examination
Year 3 & 4	<ul style="list-style-type: none"> • DCL 9997 – Thesis Proposal Examination
Year 3 & 4	<ul style="list-style-type: none"> • DCL 9999 – PhD Thesis

DCL 8330: Legal Research Methodology and Theory

This course provides an overview of important methodological and epistemological questions as well as methods used in legal research and writing. This course is compulsory for all PhD in Law students.

Elective Courses

Students are required to complete one elective course as part of their PhD program. The elective course is chosen from the bank of graduate courses offered at the Faculty of Law or, where appropriate, another faculty at the University of Ottawa. The course must be relevant to the student's doctoral research and should be approved by the student's supervisor in consultation with the Assistant Dean of Graduate Studies.

DCL 9998: Comprehensive Exam

The comprehensive exam course is a directed readings activity intended to provide the student with an opportunity to read and master materials tailored to his or her particular area of study, taking into account his or her previous training.

The student will complete this course under the direction of a thesis committee composed of his or her supervisor and one or two other faculty members. By the end of the student's third or fourth session in the program, he or she is generally expected to have completed all readings and will be evaluated.

a) Setting up a committee:

The student's supervisor is responsible for approaching one or two colleagues (whether from the Faculty of Law, other faculties on campus or from other Universities) to serve on the thesis committee that participates in and evaluates DCL 9998. Members selected for the committee can serve as examiner's in the evaluation process of the final thesis if they are members of FGPS.

The Vice-Dean of Graduate Studies and the Assistant Dean of Graduate Studies in Law are available to respond to questions about whether a proposed committee would be suitable and may be able to suggest possible committee members based on who expressed interest in a student's topic during the admission process.

Supervisors are encouraged to have the committee established prior to the student's arrival or soon thereafter so that a reading list may be prepared in time for the student to make significant progress during his or her first session of registration.

b) Preparing the reading list:

Once the committee has been established, its members should begin working with the student to design a list of readings. The premise is that the readings assigned to the student will be works with which he or she is not familiar or, if familiar to the student,

be works that require substantial additional study beyond what the student may have already done in connection with them.

The reading list can be organized in different ways and should be left to the discretion of the thesis committee subject to the approval of the Vice-Dean of Graduate Studies.

Nevertheless, here are some examples of how the list could be prepared:

The student may complete readings in one single area related to the candidate's thesis proposal under the supervision of his or her committee members. Each committee member would then supervise the part of the reading list with which he or she is the most familiar.

Alternatively, the list may be organized around two or three "fields" chosen with reference to the candidate's thesis proposal.

Fields may be substantive or methodological or both. Examples of fields include:

- The effectiveness of law
- A comparison of labour law
- Classical theories on punishment
- Critical theories of international law
- Legal ethnology
- Epistemological and ethical aspects of research on Aboriginal subjects
- Feminist theories of law
- The concept of prevention in international law
- etc.

Despite the fact that this might not be appropriate for every course of study and despite the fact that this is not mandatory, we encourage students to include one interdisciplinary field in their reading list, a field that seeks to combine study of the law with insights from a discipline other than law (such as economics, history, criminology, sociology, philosophy, political science, population health, and so on).

As an indicator, each field should include around 1000-1500 pages up to a maximum of 3500 pages. The total number of pages if readings relate to one single field should be around 3000 with a maximum of 3500 pages.

c) **Submitting the reading list:**

The student must submit a **preliminary list** with full bibliographical references (electronic version) to the Graduate Studies in Law office (etudgrad@uottawa.ca) no later than **the end of the student's first semester**. The preliminary list should contain a sufficient number of readings to allow for suitable progress pending the submission of a final list. This being said, this could mean that the student has yet to submit the name of one of his or her committee members or that some readings are missing under one field or another. The reading list should be accompanied by the form *A Confirmation of Thesis Committee and Reading List –DCL 9998* (hard copy) available on the Graduate Studies in Law website under the "Current Students" section.

We understand that the list may be modified as the student progresses in his or her reading and develops new ideas and interests. However, it is important to have a final list of readings that the student and committee members agree will be the basis of evaluation. This **final list** should be submitted, electronically, to the Graduate Studies in Law office no later than the **end of the student's second semester**.

Exceptionally, should there be any additional changes to the list after this deadline, they will only be accepted provided the changes are made at least **one month** before the date scheduled for the student's written comprehensive exam.

d) **Completing the readings:**

The student must meet with each member of his or her thesis committee **at least twice** during the directed readings period to discuss the readings.

Within this context, committee members and students are free to establish their own approach based on their needs and availability.

For example, these meetings could take place once a semester for each field and thesis committee member or on a schedule agreed to by the student and committee members. The student might elect, for example, to do the readings in a specific field during the first semester and those in another field in the second semester depending on the availability of each of the committee members. The members of a thesis committee might also elect to meet as a group with the student to discuss a series of readings. Finally, if a member is overseeing several students working in the same field and with similar reading lists, he or she might decide to hold a group meeting to discuss the readings with all of these students.

These meetings can have several formats. For example, one member might ask the student to provide a brief summary (1 to 2 pages) of the readings completed and the key issues they raise before each meeting in order to provide a framework for the discussions and to facilitate the task of the thesis committee member. Another approach might be to submit a series of questions on the readings to the student prior to the meeting and then to discuss the questions during the meeting.

e) **Evaluating the student:**

The thesis committee (led by the supervisor) has the freedom to determine the content and format of the two examinations related to the comprehensive examination. In preparing these evaluations, the student's supervisor should however consult with the Vice-Dean of Graduate Studies. In addition, the student's supervisor must inform the Academic Services Coordinator (Geneviève Breton-Harper) of the deadline for submitting the written exam in an email.

Written Examination

The first evaluation of the comprehensive exam activity is a **written** examination for which a grade of satisfactory/not satisfactory will be assigned. The student must pass the written examination before moving on to the second component of evaluation for DCL 9998, the oral examination.

The suggested format is a take-home style exam of one to two weeks duration for which each committee member would contribute a question and subsequently evaluate the student's answers. Alternatively, the Committee could agree on one single question, the student's answer then being assessed by all members. The target length of the written answer(s) should be approximately 30 pages (double-spaced) in total.

When the committee and the student are ready to proceed with the exam, the supervisor should inform the Graduate Studies Office (Geneviève Breton-Harper and the Assistant Dean of Graduate Studies) of the date of the exam. The supervisor should then arrange for the student to receive the exam questions. Once the student has completed the exam, he or she should submit one hard copy or electronic version if preferable to

each member of the thesis committee for evaluation and one electronic copy to the Graduate Studies office (etudgrad@uottawa.ca).

Once the committee has reviewed the exam, they should submit one copy of Form B *DCL 9998(Comprehensive Examination) – Written Examination Evaluation Report* and multiple copies of Form C *DCL9998 (Comprehensive Examination) – Written Examination Comments* available on the Graduate Studies in Law website under the “Current Students” section. All members must sign Form B, indicating their agreement with the final grade assigned to the student. Each evaluator (supervisor and committee members) is to complete an individual comment sheet (Form C). According to the suggested schedule for the Ph.D. in Law program, these forms should be submitted to the Graduate Studies in Law office (Geneviève Breton-Harper) by the end of the student’s third session of registration. The Graduate Studies in Law Office will send a copy of the comments to the student. These forms should be submitted to the Graduate Studies Law office at least one week prior to the oral examination, to allow the student to prepare.

If a majority of the members of the thesis committee consider the work to be “not satisfactory”, the Vice-Dean of Graduate Studies will meet with all of the committee members. The committee members and the Vice-Dean of Graduate Studies will then decide whether or not it is appropriate to allow the student to continue in the program and to take a supplemental examination. If a supplemental examination is offered, the members and thesis supervisor agree on what modifications the student must make.

Oral Examination

The Oral Examination is a second evaluation of the student’s mastery of the list of readings prepared for DCL 9998. This second evaluation is an oral examination of approximately 1 hour to 1h½ in length. It is an opportunity for all of the committee members to ask further questions that go beyond the written examination and/or to examine connections between the works and the student’s project. **The student must have all comments from the written examination from the committee before proceeding to the oral examination.**

The oral examination is to be held on a date chosen by all committee members and may take place in the supervisor’s office. The location and time of the exam are to be organized by the supervisor. Once established, we ask that the supervisor inform the Academic Services Coordinator (Geneviève Breton-Harper) of the date and time of the oral examination in an email.

The oral examination is generally not open to the public. The student will be assigned a grade of satisfactory or not satisfactory for DCL 9998.

Once the oral examination is completed, the Committee should submit one copy of Form D *DCL 9998 (Comprehensive Examination) – Oral Examination Evaluation Report*. All members must sign Form D, indicating their agreement with the final grade assigned to the student. This form should be submitted by the relevant deadline for submitting grades, depending on the session in which the oral examination takes place. According to the suggested schedule, the oral exam should take place in the student’s fourth session of registration.

If a majority of the members of the thesis committee consider the oral examination to be “not satisfactory”, the Vice-Dean of Graduate Studies will meet with all of the committee members. The committee members and the Vice-Dean of Graduate Studies will then decide whether or not it is appropriate to allow the student to continue in the program and to take a supplemental examination. If a supplemental examination is offered, the members and thesis supervisor agree on what modifications the student must make.

DCL 9997: Thesis Proposal Examination

After completing all other degree requirements, the student must present, in writing and orally, his or her thesis proposal.

The thesis proposal consists of the following:

- a) the title;
- b) the research topic;
- c) the summary framework (or outline);
- d) the research question or questions;
- e) an overview of the theoretical context surrounding the research questions;
- f) an overview of the main argument to be developed;
- g) the importance and originality of the research;
- h) the methodology used (if the student’s research project “involves human subjects” and therefore requires the approval of the Office of Research Ethics (<http://www.research.uottawa.ca/ethics/index.html>), the student should mention whether this approval was sought or when it will be);
- i) a timeline for the accomplishment of the different stages of the thesis including ethics approval where applicable;
- j) and a relevant bibliography.

The thesis proposal consists of 20 to 25 pages double spaced (excluding the bibliography).

In most cases, the student must submit one hard copy (or electronic version if preferable) of the thesis proposal to each member of the thesis committee and one electronic copy to the Graduate Studies office (Geneviève Breton-Harper).

The thesis supervisor and committee members read and approve the thesis proposal. The committee members may make any comments they deem appropriate and may suggest any revisions to the thesis proposal. No evaluations need to be handed in at this point. All communication is between the student and the thesis committee.

When all the members of the committee are satisfied with the proposal and deem the student ready, the student will be asked to proceed with an oral defence. If one or more of the committee members express serious concerns about the proposal, the Vice-Dean of Graduate Studies will bring all members together to discuss the modifications that need to be made by the student before proceeding to his or her defence of the proposal.

The oral defence of the thesis proposal is a public event dedicated to the promotion of the student’s research. It provides an opportunity for the student to present his or her

project and to receive important comments and suggestions from his or her peers, Faculty members and, where applicable or desired, some external advisors who will be invited to the defence.

The thesis proposal defence is organized by Graduate Studies and will be posted. As such, we ask that the supervisor please communicate via e-mail with Geneviève Breton-Harper as soon as the student is ready to proceed to the defence. The Graduate Studies office will then organize a location and date for the defence.

The thesis supervisor chairs the oral defence presentation and the members of the thesis committee are present.

At the oral defence the student begins by describing his or her proposal for about 30 minutes. This is followed by a period of questions and discussion with the people in attendance. Documents may be distributed prior to the presentation.

Once the oral defence is completed, the Committee should submit one copy of Form F *DCL 9997 (Thesis Proposal) – Thesis Proposal Evaluation Report*. All members must sign Form F, indicating their agreement with the final grade assigned to the student. This form should be submitted by the relevant deadline for submitting grades, depending on the session in which the thesis proposal defence takes place. According to the suggested schedule, the thesis proposal defence should take place in the student's fifth or sixth session of registration. The Graduate Studies in Law Office will send a copy of the comments to the student.

If a majority of the members of the thesis committee consider the oral defence to be not satisfactory, the Vice-Dean of Graduate Studies will meet with all of the committee members. The committee members and the Vice-Dean of Graduate Studies program will then decide whether or not it is appropriate to allow the student to continue in the program and to take a supplemental examination. If a supplemental examination is offered, the members and thesis supervisor agree on what modifications the student must make.

DCL 9999: PhD Thesis

After the successful completion of the *Thesis Proposal Examination*, students must register for the *PhD Thesis* and must remain registered for this activity until the thesis has been submitted. Students and supervisors should be familiar with Section G of the FGPS General Regulations published on their website:

<http://www.grad.uottawa.ca/Default.aspx?tabid=1807&monControl=Theses>

In addition, the FGPS has prepared an extensive "Guide for Doctoral Thesis" also published on their website:

<http://www.grad.uottawa.ca/Default.aspx?tabid=1373>

Outlined below are the key administrative processes involved in the *PhD Thesis*, each of which is also discussed in the aforementioned FGPS resources.

a) **Registration of thesis topic and appointment of supervisor:**

By the end of the third session of registration in the program, students must submit a form that confirms the name of his or her supervisor and the proposed title of his or her thesis. The form should be submitted to the Graduate Studies in Law office and will then be forwarded to the FGPS. Please note that the same form must be re-submitted should a student change supervisors. The form is available on the FGPS website under the "Forms" section.

<http://www.grad.uottawa.ca/LinkClick.aspx?fileticket=0%2baildeW2B0%3d&tabid=1338>

b) **Annual Progress Reports:**

Beginning in the second year of registration in the PhD program, students will receive an email notification from the FGPS advising them to complete an Annual Progress Report form. This form must be reviewed and accepted first by the supervisor and then by the Vice-Dean of Graduate Studies before it is submitted to the FGPS. **These reports provide documentation of the student's progress in their research, both in terms of achievements and future objectives. It is important that they represent an honest conversation between the student and the supervisor, in order to help identify and address any issues crucial to a student's successful completion of the PhD program.** The reports are kept in the student's file at the Graduate Studies in Law office and at the FGPS.

c) **Submission and Evaluation:**

When the student is nearing completion of his or her thesis, he or she should be mindful of important dates including his or her program deadline; the date by which a thesis can be submitted without having to register for the following session; and, if the student does register for the following session, the date by which the thesis must be submitted in order to receive a 100% reimbursement if they are eligible.

The thesis is evaluated by at least 4 examiners (3 internal and 1 external). **In order to help us find examiners ahead of time and to speed up the evaluation process, it is recommended that the student send an email to the Academic Services Coordinator (etudgrad@uottawa.ca) at least one month before the submission of the thesis that includes the title of the thesis; the abstract; and the length of the thesis (number of pages).** The members of the student's committee can be nominated as internal examiners for the student's thesis provided they are members of FGPS. Please note the external examiner nominated cannot have been in contact with the student's thesis.

Feedback on the thesis is essential to the process. Students must allow enough time for 1) the supervisor to thoroughly evaluate the final draft of the thesis and 2) the student to then implement any suggested changes before final submission of the completed thesis. Supervisors shall provide feedback in a timely manner and at least 3 weeks before the deadline for the thesis to be submitted. Students shall submit the final draft of the thesis to the supervisor at least 6 weeks before the deadline for submitting the completed thesis.

When the thesis is deemed ready for evaluation by the student and the supervisor, the student must submit three copies (to be distributed to examiners) to the Graduate Studies in Law office. The original and one copy must be submitted to FGPS. The student

must also submit the form *Statement of Thesis Supervisor* duly signed by the supervisor. This form is found on the FGPS website:

<http://www.grad.uottawa.ca/LinkClick.aspx?fileticket=m42lypc8n5Y%3d&tabid=2275>

A minimum of three months is required between the date of submission and the date of the thesis defence. FGPS will be organizing the defence.

Thesis by article:

A doctoral thesis in law will usually be written in a monograph style. In certain exceptional cases, while conforming to the outlined regulations in attachment, and with the written authorisation of all committee members as well as the Vice Dean of Graduate studies in Law, the thesis can be written by articles.

Faculty of Law Doctoral Thesis by Articles: Guidelines

The FGPS Guidelines state that “A doctoral thesis must constitute a significant contribution to knowledge, embody the results of original investigation and analysis of the part of the student and be of such quality as to merit publication”. The thesis must make a significant contribution to the field of law.

A doctoral thesis in law will normally be in the monograph format. With prior written permission **of all members of** the thesis committee and the Vice Dean of Graduate Studies in Law, in **exceptional** cases the thesis may be in the form of a portfolio thesis. This is a thesis composed of articles accepted for publication in scholarly journals, which meets the requirements of the FGPS Guidelines (see s. 6.2 of Preparing a Thesis or a Research Paper at the University of Ottawa (Sept 2012) and for thesis by articles and the Faculty of Law’s more specific Guidelines for doctorates in law. The student must comply with and complete all other requirements of the PhD in law program. These guidelines apply only to the thesis requirement of the PhD in law program.

Eligibility and Permission

Any student in the doctoral program in law may seek permission to complete their degree by portfolio thesis instead of a traditional monograph. Regardless of the format of the thesis, all students are encouraged to publish their scholarship as they progress through their degree.

The student must apply for permission to complete their thesis in the form of a portfolio thesis. Written permission must be received from all members of the thesis committee and the Vice Dean of Graduate Studies in Law no later than the Thesis Proposal Examination.

Requirements

Publication

1. The articles must be accepted for publication in peer-reviewed scholarly law journals or as peer-reviewed chapters in books. (Articles in non peer-reviewed by well-regarded student run law journals, such as top tiered journals in the US, may also be found to be acceptable by the thesis committee). Where the work is multi-disciplinary, journals in related disciplines may also be found acceptable. The thesis committee will decide which journals are acceptable and appropriate for the doctoral thesis in question.

2. Peer-review of the published articles does not replace the judgment of the thesis evaluation committee. The thesis evaluation committee makes the ultimate determination of whether the portfolio thesis meets the standard and requirements of a doctoral degree in law in terms of originality, depth and coherence. The thesis committee may require revisions to any portion(s) of the portfolio thesis (even if one or more of the articles themselves are accepted for publication or published and cannot themselves be changed).

Length and Contents

3. There is no prescribed length for a single article or book chapter, however the overall Portfolio of work must represent a body of work equivalent to the standard and requirements of a monograph in law.
4. A Portfolio Thesis must include:
 - a. an introductory chapter which includes a thesis statement, a literature review, the theoretical foundation of the work and a statement of research methodology, and may contain other elements appropriate to the project;
 - b. a minimum of three research articles; and
 - c. a synthesis and conclusion which links and integrates the material addressed in the articles and provides a global summary and analysis.

Originality, Co-authorship

5. Originality: As required by the FGPS Guidelines, “all articles must have been prepared while the student was enrolled in the program of study for which the thesis is being written. Articles completed in a previous course or program may not be included among the articles in the thesis.”
6. Contributions of collaborators: The norm is for the student to be the sole author of all work in the portfolio thesis. In exceptional cases, for example in multidisciplinary work, the committee has the discretion to accept co-authored work, however the student must be the first or principal author and must have contributed a minimum of 2/3 of the content and writing of each article.