Tutorial Letter 301/4/2021

General information and referencing guide for all students in the School of Law

LLBALLF

College of Law

School of Law

This tutorial letter contains important information about the School of Law and your law studies.

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Dear Student

1 INTRODUCTION

1.1 A word of welcome from the School of Law

It gives us pleasure to welcome you as a new or as an existing student in the School of Law (School), under the College of Law (CLAW). We are pleased that you have chosen law as a field of study. Law graduates play a vital role and contribute significantly to our society in various ways. We hope that your study experience will be pleasant and stimulating, and that you will successfully complete your studies.

This tutorial letter contains important information that will assist you in your studies in the School. Please read it carefully and refer to it when working through the study material, preparing the assignment(s), preparing for the examination, and addressing questions to your lecturers.

At the outset it is very important to remind you that **you must read all the tutorial letters** you receive during the semester **immediately and carefully. The information they contain is always important and may well be urgent.** They often contain additional study material or information about recent developments in the law that is prescribed for the examination. They also provide general feedback on the assignments and comments on the examination.

Enjoy your studies. I wish you all the best!

Director
School of Law

1.2 Purpose of tutorial letter 301

This tutorial letter contains important information that will assist you in your law studies and the style of referencing prescribed in the School. It should be read with the STUDY@UNISA brochure; this brochure is available on myUnisa: www.unisa.ac.za/brochures/studies. It outlines a few study skills that will enable you to become more independent as a student and answers some of the common questions asked by students. It sets out various study techniques and guidelines. It is important to familiarise yourself with its contents before embarking on your studies in the various modules offered by the different departments. It also contains the reference or citation guide prescribed in the School, which you are expected to apply in all your modules to avoid plagiarism.

2 ORIENTATION TO OPEN DISTANCE LEARNING (ODL)

2.1 The nature of ODL

Unisa is a provider of quality distance education programmes and one of its main objectives is to be a leading Open and Distance Learning institution. The Open Distance eLearning Policy defines "open distance learning" as:

> a multi-dimensional concept aimed at bridging the time, geographical, economic, social, educational and communication distance between student and institution, student and academics, student and courseware and student and peers. Open distance learning focuses on removing barriers to access learning, flexibility of learning provision, student-centredness, supporting students and constructing learning programmes with the expectation that students can succeed.[1]

Several crucial components are necessary to define open distance learning at Unisa and to implement the policy. These components are the following:

- open learning
- courses and curriculum
- learning material and resources
- student support
- communication
- student and staff management systems

2.1.1 Open learning

Open learning consists of two components, namely open access and open learning. The term "open access" implies a lack of formal entry requirements, open admissions and no entrance examinations. It suggests policies and practices that permit entry to learning with no or the minimum of barriers with respect to age, gender or time constraints and with recognition of prior learning. Open learning is an approach to learning that gives students flexibility and choice in what, when, where, at what pace, and how they learn.

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1 'Unisa Open Distance eLearning Policy'

<https://staff.unisa.ac.za/static/intranet/Content/Policies/Teaching,%20Learning%20Community%20Engagement%20and%20Student%20Support/Documents/Policy%20-%20Open%20Distance%20e-Learning%20-%20rev%20appr%20Exco%20of%20Council%20-%2010.12.2018.pdf> accessed 26 August 2020.

2.1.2 Courses and curriculum

It must be noted that although open distance learning is not necessarily inexpensive, the fact that open distance learning may lower the cost of education is seen as one of its advantages. In the South African context, it is also a specific policy objective, namely to provide access to previously disadvantaged communities. In that sense, there is an imperative to provide affordable courses, and curricula and economies of scale play an important role in achieving it.

2.1.3 Learning material and resources

Learning material, also referred to as study material or tutorial matter, is an essential component in all open distance learning systems. It is the clearest manifestation of developing **ODL pedagogy** and is the single most important element in ensuring the successful roll-out of ODL. Comprehensive, well-designed materials stimulate self-directed learning and impact on the quality of the system as a whole. The design, development and production of materials are, therefore, extremely important in an open distance learning system.

2.1.4 Student support

Providing student support is one of the most critical aspects in becoming an ODL institution. It is the differentiating factor between a correspondence institution and a modern ODL institution. Student support may be defined as some kind of direct interaction between the learner and teacher or mentor/facilitator. Historically interaction was face to face (e.g. group discussion classes) but in a technologically driven world interaction will increasingly be by means of electronic communication (e.g. e-tutors).

2.1.5 Communication

In an ODL institution, a clear strategy is required to facilitate communication between students and the institution (academic and support staff). Communication provides a way to deliver learning materials and resources and enables academics and students to interact. An ODL institution can, therefore, not function without a fully functioning learning management system.

2.1.6 Student and staff management systems

In an ODL context, the academic support systems must be well defined to ensure that learning is effective. Learning takes place at a distance and without effective management systems, delivery

becomes ineffective and the academic process is compromised. The academic support systems include, for example, admission and assessment systems.

2.2 A shift towards an ODeL model

The ODeL model sees a complete shift to open, distance and, ultimately, e-learning at Unisa with corresponding implications for all operations and support systems. This model transforms the entire institution's transactional environment with external and internal stakeholders so that all aspects of that environment are fully digitised and thus underpinned by robust, effective, and integrated ICT applications.

The model does not mean that Unisa will become a fully online University because face-to-face interactions, experiential learning and practical modules associated with distance education will still be offered. Thus, the *e* in ODeL means an increased use of the affordances of ICTs, but not a wholesale e-learning approach for all courses at all levels in all colleges.

Unisa will offer continuous support to undergraduate and postgraduate students through a menu of high-quality technology-enhanced services (including tutorial and e-learning support services) to improve student success and throughput.

You might have been given access to the University because of its open nature. In some cases, this may mean that you do not have the necessary skills to cope at a residential university because you have been, for example, out of the education system for a long time. But these skills can be developed and an ODL context is perfectly suited for this type of development. It also means that you will rely on a variety of sources to ensure successful completion of your chosen study path. Now that you are registered, you will have access to resources that will help you to make a success of your studies such as study guides, assignments, the library, lecturers, tutors, literacy centres, counsellors to assist with study skills, peer groups, the online learning management system *myUnisa*, and so on. These resources support an ODL environment and aim to lessen the distance between student and university.

Distance education provides an independent study package for all modules. Many people are not used to studying completely in isolation from the institution, their lecturers, and fellow students. Many distance education students feel isolated in the learning experience and, unfortunately, many do not complete their studies. With the use of the *myUnisa* platform there is, however, no longer a disconnect between the institution, the student, the lecturer, and peers. Consult the STUDY@UNISA brochure for the specifics of *myUnisa* and ensure that you use it to support your learning experience at Unisa. The CLAW staff rely heavily on this platform to interact with their students and in a technologically advanced world distance is no longer a barrier to quality learning and teaching. In our experience (and statistical data proves it) students who regularly interact on *myUnisa* achieve much higher results than those who do not.

2.3 First-year experience programme @ Unisa

Unisa's first-year experience (FYE) initiative is designed to provide extended support to students entering Unisa and an Open Distance e-Learning (ODeL) environment for the first time by increasing communication between the institution and its students, and by also providing important information during crucial points in the students' journey. FYE is a collective effort to help first-year students to adapt to the ODeL environment. Through the FYE students will be provided with on-time and helpful information about the services that the institution offers and how they can access the services.

2.3.1 FYE initiatives:

- FYE emails – are a tool to help first-year students to stay focused, and motivated.
- FYE broadcasts – various topics related to first-year studies are broadcasted with academic and support staff from different colleges and departments.
- FYE mailbox – to help assist students with queries related to their first year of study.
- FYE website – to help bridge the gap between students and the institution.
- FYE MOOC – to help prepare, orientate, and familiarise students with the Unisa environment.

Visit our website:

www.unisa.ac.za/FYE

Participate in the FYE MOOC:

mooc.unisa.ac.za

Contact us:

fye@unisa.ac.za

3 WHAT THE SCHOOL OF LAW EXPECTS OF YOU

In the CLAW we expect students who register for law studies to:

- learn from predominantly written material

- communicate what they have learnt comprehensibly in the medium of instruction
- with guided support, take responsibility for their own progress
- identify and understand the role of the law in everyday life
- think critically and analytically within a contextual framework
- solve complex legal problems
- engage with legal text
- enter a career in law based on their academic knowledge and skills
- advance legal scholarship in a regional and global context
- act responsibly in their chosen career
- contribute to the realisation of a just society based on a legal democracy

We also expect students to plan, monitor (including adapt) and evaluate their learning and their strategies. Asking questions is one way of taking control of your own learning.

Planning: What do I already know that will help me to do this activity? What should I do first? How much time do I have and how much time do I need to learn this? What resources do I have and where can I go for help?
Doing: What steps do I need to take to implement my planning? What resources do I need to effectively implement my planning strategies to achieve my goals?
Monitoring: Am I on the right track? How am I doing in respect of time? Do I need to speed up? Do I need to slow down? Do I need to (re)prioritise? What must I do if I don't understand? How can I revise my plan if it isn't working?
Evaluating and amending: What could I have done differently? How well did I do? What did I learn that I could use in other tasks? How long did this take me? Could I have done it in less time? How?

We strongly recommend that you visit the online platform for Counselling and Career Development, which can be found on the Unisa corporate website (http://www.unisa.ac.za/sites/corporate/default/About/Service-departments/Counselling-and-CareerDevelopment), if you wish to develop your skills on these aspects.

4 LEARNING STRATEGIES

You will encounter learning strategies in the module: Skills Course for Law Students (SCL1501). This section of the tutorial letter will provide those of you who have not yet completed SCL1501 with generic guidelines for allocating your time and for planning and goal setting by using effective learning strategies and approaches to assignments:

4.1 Allocating your time

Students often register for more modules than they can handle. Each module in the School of Law requires 120 hours of study, spread across different activities in that module. For a semester of twelve to fifteen weeks you must have about eight to ten hours a week available for each module for which you are registered. The more accurate your calculation of your available time, the more realistic you can be about the number of modules you can register for in a semester. Please remember that Unisa permits only five modules per semester.

Calculate the number of hours in a week you have already committed to the following activities: sleeping, household chores, employment, travelling, errands, socialising, and so on. Subtract the number of hours you have already committed from the potential 168 hours available in one week. Divide the total by ten. Now you can estimate the maximum number of modules that you could take in a semester if you consider that you need 120 hours per module in a semester of twelve to fifteen weeks. One of the biggest dangers of distance education is that a crisis such as a sudden illness, can throw you off track. If such a crisis occurs, be flexible and recalculate your time so that you can catch up. This is easier to do if you were on track before the crisis. Consult your lecturer for advice immediately if you fall behind. Once you have estimated your time, set short and long-term goals to ensure that you manage your work efficiently.

4.2 Reading for understanding

You need to read your study packages so that you can navigate your way around them successfully. Check the title of every document you receive in the study package for each module. This tutorial letter and Tutorial Letter 101 for all modules in CLAW contains important information and instructions. Your study guide is also important. Start with the table of contents which gives the high-level headings and will orientate you to the scope and content of the module.

Students have different reading speeds and abilities. You need to develop your reading skills until you can read about 250 words a minute to manage the reading load for each module. You can easily establish your current reading speed by taking a textbook or study guide and getting someone to time you for a minute while you read. Then count how many words you have read in that minute.

One way to read more efficiently is to skim the text first by reading only high-level headings, the first sentence of every paragraph and looking at diagrams to get overall general sense of the content. You can write a summary based on this strategy. Once you have the big picture or main ideas, you will understand the detail more easily. Other effective reading strategies are to self-question, re-read, paraphrase to understand, link to prior knowledge, look for topic sentences, make outlines and draw diagrams, form study groups, and flag to ask a lecturer.

4.3 Making your own glossary

A glossary is like a dictionary: it gives you the meaning of a word or phrase. You should start to compile an alphabetical list of new terms that are explained in the study guide or textbook and add examples to make the meaning even clearer. You might even wish to write an explanation in your own language if you use English as an additional language. This is very important because each sub-field of law has its own jargon.

4.4 Re-using effective learning strategies

Some learning strategies work and add to your success; others make you feel that you will never understand the work and, therefore, you memorise and reproduce information. But memorisation itself is also a learning strategy. If memorisation is your main strategy and you keep failing, you need to realise that it does not work. If compiling your own glossary helps you to learn, use it in all your modules. If skimming helps you to learn more successfully, use it on all your texts. Keep a note of strategies that work for you so that you can re-use them directly or in an adapted format.

5 ASSIGNMENTS

5.1 The value of assignments

The importance of assignments cannot be over-emphasised. Assignments, like the activities in the study guide, form an extremely important part of the learning in a module. Assignments are important since they allow you to determine the standard that CLAW sets for its students and the quality of work it expects. Comments on assignments are usually detailed. If you read these comments and relate them to what you wrote in your assignment, you will benefit when you revise work for examination purposes. Assignments also prepare you for the examinations by giving you a chance to practise for final assessment.

Assignments and examinations have different purposes. An assignment helps you to learn and it often focuses on only one or two outcomes whereas an examination tests your mastery of all the learning outcomes for the module. Your assignments also contribute to examination admission and your year mark. Each module has different exam/assignment weightings and different methods of formative assessment. Consult Tutorial Letter 101 for each of your modules to ensure that you comply with its specific requirements.

The purposes of the assignments (and the activities in the study guide, online discussion forums, etc.) are as follows:

i. We want you to engage actively and learn through doing and receiving feedback.
ii. We want to motivate you to work through all the study material and achieve all the outcomes.

iii. You need to learn the reading and writing skills expected of a future professional.
iv. We want you to practise synthesising from various sources; that is, combining different ideas and arguments in a single answer.
v. You need to practise gathering material and presenting ideas/arguments in a logical, ordered fashion using convincing arguments (merely copying the study material is not acceptable).
vi. You need to learn to use assessment criteria and feedback on assignments to increase your ability to self-assess. When you enter the world of work, you will have to evaluate your own arguments and submissions and you should, therefore, acquire this skill as soon as possible.

In the School of Law, we require you to present and structure your essay type assignments according to a logical method. This tutorial letter helps you to do this correctly. It should, however, be studied in conjunction with Tutorial Letter 101 for each module which you have registered for during this academic period.

Your assignment answers must satisfy certain requirements for scientific and academic writing. It is, therefore, important that you read this tutorial letter before attempting to write an assignment answer. As you progress with your studies, you will have to become increasingly meticulous in the application of the scientific method for writing assignments. Please note that you will be penalised if your assignment answers do not comply with these requirements. Read this tutorial letter again when you receive a marked assignment from us so that you can understand the lecturer's comments better.

5.2 Read the assignment

It is very important that you read the assignment carefully and make sure that you understand what is required. The wording, instructions, assessment criteria and guidelines of the assignment convey crucial information regarding the assignment. Read it several times so that you do not misinterpret it. Look up any unfamiliar words in a dictionary. Important subject terms are defined in your study guide and prescribed textbook and it is important to consult these as well.

5.2.1 Find the keywords

What is the function of a key? It helps you to unlock and open a door. Similarly, a keyword helps you to open ideas. Therefore, the next step is to identify exactly what the subject is and what aspects of this subject are covered by the assignment topic. To do this, you must find the keywords in the assignment topic. They enable you to understand what the assignment wants you to do.

Keywords can provide you with more information on the topic. The reason why you should identify keywords is that they guide you when you read about the topic and gather information on the central theme. However, the fact that you have identified keywords does not mean that you should look at each word separately and say something about each in your assignment answer.

The question words in assignments indicate the kind of answer that is required. The following are examples of question words that are usually found in assignments. These words enable you to decide on the focus of the assignment.

Based on the list below, use the question words in the assignment to understand what you are expected to do:

- **Enumerate** Mention items or points one by one. No detail is required, and the result of an enumeration is a list of things or aspects.
- **Indicate** State briefly, in broad outline, without detail. An indication gives the reader the gist of the matter.
- **Analyse** Divide into sections or elements and discuss in full**.**
- **Define** State the precise meaning of a term as you use it in your assignment answer. The definition should ensure that the term has only one meaning and that it cannot be confused with other terms. This often means that you will have to read several definitions before arriving at a substantiated decision on the precise meaning you will attach to the term in the relevant assignment**.**
- **Distinguish** Provide definitions but also indicate similarities and differences**.**
- **Describe** Give an account of the characteristics or properties of a matter in such a way that your reader can recognise it and not confuse it with anything else. A description tells you "what it is like". You can be asked for physical descriptions or descriptions of processes, for instance.
- **Explain** Write about the topic in such a way that the reader gains a better understanding of the important underlying facts. An explanation tells the reader "why a thing is the way it is".
- **Compare** Set out how things differ from one another and in what ways they are similar. A good comparison also says, "why it is so".
- **Discuss** This implies that there are various explanations of or opinions about the topic you have to discuss. You must state what these are and show how and why they may correspond or differ. "Discuss" often involves weighing up arguments for and against something.
- **Evaluate** Assess or determine the value of' something. This means that you should have criteria against which you can measure something, and the result should be the formulation of your **own informed opinion** of the matter. You may prove, disprove or suggest a modification of whatever you must evaluate. Evaluation usually implies comparison and should always be **substantiated,** that is, based on soundly formulated reasons.

- **Examine** Look at, observe, identify the problem or the characteristics, describe what you have observed, and then critically discuss a topic in terms of definite criteria or guidelines and possibly suggest solutions.
- **Offer comments** Give your own informed opinion on the matter which should be grounded in the knowledge base of your discipline or field of study.
- **Point out** Direct attention to, for instance, a premise by means of thorough logical reasoning, priorities within a field or discrepancies in an argument.
- **Summarise** Give the key aspects of a topic.
- **Illustrate** Give examples or draw a diagram to make a particular topic or subject clearer.
- **Interpret** Specific information is given and you have to say what it means in a particular context or according to certain criteria. Your explanation should be as practical as possible.
- **Criticise** Academic criticism looks at both good and bad characteristics. Identify these characteristics and give your opinion after considering all the facts, applying what you have learnt or after looking at given criteria. The instructions given with each assignment should make it quite clear what is required.

If you do not understand an assignment, contact your lecturer or tutor who will gladly help you to solve any problems you may have. However, do not do this until you have read extensively on the assignment topic because an assignment topic often becomes clearer once you have done some reading.

5.2.2 Compile a list of things to establish

After you have read the assignment, compile a list of things to establish. Ask yourself questions. This will help you to concentrate on the most relevant aspects of the topic and will ensure that you do not leave out important points.

5.2.3 Researching the assignment topic(s)

This section will guide on how to approach an assignment that requires research. It is important not ignore the primary instructions for the assignment in your Tutorial Letter 101 for the relevant module.

5.2.3.1 Study guide and prescribed textbook

Read the relevant sections in your study guide and prescribed textbook if one has been prescribed. This will give you a broad outline of the important aspects of the topic. Subject terms

with which you are unfamiliar will usually be defined in the study guide, prescribed textbook, and recommended sources.

5.2.3.2 Other recommended sources

Once you have a general idea of the topic, you should consult some of the other recommended sources if any are listed in Tutorial Letter 101 for the assignment topic. Use the tables of contents and indexes in books to find the relevant sections. A **table of contents** is at the beginning of the book and gives the headings and subheadings of each chapter. This will guide you as to which chapters are likely to be relevant. The **index** is at the back of the book and is an alphabetical list of topics with page numbers indicating where in the book each topic is discussed.

In order to understand the content and meaning of the text, bear the following in mind:

- Headings and sub-headings indicate what the text is about. These will help you to anticipate which aspects are dealt with in a section and to select the sections of a book or article that are relevant to your topic.
- Try to find the key sentence of each paragraph in order to identify the main points. (**Do not underline or write in library books**.) The key sentence open`s up the meaning of the rest of the paragraph. It is often but not always the first sentence of a paragraph. If you skim a text – that is, read only the first sentence of each paragraph – you should have a good idea of the broad outline of a source.

5.2.3.3 Selecting relevant information

Once you have decided that a source will be useful for an assignment, you can set about collecting the relevant information. This means you must select information that relates specifically to the assignment question(s). As you read, make notes on sheets of paper.

Bear in mind that the author of the book or article may not necessarily concentrate on your particular topic. S/he may include too much detail on matters that are not directly relevant to your requirements. When reading, you must select and write down only the information that is relevant to the assignment topic. This information will help you to substantiate (ie support) your point of view about the topic. Leave out all matters that do not contribute directly to the subject of your assignment.

5.2.3.4 How to make notes

Here are a few hints on how to make notes on the information obtained from literature:

Step 1: Put together all the information sources you have obtained for writing the assignment including the study guide, articles, case law and the prescribed textbook. First, read the relevant sections in the study guide, articles, case law and prescribed textbook and then the recommended works and any other sources that you may have obtained.

Step 2: Identify the aspects of the information that are relevant to the assignment topic(s) and note them down as follows:

- Use a separate sheet of paper for each aspect that you think should be considered. Write down a suitable heading for each particular issue at the top of each sheet.

Step 3: Draw **two** parallel margins on the left side of each sheet of paper to create two columns. Give these columns the following headings: "Source": for the column on the left, and "Page number" for the one next to it.

Step 4: Start making notes as you read your information sources. For instance, if you have a definition of research on page 4 of the recommended book, take the sheet of paper bearing the heading "Definitions: research". Write down "Recommended book" in the column on the left, and "4" in the column next to it. Then note down the essence of the definition that you have found in the book. If you have also found a definition for research on page 18 of an article, return to the sheet with the heading "Definitions: research". Write down the author(s) of the article in the left-hand column, and "18" in the one next to it. Write down the essence of the particular author's definition. Once you have completed your reading, the sheet with the heading "Definitions: research" may contain quite a number of definitions by various authors.

- Remember that if you copy a sentence or passage word for word from any information source, you must put it in quotation marks even when merely taking notes. (A sentence or passage which is copied word for word from a source is called a verbatim quotation.) More information on the proper citation and reference methods will be provided later in this tutorial letter.

Step 5: Once you have completed your note taking, look at the information noted down on all the sheets. Let us again take the sheet with the heading "Definitions: research" as an example. Study all the definitions you have gathered and see whether some differ from others. One author may, for instance, emphasise a particular point in his or her definition which is not mentioned by another or may offer a completely different definition. These points should be noted on the sheet of paper.

(If you indicate such differences in your assignment answer and use them as a basis for formulating your own definition, you show that you are capable of critical thinking which will earn you higher marks.) You will compile your assignment answer from these notes. It is therefore important that you write down the name of the source and the page numbers correctly.

5.2.3.5 Assessing sources

When you do your reading, do not automatically accept everything the author states as true. You must be alert to the difference between a fact and an opinion. A fact is a generally accepted truth, such as "Unisa was founded in 1873". An opinion is a deduction made by an individual author, for example, "Unisa is the best university". Facts are objective; opinions are subjective. Authors often view issues from different perspectives and, as a result, have different opinions. Do not let this confuse you. Refer to different sources and compare them. Decide which opinions are the best supported or the most logically argued and hence the most valid. You are not required to decide whether a viewpoint is right or wrong. It is more important that you notice these differences of opinion and point them out in your assignment answer. You might also need to choose a perspective most appropriate to a particular context.

If you agree with an author's specific viewpoint, you may say so in your assignment answer as long as you indicate that you have considered other interpretations and explain why you have accepted a particular point of view. If you include your own opinions, you must therefore substantiate (give reasons for) them. For example, it is not enough to say: "Censorship is bad". You must also state **why** you hold this viewpoint: "Censorship is bad because it violates one of the basic principles of information science, namely that information should be freely available to all".

5.2.3.6 Answering the assignment

You have now read the assignment carefully and understand what is required in your answer. You have also read various sources and made notes. Now you can begin to write your assignment answer. There are several stages to completing an essay type assignment:

- planning your assignment answer;
- writing an assignment answer.

(a) Planning your assignment answer

Before you start writing your assignment answer, you need to plan how you are going to turn your notes into a scientific and academic discussion. The following suggestions may help.

First:

- Read the assignment topic again to refresh your memory.
- Look at the headings, subheadings and other details you wrote in your notes and consider whether these will help you to compile an answer. If not, you need to return to your sources to find more information.

Second:

- Now you are ready to work out your rough plan. Write the heading "Introduction" at the top of a page, leave a few lines open, write the heading "Main discussion" and then leave most of the sheet empty. A few lines from the bottom of the page, write the heading "Conclusion".
- Every assignment answer consists of these three main sections: an introduction, a main discussion and a conclusion. You will now fill the spaces under these three main headings by transferring the ideas in your notes onto this planning sheet.
- Read through your notes carefully. Start placing headings and subheadings from your notes in a logical order.
- Write these headings in a logical order under the heading "Main discussion" on your planning sheet. (Only write the headings and subheadings, not your notes and references.)
- By arranging these headings in a logical order, you have worked out a framework according to which you will write the discussion part of the assignment.

Third:

- Consider whether these headings and subheadings are sufficient for and/or appropriate to a discussion of the assignment topic.

(b) Writing your assignment answer

You will now use your plan and your notes to write your assignment answer. Write down the number and topic of the assignment as they appear in Tutorial Letter 101 before starting with the introduction.

Introduction

Start the introduction with an interpretation of the topic (a short explanation **in your own words** of your understanding of the field of study of the assignment: that is, the task that must be executed). A mere repetition or paraphrase of the topic as it appears in **Tutorial Letter 101** would, therefore, provide no indication of **your own understanding** of the topic.
The reason why you must interpret the topic is to make sure that you understand exactly what you have to do so that while you gather information and make notes, you will be certain that you are concentrating on matters which are relevant to the topic.

A good interpretation:

- outlines the main field of study of the topic;
- focuses directly on the assignment topic.

The introduction could include a problem statement. The purpose of the problem statement is to

- put the topic in proper context;
- state what the central point of dispute is;
- indicate the steps to be followed in the investigation or discussion of the topic.

Main discussion

The main discussion forms the biggest part of your assignment answer. The problems that you have identified in the problem statement are discussed here. It is here that you will develop your main argument and give reasons for your answer. The main discussion of your assignment answer should be divided into sections according to the headings and subheadings that you have already identified in your rough plan. (Do not use "main discussion" as a heading in your essay.) For each main point you should have a heading and, if necessary, subheadings.

Headings and subheadings must be numbered. Use Arabic numbers (1, 2, 3, etc.) and decimal points for numbering subheadings (1.1, 1.2, etc.). Your discussion under each heading must be divided into paragraphs. A good paragraph

- deals with one main idea or topic, preferably stated in the first sentence;
- contains all the explanations, details and examples that support the main idea;
- shows how the information is linked to the assignment topic;
- does not contain irrelevant information and does not repeat information.

Do not copy word for word from your sources, although you may use short, fully referenced quotations within your essay ("short" being defined as between a phrase of two or three words

up to about three lines). Unless you use your own words, we cannot judge whether you have understood your sources. It is not possible to obtain a pass mark for an answer in which too much use has been made of passages copied from sources, even if the copied passages are correctly acknowledged by means of references. (How to acknowledge work consulted is explained later in this tutorial letter). A verbatim (word-for-word) quotation is only used when you want to emphasise a point that you have made in your assignment answer.

The quotation must then be enclosed between quotation marks. However, keep direct quotations to the minimum and always ensure that you acknowledge your source **even if you are not quoting from it directly**. If you quote the **title** of an information source in your text, you must underline the title in a written text and put it in italics in a computer-generated document.

Conclusion

The conclusion is the last paragraph of your essay. It should relate to the topic(s) of the assignment.

The main points of the assignment answer may be summarised here, but **no new information should be included in the conclusion**. Here you should also state the impressions you have gained and the conclusions you have arrived at on the strength of the preceding discussion.

A good conclusion

- summarises the main argument and content of your essay
- comments on the problem statement
- provides your own informed impressions or the outcomes of your research

From our experience:

Good assignment answers are ones which:

- are clear in what they say
- keep to the point and are well reasoned
- are organised into separate paragraphs
- apply the law appropriately to the facts or clearly demonstrate the application of the law to the facts
- have good evidence to back up assertions

Poorer answers typically contain some or all of the following faults. They:

- have no paragraph structure – ideas just run on in a continuous flow
- present ideas in an illogical order
- have a great deal of general theory with no specific information
- are cut and pasted without acknowledgement of the sources
- make numerous assertions without any evidence to support them

- are clearly written/typed in a hurry and are disorganised
- miss the point in question and waste a great deal of space on irrelevant material

5.2.3.7 Formal requirements

These are the formal requirements that apply to ALL typed assignments, and research papers. For the sake of brevity these are all referred to as documents. Refer to your specific module guide for word count specifications and other formal requirements.

1. The text of all documents must be typed in font type Arial and font size 12.

Footnotes must also be in Arial, but in font size 10.

2. The text of the document must be justified, in 1.5 spacing and with 12 pt after each paragraph.

3. Footnotes must be justified, in single spacing and with no spaces after each footnote. It must also have a "hanging indent" of 1 cm.

4. All margins must be set as “normal”.

5. All headings must be aligned left, in Arial font 12 pt and numbered numerically (i.e. 1,1.1, 1.1.1, etc.). Main headings are in bold, second-level headings in italics and thereafter in ordinary script. The title of the document must be centred and in ALL CAPS, and bold.

6. You are required to provide at least five (5) keywords.

7. In case you are required to include a bibliography. The bibliography must meet the requirements of the prescribed style of referencing.

8. In case you are required to include a title page; the title page must include the title of the research paper, your name and student number and the name of the supervisor. Please refer to your specific module guide for prescribed title pages.

5.2.4 Prescribed style of referencing

The School of Law uses the OSCOLA guide to citation (fourth edition) (https://www.law.ox.ac.uk/) together with *New Hart’s Rules: The Oxford Style Guide* (second edition 2014). When a style is prescribed, it does not intend to suggest that other styles are incorrect. It is, however, an endeavour to achieve a standardised typographical style and consistent language choices. The

main objective is to make it easier for authors, researchers and all those who publish, to know what choices to make in the myriad of existing options.

The most important way to ensure that your work passes the test of academic integrity is to indicate where you found your information. This shows that what you say is not your own idea and that you read it somewhere. Conversely, anything without a reference is regarded as a claim that this is your own idea. Therefore, if you make a statement that is not your own idea and do not give any reference, you commit plagiarism. That is why it is so important to get this right! It is technically the most challenging part of your studies and it is important that you adhere to the rules set out below.

5.2.4.1 Oxford University Standard for the Citation of Legal Authorities (OSCOLA)

The Oxford University Standard for Citation of Legal Authorities (OSCOLA) is designed to help the author to achieve consistency and to make life easier for the reader.

As far as possible, the guidelines in OSCOLA are based on common practice, but with a minimum of punctuation. When citing materials not mentioned in OSCOLA, use the general principles in OSCOLA as a guide, and ensure to maintain consistency.

The style guide focuses on two major aspects:

1) Guidelines for technical preparation;

2) Citation guidelines.

Proofing language must be set as UK English (colour—not color; organise; organisation; organising—not -ize).

- Do not type double spaces anywhere; between words, at the end of sentences or after colons.
- Type hard spaces (shift + control + space bar) when phrases are preferred to be presented as a unit, e.g.10_000; Vol 1 (2):_22–21.

Headings are numbered (do not use roman numerals). Headline style is used for the title and first and second-level headings.

5.2.4.2 Basic rules for referencing

Style

- Avoid ampersands except in established combinations (e.g. *R & B*) and in names of firms that use them (*Mail & Guardian*). The use of ampersands in case names is acceptable: *Chairperson of the Immigration Selection Board v Frank & Another.*
- In text, emphasise words by using italics only sparingly. Italicisation should otherwise be reserved for titles and words from a language other than that of the text. Latin/foreign words and phrases that are common in legal English are set in roman, for example, de jure, stare decisis, obiter dicta, ratio decidendi, a priori, prima face, inter-alia, dictum and dicta.
- Italicised words/phrases in another language are glossed by an equivalent word/phrase in the language of the text in single inverted commas placed in brackets, e.g. …*Indoda* (‘a man’). Words well-known in South African English are set as roman, for example, lobola, ubuntu, indaba.
- The names of parties in case names are cited in italics, separated by an italic ‘*v*’ with no full point.
- Words/terms that need to be singled out as being ‘borrowed’ from another author/source may be placed in single inverted commas.
- The names of books and all reports and sources with an ISBN; newspapers and online organisations should be in italic. Abbreviated references to reports and reviews should be in roman. Full names of journals and reports are in roman.

Quotations

- When quoting from a source, use ‘single inverted commas’.
- To quote within a quote, use “double inverted commas”.
- When quoting more than three lines, indent. Do not print indented text in italics and do not use quotation marks. Place indented quotes in 10 pt Arial
- When quoting within an indented quotation, use single inverted commas.
- Commas and full stops are set inside the closing quotation mark regardless of whether they are part of the quoted material.
- When the quoted sentence ends with a question mark or exclamation mark, this should be placed within the closing quotation mark, with no other mark outside the quotation mark.
- When a quoted sentence is a short one with no introductory punctuation, the full stop is generally placed outside the closing quotation mark:

Hereafter ‘SALC report’.

- When adding notes to a quote or changing a quotation, use square brackets, e.g. [own translation/ emphasis]/ [t]oday.

Numbers

- Oxford style is to use words for numbers below 100. At the start of a sentence all numbers are in words.
- Use figures for ages expressed in cardinal numbers, and words for ages expressed as ordinal numbers or decades:

  girl of 15 a 33-year-old man

  between her teens and twenties in his thirty-third year

  in the twenty-first century

- In brackets all numbers are in digits, as for numbers of tables, figures and chapters.
- Note that *per cent* rather than % is used in running text. Decimal fractions are always printed in figures. They cannot be plural or take a plural verb.
- The letters in ordinal numbers should not appear as superscripts (e.g. 122nd and NOT 122nd).
- References to decades may be made in either words or figures: ‘the sixties’ or ‘the 1960s’, not ‘the ’60s’.
- Oxford style is to use words to refer to centuries; ‘the nineteenth century’.
- Figures are used for days and years in dates. Use cardinal numbers not ordinal numbers for dates:

  12 August 1960 2 November 2003

- For times of day the twenty-four-hour clock is used separating hours and minutes with a colon; *12:00* is noon and *24:00* is midnight.
- The international standard three-letter currency code is used, and the commonest currencies are well known enough to be used without explanation; the amount is prefixed by the code and a normal space:
- GBP 500; EUR 40 000; USD 1 million. Less familiar currencies will need explanation at first mention.

Abbreviations and acronyms

- Abbreviations that begin and end on the same letter as the word do not get a full stop (Mr/Dr/Eds) but Prof./Ed.
- Degrees: (Preferably without any punctuation)

  BProc; LLB; LLM; BA; DPhil; MSc

- Spell out abbreviations at first mention, adding the abbreviation in parentheses after it:

  University of South Africa (Unisa).

- The use of abbreviations in footnotes is encouraged.

Criminal	Crim
Quarterly	Q
European	Eur
Report(s)	Rep
International	Intl
Review	Rev
Journal	J
University	U
Law or Legal	L
Yearbook	YB
Government Gazette	GG
General Notice	GN

Journals

Comparative and International Law Journal of Southern Africa	CILSA
Southern African Public Law	SAPL
Southern African Yearbook of International Law	SAYIL
South African Mercantile Law Journal	SA Merc LJ
South African Law Journal	SALJ
Stellenbosch Law Review	SL Rev
Potchefstroom Electronic Law Journal	PELJ

Abbreviations in case names

Attorney General	A-G
Anonymous	Anon
Brothers	Bros
Constitutional Court	CC
Company	Co

Commissioner/Commissioners	Comr/Comrs
Co-operative	Co-op
Corporation	Corp
deceased	decd
Department	Dept
Director of Public Prosecutions	DPP
Executor	Exor
Executrix	Exrx
Incorporated	Inc
liquidation	liq
Limited	Ltd
others	ors
public limited company	plc
Proprietary	Pty
South Africa	SA
Vice-Chancellor	V-C

Abbreviations of words and phrases in footnotes

Advocate General	AG
affirmed	affd
appendix	app
article/articles	art/arts
chapter/chapters	ch/chs
chapter/chapters (of statutes)	c/cc
clause/clauses	cl/cls
column/columns	col/cols
compiler/compilers	comp/comps
Directive	Dir
edition	edn
editor/editors	ed/eds
and following	ff
footnote/footnotes (internal to the work)	n/nn
footnote /footnotes (external to the work)	fn/fns
for example	eg
manuscript/manuscripts	MS/MSS
number/numbers	no/nos
number/numbers (of a Report etc)	No/Nos
paragraph/paragraphs	para/paras
part/parts	pt/pts
regulation/regulations	reg/regs

reversed	revd
rule/rules	r/rr
schedule/schedules	sch/schs
section/sections	s/ss
subsection/subsections	sub-s/sub-ss
subparagraph/subparagraphs	subpara/subparas
supplement/supplements	supp/supps
that is	ie
translator/translators	tr/trs
volume/volumes	vol/vols

Ellipsis

- An ellipsis is a series of points signalling that words have been omitted from quoted matter.
- Insert a normal word space before and after the ellipse.
- An ellipsis at the end of an incomplete sentence is not followed by a fourth full point.
- A comma immediately before or after an ellipsis can be omitted.
- Sentences ending with a question mark or exclamation mark retain these marks before or after the ellipsis:

  Could we …?

  Could we do it? … It might just be possible …!

Dashes

- Use the en rule (–) [Alt+0150] closed up in elements that form a range:

  Page numbers 23–36; dates 1939–45

- The en rule is used closed up to express connection or relation between words; it means roughly ‘to’ or ‘and’:

  editor–author relationship

- The em rule (—) [Alt+0151] is used closed up as a parenthetical dash. No punctuation should precede a single dash or the opening one of a pair. Do not capitalise a word, other than a proper noun, after a dash, even if it begins a sentence.

Capitalisation

- Proper nouns and initials are capitalised (omit the full points and spaces):

PJ Smith or MP Mabula

- Any word following a colon in a sentence begins with a lower-case initial, unless it is a displayed quotation or extract.
- Capitalise the names of institutions, organisations, societies, movements, and groups:

  the World Bank the Constitutional Court

  the United Nations

- Capitalise 'Article' when it refers to supranational legislation e.g. conventions and treaties. Write 'article' in lower case when it refers to national legislation. The word 'section' is always lower case.
- Capitalise historical periods and geological time scales:

  the Dark Ages the Renaissance

- Capitalisation of work titles (titles of all cited works in footnotes):

Oxford style is to give maximal capitalisation to titles of works. Capitalise the first letter of the first word and all other important words. Nouns, adjectives and verbs are capitalised. Pronouns and adverbs are capitalised. Articles, conjunctions and prepositions are left uncapitalised.

Iain Currie and Johan de Waal, ***T**he **B**ill of **R**ights **H**andbook* (Juta 2014).

Mervyn Charles, '**W**atch: **D**e **L**ille **P**romises to **R**elease 100 **P**arcels of **L**and over the **N**ext **Y**ear' *IOL* (25 November 2019).

Footnotes

- Footnotes must be in Arabic numbers (1,2,3). Do not use Roman numerals (i,ii,iii).
- Footnotes are typed in 10 pt Arial font and single spacing; hanging indent 1 cm.
- Endnotes are not allowed.
- Refer to citation guidelines for footnotes on the OSCOLA style guide (below in 5.2.4.3 b).
- Footnote numbers are preferably placed at the end of a clause, and after any punctuation (with the exception of the dash).
- The number normally follows a quotation. Relative to other punctuation, the number follows any punctuation mark except for the dash, which it precedes. Examples are:

  'This,' wrote George Templeton Strong, 'is what our tailors can do.'[1]

The bias was apparent in the Shotwell series[2] —and it must be remembered that Shotwell was a student of Robinson's.

- Close footnotes with a full stop.

5.2.4.3 Citation guidelines and specific rules for different types of sources: OSCOLA

(a) In text:

- Within the body of your text, footnotes are inserted as numbered notes that appear at the bottom of each page of your assignment/research paper.
- Footnote numbers must be inserted after punctuation marks in the text.
- Use Arabic numbers 1,2,3, not Roman ones—i,ii,iii.
- For the first footnote, insert a numeral and the system will continue numbering in this manner. Do not use superscript font within the footnote entry.

(b) Footnotes:

- Citing cases

When citing cases, give the name of the case, the neutral citation, and volume and first page of the relevant law report, and the court. In South African jurisdiction, cases are cited as follows:

<names of the parties in italics><year of the law report in which case is published>(<volume>)<reporter><page on which the case begins>(<court>) <page>

Fraser v Naude & Others 1999 (1) SA 1 (CC) 78

- Subsequent citations

In a subsequent citation of a source, either cite the full citation again OR a shortened version of the citation as listed in the bibliography.

For example:

[1] Iain Currie and Johan de Waal, *The Bill of Rights Handbook* (Juta 2014) 250.

[2] Iain Currie and Johan de Waal, *The Bill of Rights Handbook* (Juta 2014) 250.

OR

[3] Currie and De Waal, *The Bill of Rights Handbook* 250.

- Avoid using Latin gadgets such as *supra*, *infra*, *ante*, *id*, *op cit*, *loc cit* and *contra*, which are not widely understood.
- Use as little punctuation as possible. Abbreviations, acronyms and initials in author's names do not take full stops:

  Malcolm v DPP [2007] EWHC 363 (Admin), [2007] 1 WLR 1230

- Define abbreviations in a first footnote.
- Judge's names—where reference is made to a judge in a case, use the judge's surname followed by the conventional abbreviation identifying their judicial office. Do not use honorifics such as 'the Honourable':

  'Mr/Mrs Justice Smith' in text and 'Smith J' in footnote.

- Legislation

The title and number of a statute should not be italicised, except where the statute is used as a foreign statute in a different language, for example the Internal Security Act 74 of 1982, but *Bundesbeamptengesetz*.

- Articles

Titles of articles appear in single inverted commas, for example:

Carol Ngang, 'Kigali Declaration and Programme of Action on the Framework for Development in Africa: What Role for National Human Rights Institutions?' (2019) LI 3 CILSA 253–278.

- Authors

First name and surname followed by a comma.

More than one author use "and", e.g. John Ross and Margaret Taylor.

- Books

Titles of books are italicised and written in significant capitals. For example,

Anthony Mathews, *Freedom, State Security and the Rule of Law* (UCP 1986).

Editions—omit abbreviations ‘nd’ and ‘th’—write together in brackets with publisher and year of publication eg (2 edn UCP 1990).

- Journals

Titles of journals are in roman. Recognised abbreviations of South African journals are used (eg SAJHR, SALJ, THRHR and CILSA), but the titles of foreign journals are quoted in full (except for common abbreviations like Univ, LR and LJ—eg Univ Pennsylvania LR; Yale LJ).

Journal articles should ideally be referenced as follows:

> Carol Ngang, ‘Kigali Declaration and Programme of Action on the Framework for Development in Africa: What Role for National Human Rights Institutions?’ (2019) 51(3) CILSA 253–278, 260.
>
> **[Author, ‘title’ (year) volume journal name or abbreviation quoted page of article]**

Page numbers—where not confusing use only number but where necessary use ‘at’.

- Newspapers articles

Titles of newspapers are italicised. Titles of articles are placed in single quotation marks. The city of publication and the date is placed in brackets.

Mpho Raborife, ‘State of the City Wrap: Mashaba Vows to Focus on Joburg’s “Forgotten People”’ *Mail & Guardian* (Johannesburg, 4 May 2017) 1.

If the reference is to an editorial, cite the author as ‘Editorial’. If the article is sourced from the web and there is no page number available, provide the web address and date of access.

- Internet references

Author, ‘title’ (website, date of publication) <url> accessed 4 May 2017.

Do not underline the url.

Mpho Raborife, ‘State of the City Wrap: Mashaba Vows to Focus on Joburg’s “Forgotten People”’ (*Mail & Guardian,* 4 May 2017) <https://mg.co.za/article/2017-05-04-mashaba-vows-to-focus-on-joburgs-forgotten-people> accessed 4 May 2017.

- Thesis and dissertation

When citing an unpublished thesis, give the author, the title and then in brackets the type of thesis, university and year of completion:

Javan Herberg, 'Injunctive Relief for Wrongful Termination of Employment' (DPhil thesis, University of Oxford 1989).

Consult OSCOLA for a comprehensive guide on citing sources in footnotes.

(c) Bibliography:

Items in bibliographies take the same form as all other citations in OSCOLA, with three exceptions: (1) the author's surname should precede his or her initial(s), with no comma separating them, but a comma after the final initial; (2) only initials should be used, and not forenames; and (3) the titles of unattributed works should be preceded by a double em-dash. Works should be arranged in alphabetical order of author surname, with unattributed works being listed at the beginning of the bibliography in alphabetical order of first major word of the title.

—— 'Varieties of Responsibility' (1967) 83 LQR 346.

- Citation in bibliography:

Mathews A, *Freedom, State Security and the Rule of Law* (UCP 1986).

The short version of a citation should precede the full citation in the bibliography. The short citation should also match the citation in the footnotes exactly.

Mathews, *Freedom, State Security and the Rule of Law*.

Mathews A, *Freedom, State Security and the Rule of Law* (UCP 1986).

The bibliography should be arranged as follows:

- Under the headings 'Books', 'Journals', 'Newspaper Articles', 'Theses and Dissertations', 'Internet Sources', citations are separated and arranged in alphabetical order.
- Cases are then cited under the heading 'Cases'.
- All legislation is cited in full under the heading 'Legislation'.
- A separate heading can be added for international instruments —'Treaties and Conventions'

Please note that for postgraduate research a table of cases may be required. Consult your specific module guide and your supervisor.

Bibliography

Books

Bangamwabo, 'The Implementation of International and Regional Human Rights Instruments' in Horn and Bösl (eds), *Human Rights and the Rule of Law in Namibia*.

Bangamwabo F, 'The Implementation of International and Regional Human Rights Instruments in the Namibian Legal Framework' in Horn N and Bösl A (eds), *Human Rights and the Rule of Law in Namibia* (Macmillan 2009).

Bösl, Horn and Du Pisani, *Constitutional Democracy in Namibia.*

Bösl A, Horn N and Du Pisani A (eds), *Constitutional Democracy in Namibia: A Critical Analysis After Two Decades* (Macmillan 2010) <https://doi.org/10.5771/0506-7286-2011-3-438>

Journals

Barnard, 'Legal Reception in the AU'

Barnard M, 'Legal Reception in the AU against the Backdrop of the Monist/Dualist Dichotomy' (2015) XLVIII CILSA.

Internet Sources

ITU, 'SADC Model Law on Computer Crime and Cybercrime'

ITU, 'SADC Model Law on Computer Crime and Cybercrime (HIPSSA)' (Geneva 2013) <https://www.itu.int/en/ITU-647 D/Cybersecurity/Documents/SADC%20Model%20Law%20Cybercrime.pdf> accessed 24 March 2019.

Thesis and dissertations

Roos *Data (Privacy) Protection*

Roos A The law of data (privacy) protection: A comparative and theoretical study (LLD thesis, University of South Africa 2003)

CASES

South Africa

Tshabalala-Msimang v Makhanya

Tshabalala-Msimang and Others v Makhanya and Others 2008 (6) SA 102 (W)

Namibian cases
Republic of Namibia v Mwilima.

Government of the Republic of Namibia & Others v Mwilima & AHRLR 127 (NaSC 2002).

LEGISLATION

South Africa

National Health Act
National Health Act 61 of 2003

Namibia

Child Care Act.
Child Care and Protection Act, No 3 of 2015

INTERNATIONAL INSTRUMENTS

Treaties and Conventions

ACRWC.
African Charter on the Rights and Welfare of the Child adopted on 1 July 1990.

Consult OSCOLA and Hart's Rules for a comprehensive guide on citing sources in a bibliography.

5.2.4.4 Using an automated referencing management tool to manage your referencing

Throughout the course of your studies you will collect, read and review a large body of literature and information in various formats. In order to keep track of the literature you encounter; this can be facilitated by using a reference manager. An efficient reference management workflow simplifies the academic writing process. However, it is not a substitute for doing your research and learning how to properly reference your work.

A reference manager (also known as citation managers) is the software you use to handle references and full-text documents, and citations while writing. References can be handled manually as well, but the reference manager allows for greater flexibility and efficiency.

Disciplines vary in how references are written and consequently in how references are managed. Therefore, some reference managers may be preferred within your discipline. Other factors are personal preferences and work style. Choose a reference manager that adapts easily to your way of working and lets you establish an efficient workflow. In your case you must use the referencing method prescribed by your School in this tutorial letter.

There are several reference managers to choose from. *Unisa officially supports Mendeley and RefWorks.*

Please look at the *Reference management tools* Libguide for further assistance

https://libguides.unisa.ac.za/reference_management_tools

For a training session on RefWorks, please email your Law Personal Librarian

For technical support regarding RefWorks or Mendeley, please email lib-help@unisa.ac.za

5.2.5 Ethical behaviour as a student

All research (including assignment research) in all disciplines must be based on integrity, quality and rigour. All work must meet the ideal of academic integrity. Academic integrity can be defined as the meaningful and concerted effort to ensure honesty, trust, fairness, respect and responsibility in research. All research in the School of Law, whether a first-year assignment or a doctoral thesis, should be guided by this ideal.

The opposite of academic integrity is academic dishonesty. In line with Unisa's policies, the following activities are forms of academic dishonesty and can result in disciplinary action being taken.

- Copying/cut-and-paste/patch writing: This type of dishonesty involves just copying someone else's work either word for word or changing it slightly without indicating that it is copied by, for example, putting it in inverted commas or brackets.
- Absence of references: This involves using someone else's ideas, thoughts, insights or data without acknowledging that they are not your own.
- Cheating/falsifying information: This is the manufacturing of data which does not exist or leaving out contradictory evidence, also sometimes called cherry-picking.
- Padding: This refers to the practice of referring to sources that were not consulted, but which makes the footnotes and/or bibliography seem more impressive. Too many quotes: This form of dishonesty is one where more than 15% of the work consists of quotes. Incorrect referencing: Incorrect referencing shows a lack of rigour and of disciplinary expertise.
- Helping someone cheat: This might range from the innocuous (allowing someone to copy from you) to the more severe (providing someone with the means to cheat). It is the

reason why students are not allowed to hand in the same assignment, even if they worked in a group.

To a large extent, we rely on the honesty of our students when doing assignment work. However, we do require that all documents be accompanied by a declaration of honesty. The template for this declaration is provided on the next page. You are required to copy it and complete it electronically to attach to your document before submission.

ACADEMIC HONESTY DECLARATION

Declaration: .....

- I understand what academic dishonesty entails and am aware of Unisa's policies in this regard.
- I declare that this assignment is my own, original work. Where I have used someone else's work, I have indicated this by using the prescribed style of referencing. Every contribution to, and quotation in, this assignment from the work or works of other people has been referenced according to this style.
- I have not allowed, and will not allow, anyone to copy my work with the intention of passing it off as his or her own work.
- I did not make use of another student's work and submit it as my own.

NAME: ……

SIGNATURE: ……

STUDENT NUMBER: ……

MODULE CODE: …….

DATE: …….

See links below for important policies.

Student Disciplinary Code Policy:

https://staff.unisa.ac.za/static/intranet/Content/Policies/Student%20Affairs/Documents/Students%20Disciplinary%20Code%20-%20rev%20appr%20Council%20-%2025.04.2014.pdf

Students' Charter of Rights and Responsibilities Policy:

https://staff.unisa.ac.za/static/intranet/Content/Policies/Student%20Affairs/Documents/StudentCharter_apprvCounc_30Nov07.pdf

Assessment Policy:

https://staff.unisa.ac.za/static/intranet/Content/Policies/Teaching,%20Learning%20Community%20Engagement%20and%20Student%20Support/Documents/Assessment%20Policy%20-%20rev%20appr%20Council%20-%2005.07.2015.pdf

Copyright infringement and Plagiarism Policy:

https://staff.unisa.ac.za/static/intranet/Content/Policies/Teaching,%20Learning%20Community%20Engagement%20and%20Student%20Support/Documents/copyrightinfringement_and_plagiarism_policy_16nov05.pdf

5.2.6 How to approach multiple-choice questions

See the publication STUDY@UNISA for instructions on how to complete a mark-reading sheet for multiple-choice questions. Please read through the following remarks on answering multiple-choice questions and think about them. Of course, you don't need to learn them, but please make sure that you understand what is being said.

A multiple-choice question is the type of short question that gives students alternative answers from which they must choose.

The following is a simple example of a multiple-choice question:

Legal capacity can be defined as the capacity to

[1] perform valid juristic acts.
[2] appear in a court of law.
[3] have rights and duties.
[4] be accountable for crimes.

The multiple-choice question consists of the following:

Problem statement or question

Legal capacity can be defined as the capacity to …

Distractors/ Alternatives

(1) the capacity to perform valid juristic acts.
(2) the capacity to appear in a court of law.
(3) the capacity to have rights and duties. →correct answer
(4) the capacity to be accountable for crimes.

The problem statement or question provides the perspective from which or the context within which you must work to find the most correct alternative. It gives an indication of how to approach the question. Therefore, always read and consider the problem statement carefully. It is thus the function of the problem statement to ensure that one alternative is more correct than another.

What is the perspective from which or the context within which you must work to find the most correct alternative or answer to the question in the above example?

The key words are **legal capacity** and **defined**.

It is important to consider **all** the alternatives from the perspective provided by the problem statement or question. Sometimes students choose one of the first alternatives without even looking at the rest. Bear in mind that the distracters in a multiple-choice question are not necessarily completely wrong.

They are called ‘distractors’ because they often contain some appropriate information, so it is easy to make a wrong choice if you do not know the subject well or if you do not read all the alternatives carefully before you choose your answer.

For example, the distractor may indicate that a particular option is incorrect and provide the reason why it is incorrect. You should then make sure not only that the distractor correctly states that the option is incorrect, but also that the distractor provides the correct reason why the option is incorrect. You must choose the **most correct** alternative.

Note that an incorrect answer does not mean that a mark or a fraction of a mark will be subtracted from the number of correct answers, but merely that no mark is awarded for that answer.

6 EXAMINATION

6.1 Planning and revising

Planning is again of the essence in preparing for the examination. Keeping good notes, doing all the assignments, keeping on track with study programme, all contribute to success in the examination. Work back from the examination date and plan you study time prior to the examination. If you are doing more than one module, plan whether you will try to study a little on each module each day or if you are going to plan their time differently.

Prioritize your studies by asking yourself a series of questions:

- What do I already clearly understand?
- What am I uncertain about?
- What don't I understand?
- How am I going to address my lack of understanding?
- Study the guide/ textbook again and take more notes
- Work through the assignments and feedback again
- Ask the tutor/ lecturer
- Work in groups with other students

It goes without saying that to achieve success in any examination there is no substitute for a sound knowledge of the subject, which can be attained only by making a thorough study of the study guide and other prescribed material; interacting with other students in person or online; interacting with tutors; using the Library and other resources; completing assignments and taking note of feedback.

6.2 In the examination

Our experience has, however, been that students who apparently have a good knowledge of the subject sometimes fail to obtain a pass mark. Every year we come across scripts which indicate that students devoted far too much time to the first few questions (for which they earned good marks) and were unable to answer the entire paper because time caught up with them.

It is a good idea first to read carefully through the paper, to specifically note the maximum number of marks allotted to each question, and then to decide on the maximum amount of time that should be devoted to each question.

Do make sure that you stick to the **relevant** points for each question. Our experience is that students sometimes add information that is not relevant to answering a particular question, in the hope that they will somehow earn marks. It does not work that way. Our questions are very specific, and no marks can be earned by 'throwing in' additional material not required.

We try to ensure that examination papers are not too long. However, at the risk of repetition, we wish to emphasise that proper time planning is of great importance in writing an examination.

In dealing with a problem question (i.e. a question setting out a hypothetical factual situation, to which you must provide the solution), it is inadvisable to go directly to the solution. It is better first to make sure of the principles that are relevant in seeking a solution, to describe these briefly and then to state your ideas on the solution of the problem. Even if your conclusion is not correct, your statement of principles (if done correctly) will earn you valuable marks. If the solution is also correct, you will obviously be rewarded for that as well.

When you are required to **define** certain concepts or **state** certain principles or criteria, you should be brief and to the point. It will not be necessary to discuss or comment in detail on these unless you are specifically asked to do so.

Please structure your answers into short paragraphs. It is difficult for us to read through pages and pages of "unbroken" text. If you have begun your answer and are moving on to a new point or aspect, please make use of a new paragraph. Some students number specific points and paragraphs and that is very helpful. Subheadings and underlining can be equally helpful in marking scripts. If you quote decided cases or the names of authors of books or articles, do underline their names. (Please note: We will never require you to know the reference of a case, such as: 1957 (3) SA 710 (T).)

Please use a pen that will produce a bold and legible script. Sometimes the script produced by an "overused" ballpoint pen is barely legible. Our endeavour at all times is to set a paper that will test your knowledge in a fair and proper manner and to maintain sound standards. Students who have obtained a degree from this University may take pride in their achievement.

6.3 Supplementary/aegrotat examination

Please note that should the University grant you a **supplementary examination**, **your year mark will not count towards your final mark**. In other words, your supplementary examination will count 100% of your final mark and you will have to achieve a mark of at least 50% in the supplementary examination to pass the module.

However, this arrangement will **not** affect students who write the **aegrotat examination** (that is, an examination given to people who were ill and whose condition is supported with a medical certificate). Their year mark would count towards their final mark, if they had obtained a year mark before the aegrotat was consented to.

6.4 FI Concession

A final-year (undergraduate) student who has one or two modules outstanding to complete a qualification may qualify for assistance and potentially an alternative assessment opportunity. Most students are granted a maximum of two assessment opportunities without being required to re-register for the module. If both assessment opportunities have been utilised, you will be required to re-register for the module at full cost. Modules selected as NDP (non-degree purposes) modules are not considered for the concession. The outstanding modules are the modules required to complete the qualification. Students must have written and failed the modules at the last available examination opportunity. Note that not all modules are considered for the FI concession. Since the University grants the FI concession opportunity based on the requirements met by the student, you are not able to apply to the university to be considered for such an assessment opportunity.

The policy on FI Concession can be found on the following link:
https://staff.unisa.ac.za/static/intranet/Content/Policies/Teaching,%20Learning%20Community%20Engagement%20and%20Student%20Support/Documents/Policy%20%20to%20assist%20students%20who%20have%20one%20or%20two%20modules%20outstanding%20-%20appr%20-%20Council%20-%2005.07.2015.pdf

7 IMPORTANT CONTACT DETAILS

7.1 ADMINISTRATIVE DEPARTMENTAL STAFF OF THE SCHOOL OF LAW

Department of Criminal and Procedural Law

Ms M Moropyane – 012 429 4814

Ms K Rosin – 012 429 8397

Mrs C Mabotja – 012 429 4995

Department of Mercantile Law

Ms N Nage – 012 429 8460

Ms P Mofokeng – 012 429 8774

Department of Jurisprudence

Ms L Mkhomazi – 012 433 9480

Ms M Madihlaba: 012 433 9479

Ms P Makakaba – 012 433 9524

Department of Private Law

Ms T Mapokgole – 012 429 8418

Ms L Monnakgotla – 012 429 8434

Ms HD Mabena – 012 429 8906

Department of Public, Constitutional and International Law

Ms M Matlala – 012 429 8339

Ms RMM Molala – 012 429 4149

7.2 University

Type of enquiry	Nature of queries/requests	Email address	Contact numbers
CLAW inquiries	General Student inquiries in the College of Law	CLAW@unisa.ac.za	012 429 4718/ 4860/ 2178/
Official letter	Request for a Reference or Testimonial letter	lawdeanery@unisa.ac.za	012 429 2176/4428
Unisa's online student portal	myUnisa	myUnisaHelp@unisa.ac.za	012 429 3111 (Option 6)/ SMS 43578
Unisa students' email account	myLife	myLifeHelp@unisa.ac.za	
Exemptions	Apply for credits for modules completed in another qualification or with another institution	adhoccredits@unisa.ac.za	012 441 5706

Aegrotat	Student's ill health	aegrots@unisa.ac.za	012 429-8641/2268
Special exam	Personal circumstances	exams@unisa.ac.za	012 429-8641/2268
Purchase scripts	Purchasing of exam scripts	purchasescripts@unisa.ac.za	012 429-8641/2268
International examination	Concerning international exam venue	examinternational@unisa.ac.za	012 429-8641/2268
Students with disabilities	Examination request for student with disability	examdisabled@unisa.ac.za	012 429-8641/2268
Exam admission	Exam entrance	examadmission@unisa.ac.za	012 429-8641/2268
General exam enquiries	Exam queries	exams@unisa.ac.za	012 429 710/ 3958/ 3170/2 764
General assignment enquiries	Assignment queries	assign@unisa.ac.za	012 4293812/ 2873/ 2587/ 8613
Finance enquiries	Student accounts	finan@unisa.ac.za	012 429 2441/4299
Student Funding	Financial aid enquiries		012 4415609/5600
Despatch	Study material enquiries	despatch@unisa.ac.za	012 429 6561
Graduation enquires	Graduation ceremony Enquiries	gaudemus@unisa.ac.zaa	012 429 8703

Registration Enquiries	• Registration • Cancelation of modules • Application for extra modules • Exemptions/credits • Certificate of good conduct	jus@unisa.acza	012 4415703
General enquiries		infoservices@unisa.ac.za study-info@unisa.ac.za lawstudent@unisa.ac.za	012 429 3111/6166

We hope that you will enjoy this module and we wish you every success with your studies.