

Information sheet on allocating topics for and completing external Bachelor's, Master's and doctoral theses

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Introductory remarks

Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU) has close partnerships with many companies.

One of the reasons behind these application-orientated partnerships is that companies are interested in contributing to students' academic training while students wish to take advantage of the opportunity to gain valuable experience by working on issues arising from practice and in a practical setting from an academic perspective.

More and more FAU students and doctoral candidates are now completing Bachelor's, Master's and doctoral theses¹ at companies as part of such partnerships.

The term external Bachelor's/Master's thesis is now commonly used to refer to papers that fall under this category and is the term that is used in this information sheet. An external thesis is a thesis on a topic suggested by a company and/or that is completed while working at a company and is related to the company's work and data.

However, it must not be forgotten that external theses are still FAU theses. The allocation of topics for and the supervision and processing of these academic theses raises many questions about legal issues and processes that affect all those involved (students, companies, lecturers acting as supervisors², FAU).

¹ The principles described in this information sheet also apply to all other kinds of papers, written assignments and project work.

² Or the person authorised to accept theses according to the examination regulations.

A. General principles

Bachelor's and Master's theses are university examination achievements. They must be completed in order to be awarded the Bachelor's or Master's degree that the student is working towards. The requirements for such a thesis stipulated in the Bavarian Higher Education Act (Bayerisches Hochschulgesetz) and the examination regulations must be adhered to in order for the thesis to be recognised as an examination achievement. Doctoral theses are also university examination achievements that must comply with the requirements stipulated in the Bavarian Higher Education Act and the doctoral regulations.

1. Supervision by a university lecturer

a) Bachelor's and Master's theses

The thesis must be completed under the **supervision of an FAU lecturer**. In certain cases the **examination regulations** may permit the topic of the thesis to be suggested by a third party – a company in this case. In such cases it must be ensured that the candidate is supervised by a suitable person in the company and that permission is given by an FAU examiner. Permission must also be given by the examinations committee.

The precise topic of the thesis and the entire formal process for this element of the thesis remain the sole responsibility of the FAU lecturer supervising the thesis. Good collaboration between the FAU supervisor, the company, and the person acting as supervisor there is essential.

b) Doctoral theses

According to FAU's **doctoral regulations**³ the doctoral thesis must be on a topic in an area represented by an FAU lecturer. The faculty doctoral regulations may permit part-time lecturers and individuals with doctoral degrees (who are able to continually supervise the doctoral proposal due to their employment at FAU or an institution associated with FAU) to be appointed as supervisors on an individual or general basis.⁴ c) Whether the doctoral thesis is completed **at FAU or elsewhere** is not of primary importance. It is therefore possible for theses completed outside the faculty to be submitted providing that they are discussed with an authorised examiner at FAU before submission and, in particular, that they are completed with continuous supervision.

³ Please see: <https://www.fau.de/graduierenzentrum/promotion/promotionsordnungen/>.

⁴ In addition, the specific provisions for doctoral degrees completed in co-operation with other universities in Germany or abroad and joint doctoral degrees must be adhered to (see Sections 18 and 19 of the General Doctoral Regulations).

2. Timeline for completion

a) Bachelor's and Master's theses

It must be possible for the student to complete the Bachelor's or Master's thesis within the **period** specified in the examination regulations.

b) Doctoral theses

Unlike Bachelor's and Master's theses, doctoral theses **do not have to be completed within a set period**. If completion is delayed unreasonably, however, the candidate may no longer be entitled to supervision and lose the right to submit a thesis.

3. Allocation of topics

a) Bachelor's and Master's theses

Neither a company nor any other external institution or person may be given the right to influence the topic or content of the Bachelor's or Master's thesis. In accordance with the examination regulations, suggestions of this kind are **non-binding suggestions** for the FAU supervisor or the candidate. Neither the candidate nor the company has a right to the allocation of a specific topic.

Supervisors may only accept suggested topics for 'external' theses that are within their area of expertise, i.e. that they are able to supervise as part of their official duties and for which no more than the normal amount of resources belonging to the chair/institute are required in order for supervision to take place.

Lecturers are advised to give students sufficient advanced notice of this requirement so as to ensure that rejection of suggested topics for external theses that do not meet these basic principles is foreseeable and understandable.

b) Doctoral theses

Neither a company nor any other external institution or person may be given the right to influence the topic or content of the doctoral thesis. In accordance with the examination regulations, suggestions of this kind are **non-binding suggestions** for the FAU supervisor or the doctoral candidate.

4. Inspection of examination papers, confidentiality and publication

a) Bachelor's and Master's theses

In accordance with the examination regulations, only candidates themselves have a right to inspect **examination documentation** associated with the evaluation of the thesis (notes, examiners' comments, etc.). The company is not permitted to inspect this documentation.

Due to reasons of competition and market policy, companies may require candidates completing their thesis while working at their company to **maintain confidentiality** with regard to internal and company-related data. Such obligations may only be agreed to if this does not affect the candidate's ability to work on the topic, i.e. they are able to complete the thesis as a university examination achievement within the given period and submit it to the appropriate body at FAU. Supervisors are permitted to sign a confidentiality agreement if so required by a company, but there is no real need for this, as supervisors are already subject to confidentiality obligations under their employment contract and public service law.

Publication of Bachelor's and Master's theses is not intended according to the examination regulations but is possible with the candidate's consent – subject to any agreements with the company.

b) Doctoral theses

Only the doctoral candidates themselves have a right to **inspect** examination documentation.

Furthermore, after completing the oral examination – and unlike other examination papers (e.g. Bachelor's/Master's theses) – the doctoral regulations stipulate that the approved version of the doctoral thesis **must be published**. This must be given particular consideration when entering into any agreements with companies (e.g. **confidentiality agreements**) as the doctorate procedure cannot be completed properly otherwise.

B. Important information for Bachelor's/Master's candidates and doctoral candidates

1. Contracts with companies

Candidates completing external theses are usually given a contract by the company detailing aspects such as their role in the company, any obligation to maintain confidentiality regarding internal and company-related data, issues related to industrial property rights, exploitation rights and rights of use, liability, and, if applicable, remuneration. In order to protect themselves candidates should check that such contracts comply with the general principles given in section A and with the following points:

a) Any **ties to the company** beyond the scope of the thesis itself and the time spent working on it should be considered carefully. Such ties may result in limitations and difficulties, for example:

- if the results of the work are used for profit, due to aspects of property rights or copyright law, for example
- if the topic of the thesis is investigated in more depth or breadth at a later date (e.g. as part of a doctoral thesis); here difficulties may occur if the candidate is obliged to transfer to the company or allow the company to use the results of any developments that build on the work in the thesis or if such developments may only be carried out with the company's consent
- when choosing a job after completing the Bachelor's, Master's or doctoral degree

b) The candidate should check carefully whether they are able to adhere to the obligations defined by the company. This includes **granting rights of use** for the results of the thesis.

2. Insurance

Insurance should be discussed with the company in advance. Students should be aware that contracts usually stipulate that students are not covered by the company's social insurance and that the company is therefore not liable if a student has an accident at work. It is also recommended that students clarify the issue of **health insurance coverage** – especially if they will be spending time abroad while completing the thesis – in advance. As students are outside of the University's sphere of influence while working at companies or travelling, they are not covered by the University's statutory accident insurance, meaning that students working on 'external' theses **do not have any statutory accident insurance coverage**. They should therefore consider taking out **private accident insurance** during this period or arrange coverage by the company as part of its **industrial accident insurance**. Furthermore, it should be checked whether existing private **liability insurance** covers the risks associated with the thesis work. If this is not the case or if the student does not have private liability insurance it is strongly recommended that they take out suitable insurance.

C. Important information for FAU supervisors

1. No remuneration for supervising the thesis

For university lecturers allocating topics for and supervising external theses, the issue of remuneration provided by the company may arise if the results of the thesis, which to a considerable extent are made possible through the lecturer's supervision and/or use of university resources (e.g. equipment, laboratory, software), are of commercial value for the company.

In such cases the following applies:

The supervision of academic theses is the University's responsibility and an official responsibility of professors appointed at the University as part of their professional duties [see Section 9 (1)(1)(4) of the Bavarian Law on Academic Personnel of Higher Education (Bayerisches Hochschulpersonalgesetz)].

Under consideration of this obligation it is therefore not permitted

- for university employees to take on supervision as a form of secondary employment
- to request, agree to, or accept financial compensation for oneself or for the University for the supervision of the thesis or for arranging for the thesis to be completed. It is also not permitted to arrange for a thesis to be completed as the sole subject of a research and development contract for which payment will be received.

2. Thesis as part of a research and development contract

It is permitted for the thesis to be completed within the framework and context of a research and development contract. The **research and development contract** must be executed by FAU staff. The Bachelor's or Master's candidate must be employed as a student assistant or as a research assistant in order to be able to transfer the results of the work they have conducted according to instructions (but only this!) from FAU to the company. Student assistants and research assistants are subject to the same obligations as research associates in this respect. These staff must also sign an employment contract with FAU in order to be able to transfer the results of their work to the company.

No extra remuneration may be calculated or demanded for completing/supervising the **thesis**. The thesis as such may not be transferred by FAU to the company, as FAU does not obtain any rights of use or exploitation rights to the thesis, see D.2.a) below.

D. Ownership, copyright, rules for good academic practice, inventions

1. Property rights to the (physical) original

According to the examination regulations, FAU holds certain rights regarding the original thesis. However, these rights apply only to the physical components of the thesis (e.g. models, plans, paper) and its use for the purposes specified in the examination regulations and doctoral regulations.

2. Intellectual property rights (copyright)

a) Theses – including software used and the presentation of academic and technical content – are considered written **works under the German Copyright Act (Urheberrechtsgesetz)**.

Copyright and the resulting **exploitation rights and rights of use** belong **solely** to the candidate as the author of the thesis. Third parties (such as a company) may only obtain rights of use if the author grants them such rights independently on the basis of a contract. FAU, the supervisor and the examiner cannot acquire rights of use, as the thesis is an achievement governed by examination regulations. The results are the sole property of the examinee and the university and its examiners are obliged to treat them as confidential. Higher education law does not allow for rights to be assigned to the institute conducting the examination. Taking the examination situation in account, and the fact that the candidate is dependent on

the structures within the university, it would scarcely be possible for the candidate to assign rights at their own free will.

C2 shall apply if a research and development contract stipulates that results of the thesis are to be transferred to a company.

b) As the holder of the copyright, candidates decide themselves whether to publish the results of the thesis or not. For example, they may grant their **consent to having the thesis published in the chair's library**. After the thesis has been published with the author's consent, the knowledge it contains is freely available and the thesis may be cited to an extent compatible with the purpose (Section 51 UrhG).

c) The **FAU guidelines for safeguarding good academic practice** dated 13 May 2002 state, irrespective of copyright regulations, that:

- Research findings and ideas from other researchers and relevant publications can be cited in a suitable manner [(4) (1)].
- If the manuscript cites or uses unpublished research achievements from other people, their consent should be sought, subject to any other recognised practices common in that particular field [(4)(4)].

3. Supervisor as co-author?

a) The supervisor may of course provide **support** in the way of suggestions, ideas, criticism etc. This does not lead to any particular status being obtained under copyright law and is permissible under examination regulations.

b) Any contributions going significantly beyond this would be **contrary to the purpose of the examination**. The supervisor may **not** act as a **co-author**, for example by writing **parts** of the thesis or making **significant contributions** during preparation work for the thesis. The copyright for any preparation work for a thesis belongs to the author of the preparation work.

4. Inventions

If a thesis describes an invention, it may be worth **applying for protection by patent**. Please note that patent protection can only be granted if the invention is not yet available to the public. If the thesis is to be published the patent application must be submitted **before** publication.

The fact that the candidate is the sole holder of **copyright** does not always mean that the supervisor is not considered the **inventor or a co-inventor** as the regulations for patent protection are different to those for copyright (see D.3 above; supervisors may be entitled to patent rights but are not entitled to copyright). The supervisor is obliged to report any invention to the employer, FAU. If the invention in question has been invented together with the

candidate, the supervisor should inform the candidate in good time before filing the application that the candidate may be entitled to a (joint) right to the patent.

E. Contacts in the University Administration

The following contacts in the University Administration are available to answer any questions related to 'external' theses:

Office	Areas of responsibility related to external theses	Contact
L 1	<ul style="list-style-type: none">▪ advice on examination law (for external theses that are subject to relevant examination regulations, examination procedures, supervision procedures, etc.)▪ copyright related to teaching▪ checks of and advice on confidentiality agreements related to teaching	Dr. Thiem (Oberregierungsrat) Phone: 09131 8526807 christian.thiem@fau.de
F 1	<ul style="list-style-type: none">▪ advice on research and development contracts, including theses which may be completed as part of such contracts (in collaboration with L1 and other departments)▪ copyright related to research▪ checks of and advice on confidentiality agreements related to research	Mr Axel Klon (Regierungsdirektor) Phone: 09131 8526766 axel.klon@fau.de
F 2	<ul style="list-style-type: none">▪ patents▪ transfer of knowledge and technology▪ further training programmes	Ms Sybille Barth Phone: 09131 8525870 sybille.barth@fau.de

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