



## **Regulations Governing the NUI E J Phelan Fellowship in International Law 2020**

The National University of Ireland is pleased to invite applications for the NUI E J Phelan Fellowship in International Law, offered for competition in 2020. This Fellowship is offered to graduates at an advanced stage of their doctoral studies in any area of International Law and is tenable at [a constituent university \(or linked college\) or recognised college of NUI](#), hereinafter referred to as “the institution”.

### **Section 1: General Regulations of the Fellowship**

#### **1. General Regulations**

The Fellowship will be awarded on the basis of a common competition open to graduates in any area of International Law.

#### **2. Terms and Value of the Fellowship**

The value of the Fellowship is €25,000 to be paid in instalments for up to 18 months. All funding awarded by NUI must be used exclusively for the purposes of the Fellowship.

#### **3. Objectives**

The Fellowship is intended to encourage and support a doctoral candidate of proven academic excellence at an advanced stage of their studies in any area of International Law in a constituent university (or linked college) or recognised college of NUI. It is expected that the research undertaken will result in a substantial contribution to knowledge worthy of publication.

#### **4. Eligibility Criteria**

- 4.1. To be eligible to apply for this Fellowship, candidates must be holders of a degree in Law, or another appropriate discipline, and must be pursuing a doctoral degree in any area of International Law in a constituent university (or linked college) or recognised college of NUI.
- 4.2. Applications will only be accepted from interested candidates on no more than two occasions.
- 4.3. Full-time permanent members of staff of the NUI constituent universities, other NUI member institutions, or other higher education institutions are not eligible to apply for this award.
- 4.4. Previous applicants must include a separate statement with their application detailing the changes made to the research proposal. It is expected that these changes would have taken account of (but are not limited to) the feedback provided by the subject specialists on the research proposal included in the original application.
- 4.5. Previous recipients of NUI Travelling Studentships or the NUI E J Phelan Fellowship in International Law are not eligible to apply for this award.

## 5. Application Procedures

Application forms are available to download at [www.nui.ie/awards](http://www.nui.ie/awards) and should be submitted with the following documentation:

**5.1. Research Proposal:** Candidates are required to submit a detailed statement (max. 2500 words) concerning the research which they propose to undertake during the tenure of the Fellowship.

(i) The statement should include:

- the proposed topic of the research;
- the proposed nature, scope and methodology of the research;
- the relevance and importance of the study;
- a preliminary literature review;
- where the research will be conducted and reasons for choosing that centre;
- other investigators involved in the research, where appropriate; potential future developments for the study.

(ii) The research proposal must be anonymous. The candidate's name should not be included in the title, headers or footers; it can be included in references and the bibliography in reference to publications and other materials created by the candidate.

**5.2. Abstract of Research Proposal:** Candidates are required to submit a short abstract of the research proposal (max. 300 words). The candidate's name should not be included in the title, headers or footers as this will be included in the invitation to prospective independent subject specialists asking them to review the research proposal.

**5.3.** Both the research proposal and the abstract must be submitted as individual documents, as these will be forwarded to the independent subject specialists during the assessment process.

**5.4. Letter of support for application:** A letter from the relevant Head of Department/School concerned should also be submitted indicating support for the application and confirming that the resources required will be provided if the application is successful.

**5.5. Curriculum Vitae:** to include academic and other relevant achievements to date.

**5.6.** Where appropriate, candidates should provide **information on previous research grants and scholarly publications.**

**5.7. Certified Academic Transcripts:** to be submitted for each degree and diploma awarded.

**5.8. Reports of Two Academic Referees:** a specific NUI report form (available at [www.nui.ie/awards](http://www.nui.ie/awards)) is to be completed by the referee(s) and (i) returned to the candidate in a sealed envelope or (ii) emailed directly to [awards@nui.ie](mailto:awards@nui.ie). It is the responsibility of the candidate to ensure that the references are submitted to NUI by their referees by the closing date. If references are not submitted by the closing date, a candidate's application may be deemed ineligible for consideration.

## 6. Selection Process

**6.1.** The NUI Registrar and designated NUI staff will administer the competition for the NUI E J Phelan Fellowship in International Law.

**6.2.** A shortlisting process will apply and shortlisted candidates will be invited to attend for interview.

**6.3.** Two independent subject specialists will assess the research proposal of each candidate. The reports of the subject specialists will be made available to the NUI Registrar and will inform the decision on the shortlisting of candidates for interview.

**6.4.** Shortlisted candidates will be interviewed by a Selection Panel to be appointed by NUI.

**6.5.** The Selection Panel consisting of the Heads of the NUI Departments/ Schools of Law, or their representatives, and chaired by an independent specialist will be convened to interview shortlisted candidates for the Fellowship. Additional specialists may be invited by NUI to sit on

the Selection Panel, if required.

- 6.6. The full application and subject specialist reports for each shortlisted candidate will be made available to the Selection Panel in advance of the interviews.
- 6.7. Following the interviews, the Selection Panel will finalise their recommendations to the NUI Registrar on the awarding of the Fellowship. The NUI Registrar will report to Senate and inform the successful candidate in writing of the Senate's decision regarding the awarding of the Fellowship.
- 6.8. The decision of the Senate on the awarding of the Fellowship will be final.
- 6.9. NUI has an Appeals Process in place to guarantee that the University has acted fairly and reasonably, and followed the appropriate steps in its selection process. Further details can be found on the NUI website.

## 7. Lodgement of Documents

- 7.1. Applications and associated documentation must be submitted by email to [awards@nui.ie](mailto:awards@nui.ie).
- 7.2. One hard-copy of the full application (except for the reports of the academic referees which may be submitted separately) must also be submitted to: **The Registrar, National University of Ireland, 49 Merrion Square, Dublin 2, D02 V583**. The envelope should state the NUI award being applied for, i.e. E J Phelan Fellowship.
- 7.3. The closing date for receipt of the electronic application is **Friday, 6 March 2020**. The hardcopy application must show a postmark of no later than **Friday, 6 March 2020**.

## Section 2: Terms and Conditions of Tenure of the NUI E J Phelan Fellowship in International Law

### 8. General Conditions

- 8.1. The Fellow's first duty is to the successful completion of the Fellowship for which they have been awarded funding.
- 8.2. The Fellowship is held subject to these terms and conditions and any supplementary conditions set out in the Fellowship offer. If any of these terms and conditions are breached, the NUI Senate (Governing Body of NUI) reserves the right to suspend or terminate the Fellowship and may require reimbursement of such payments as have already been made. See also section 8.11.
- 8.3. These terms and conditions will be governed by and construed in accordance with the laws of Ireland, and all parties will expressly and irrevocably submit to the jurisdiction of the Irish courts.
- 8.4. It is the responsibility of the Fellow to inform NUI of any change of address, telephone number, or email address within a month of any change.
- 8.5. The institution is responsible for ensuring that the Fellow has access to effective procedures for resolving problems that arise and prevent the Fellow from effectively carrying out the research and main duties associated with the Fellowship.
- 8.6. In the event that the Fellow experiences serious problems with academic supervision or any other academic matter that cannot be resolved at the department/school level, the Fellow should follow the institution's own grievance procedures. Should these problems prove to be intractable, the holder should inform the NUI Registrar directly.
- 8.7. If the Fellow is unable to pursue their project in accordance with these terms and conditions, the Fellow and their mentor must inform the NUI Registrar and the relevant office(s) in the institution. The Fellow must do this no later than two weeks of such a situation arising. The Senate will have regard to the usual conventions of the institution in which the Fellow is based; however, it reserves the right to suspend or terminate the Fellowship.

## **8.8. Fellowship Payments**

Payments will be made monthly through a bank account of the Fellow's choice, on the last working day of the month, with effect from an agreed date.

## **8.9. Taxation**

- (i) Successful applicants are required to complete the Irish Revenue Scholarship Exemption Declaration Form, which is retained on file by the National University of Ireland for Revenue review if required.
- (ii) Applicants are invited to seek Revenue clarification in relation to compliance with Irish laws and regulations on taxation if required.
- (iii) Regulations were signed on 10th June 2011 that require Government Departments, all bodies established under statute and any other body which is involved in the disbursement of public funds to make annual returns to Revenue providing details of all payments made in each calendar year, subject to certain conditions. The legislation that allowed for these regulations to be made is Section 891B Taxes Consolidation Act 1997. The E J Phelan Fellowship and other similar payments are subject to these provisions and accordingly are returned to Revenue on an annual basis.

## **8.10. Postponement of Tenure**

In special circumstances, the Senate may consider an application from the holder of a Fellowship for the postponement of their tenure, for a period of not more than one year. Such applications must be accompanied by a letter from the Professor/Head of Department/School of Law in the holder's NUI institution recommending the postponement.

## **8.11. Power to Withdraw and Right of Appeal**

The Senate shall reserve the right to withdraw the award of a Fellowship if, in the opinion of the Senate, the holder was guilty of any misconduct in connection with any examination for, or used unfair means to obtain the award of any such Fellowship, or otherwise fails to adhere to the General Conditions as outlined above. In such circumstances, the holder of the Fellowship shall have a right of appeal to the NUI Registrar who shall refer the appeal to an independent third party.

## **8.12. Fellow in receipt of other funding**

- (i) Where the recipient of the NUI E J Phelan Fellowship is also in receipt of funding from other source(s), details should be included with the application, or where appropriate, made known in advance of the interview.
- (ii) Prospective candidates must inform NUI of any existing funding or additional offers of funding throughout the duration of the application process.
- (iii) Where the value of other funding is substantial, this may be considered by the Selection Panel when making recommendations to Senate for the awarding of the Fellowship.

## **9. Tenure of the Fellowship**

The Fellowship is tenable for up to eighteen months. The holder may elect to take up the Fellowship in any of the [constituent universities \(or their linked colleges\) or recognised colleges of NUI](#), subject to the concurrence of the Senate and the institution concerned. The Fellowship will be held upon the condition that the Fellow during the period of tenure thereof apply themselves to research in the subject area in which they obtain the Fellowship, or in some cognate line of research approved by Senate. Such research shall be pursued wholly as the Senate may direct, and under the direction of a Professor/Head (or nominated supervisor) in a constituent university of NUI and approved by the Senate, or by such authority as the Senate may direct.

## **10. Responsibilities of the Supervisor**

It is acknowledged that during the tenure of a NUI E J Phelan Fellowship, the holder may carry out research in a range of approved venues under the direction of more than one supervisor. However, the responsibilities listed below refer to the principal supervisor appointed in the institution where

the holder is registered for the doctoral degree. In these circumstances, the supervisor should be cognisant of institutional policies regarding doctoral supervision.

- 10.1. The supervisor should have regular contact with the Fellow and should be based in the same institution where the recipient is registered for the doctoral degree.
- 10.2. The supervisor shall inform the NUI Registrar in circumstances where the Fellow does not commit appropriate time and effort to the Fellowship.

## 11. Review of Progress

The Senate is committed to ensuring effective progress for the duration of the Fellowship and monitoring the research performance of Fellows.

- 11.1. Six-Monthly Reports: The Supervisor is required to submit a report every six months confirming that the holder of the Fellowship is satisfactorily pursuing the research work of their Fellowship. Further payment of Fellowship instalments may be withheld if the Senate considers such a report unsatisfactory. Failure to supply these reports may result in the payment of the Fellowship being suspended until such a time as they are received. NUI will provide a report form for this purpose.
- 11.2. Where a progress report is deemed unsatisfactory, the NUI Registrar will liaise with the Fellow and the supervisor in the first instance to seek clarification of the issues that have arisen and agree on an appropriate course of action.
- 11.3. Where a satisfactory course of action cannot be agreed, the Senate reserves the right to approve the appointment of an independent third party, as recommended by the NUI Registrar, to evaluate the Fellowship in accordance with the aims and objectives outlined in the original proposal. In these circumstances, the Fellow and his/her supervisor must provide an account of the progress made to date. See also section 8.11.
- 11.4. Following the review, the Senate will then provide feedback to the Fellow indicating that the Fellowship will be
  - (i) renewed for a further limited period after which the Fellow's progress will be reviewed again, or
  - (ii) terminated.

## 12. Ethics

- 12.1. The Senate will not award funding for research activity in any area prohibited by law in Ireland and / or in the legal jurisdiction where the Fellow will be based during the tenure of the NUI E J Phelan Fellowship in International Law.
- 12.2. A Fellow may be required to confirm that appropriate ethical approval has been obtained to carry out their research project from the relevant approval or regulatory body at the institution where he/she is registered for the doctoral degree. This regulation may also apply to candidates in advance of the awarding of the Fellowship.
- 12.3. Ethical issues should be interpreted broadly and consistent with policies and guidelines set out in the NUI constituent universities. They may include, but are not limited to, appropriate codes of practice; the involvement of human participants, tissue or data in research; the use of animals; research that may result in damage to the environment; and the use of sensitive economic, social or personal data.

## 13. Protection of Intellectual Property

- 13.1. The Senate will not make any claim to the intellectual property arising from the Fellowship.
- 13.2. The responsibility for protecting and managing any intellectual property during the tenure of the Fellowship will rest with the institution in which the Fellow is based and must be in accordance with national and/or international guidelines as appropriate.

#### **14. Acknowledgement of NUI Support**

The Fellow must acknowledge receipt of NUI support in all publicity relating to the research undertaken. The publicity may include but is not restricted to the following: letterheads, office signs, media appearances, press releases, public lectures, interviews, conferences, publications, monographs, print materials, social media and online materials including e-mail signatures, television and radio advertisements, websites, film, and video/audio recordings associated with or arising from the research undertaken. Where possible, NUI's logo should be included in any such acknowledgement.

#### **15. Data Protection**

The National University of Ireland is committed to a policy of protecting the rights and privacy of individuals in accordance with the Data Protection Act 1988, the Data Protection (Amendment) Act 2003 and the European General Data Protection Regulation (as per the Data Protection Act, 2018).

Personal data supplied by candidates as part of the application process will be shared with independent subject specialists and with selection panel members. Personal data is retained by NUI for a maximum period of five years for successful candidates and three years for unsuccessful candidates. Further information is available in NUI's Data Protection policy, accessible at: [http://www.nui.ie/about/pdf/data\\_protection/NUI\\_Data\\_Protection\\_Policy.pdf](http://www.nui.ie/about/pdf/data_protection/NUI_Data_Protection_Policy.pdf)