

## Louisa's nightmare

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Dear John

I had my PhD viva yesterday and to say it was something of a disaster would be an understatement. I thought the viva itself went quite well, so was much surprised to be sent out for quite some time and asked to bring my supervisor in with me.

The background to this is that the thesis is multi-disciplinary and because other examiners were unavailable, the two examiners were both from one discipline and experts on one of the four topics considered.

We were told that that the examiners had been unable to agree and that they were unable to award a doctorate.

My supervisor asked what the problem was with the thesis. The external responded that it was 'the structure' but did not really give further details at this stage. At no point in the viva was any mention made of the overall structure of the thesis, let alone any suggestion that it had been an issue. If this was an issue, I would have expected it to be discussed in the viva.

It became clear that the examiners had differing views on what corrections, and extent of corrections, was necessary to award a doctorate.

The external initially refused to drawn on what he thought needed to be done, but was arguing for a re-write. He pushed this on the basis I would have 12 months to re-submit instead of just 6 if the internal's approach was adopted. During a pause in the viva he had asked me what I did and was aware that I work full time - he used this information to push me to accept his corrections. I felt as though they were trying to pressure me (and my supervisor) into making a decision when I did not have adequate information and, equally, in a situation where it was not my responsibility to choose which corrections/rewrite I would prefer to do.

Eventually the external said that he thought the structure of the thesis should be that the various issues were considered (in a radically different way. I interjected at this point that it was clear from the thesis that (to) group them like this was not conducive (to answering the key questions my thesis addressed). He did not respond to this.

The external then suggested that the situation might be resolved by appointing a third examiner and inviting him to choose between his and the internal's

recommendations. The supervisor asked whether it would be appropriate to restrict a third examiner in this way, or whether the examiner should be free to consider the thesis independently as he did not have detailed knowledge of the regulations in this area. The external replied that he had done this before at other universities.

It became clear that neither my supervisor nor I were prepared to commit to either course of action, or to the appointment of a third examiner, without seeing the examiner's report. At this point, we left the room.

My supervisor was appalled - he had expected either a pass with no corrections or a pass with minor corrections and certainly would not have allowed me to submit if he thought the above was likely.

Although we await the outcome of the Board, we are talking about an appeal on procedural grounds as it is highly irregular to invite a student and supervisor into the room and essentially invite them to grade the student's work. Under the University regulations, where the examiners are unable to agree they must submit separate reports and the Exam Board will make a decision. There are also concerns about the fairness of the viva - while the academic judgment of the examiners cannot be questioned, surely it is not unreasonable to expect to be questioned on the area the external examiner clearly thought made the thesis beyond redemption in its current form?

It also appeared that he had made his decision before the viva and, as he described my performance in the viva as 'insufficient', this confirmed his previous thoughts. The external asked a number of questions which were unrelated to my thesis or only very slightly (some of which even he described as 'unfair questions') and there were a couple of these where I could not give very full answers as they were outside my area of expertise. I think this may have contributed to his view that my performance was insufficient.

I have read several of the case studies on your site and would be grateful for your thoughts - this has been a terrible shock and while there are clearly procedural issues, it is difficult to know what line the university might take or how the Board will approach the conflicting examiners reports.

The Secretary of the Board has indicated to my department that there are, prima facie, grounds for an appeal on the basis of the procedural irregularities. I have no issues whatsoever with the quality of supervision and the advice I received to submit my viva, but my supervisor said afterwards that he thought the choice of examiners was 'a bad choice' as their interests were too narrow. On the basis that we would like to resubmit and re-viva if the exam board's decision is not palatable, I would be interested in your views on how best to tackle this and grateful for any advice. My department are being

pro active and, currently, quite robust, but this is not something they have come across before. For my own part, it is all still somewhat raw.

Many thanks  
Louisa

Q: how would you have responded?

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John's reply

From what you say it appears to me that the whole process was highly irregular. This not unusual as some academics are relaxed about regulations and following proper procedure. Your starting point is not to believe anything you are told by anyone at all until you have thoroughly examined Barchester's regulations for the examination of doctorates. It is totally irrelevant to quote what happens elsewhere, or even what various parties imagine to be the rules. They have rarely read them. You immediately need to become the authority on exactly how examinations are organised, the duties of examiners, how vivas are to be conducted, the examiners' options, whether they can take into account views of non examiners such as supervisors (unlikely), your personal circumstances, etc etc.

Most probably the quality of supervision etc is irrelevant to the appeal. (You should have had more than one supervisor?)

I suggest you prepare a table, listing the key elements of examining procedures and grounds for appeal, with alongside that what actually happened, indicating what is on record, email, or can be verified by a third party. When you have done this, send it to me. It will highlight the ways the examination has not followed procedure.

Have you a copy of the communications with the Secretary of the Board? (what Board?)

BUT immediately look for the deadline for appeals. It is sometimes very short. Even if you have not prepared your case, you can give notice of appeal.

Best wishes  
John

Hi John

Thanks for responding. The deadline for appeals is 15 days from the decision of the Research Degrees Board (the board in question) and they do not meet again until the end of next month and the notification is by post. The examiners' reports must be sent to them within 14 days of the viva.

I will ask for a copy of the communication with the Secretary - assuming it was not a phone call - but I have the email from my supervisor which says that the Secretary

believes 'there is prima facie grounds for appeal.' I sent my supervisor an account of the viva and my version of the meeting which followed, which have been logged and filed in my department.

Louisa

Q: how would you have responded?

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John

This (copied email) came from the internal yesterday - some of the corrections are reasonable and ones I can see the sense in including, others are difficult to understand as they alter the scope of the thesis and I was not given an opportunity to defend them in the viva. I've sent this to my supervisor and await his comments.

Louisa

Hi Louisa,

Does this imply that the two examiners have now agreed on their recommendation to the Board? they seem not to be submitting separate recommendations?

I don't think that there is any rush if you are away, as it is a month till the Board meets. (If I had been its chair I would be getting full facts now.)

My understanding is that at the moment from what you have told me their recommendation will be pass but with corrections? if that is the case, it makes the possibility of an appeal problematic. The Board can accept the recommendation or not. So, if they do, and you are really unhappy about following their suggestions, the next range of questions are:

1. Is it legitimate at Barchester to appeal against this decision?
2. If so, when can you appeal against such a decision at Barchester? many universities restrict appeals to the point at which the Board accepts the examiners' final recommendation for a fail - ie after you have done the corrections and/or have resubmitted. (This is logical but considered crazy by candidates who have to do something they think illegitimate in order to submit an appeal.)

Since your grounds for appeal will be based on procedural faults, do maintain a record of where procedure was not followed, just in case.

Keep me posted.

bw

John

Hi John

My supervisor believes they are submitting separate reports as they were unable to agree on the grading, though they apparently have agreed on the substance of corrections [this turned out not to be the case]. I believe the external views these corrections as a rewrite (requiring resubmission and re-viva) and the internal as omissions of substance etc. I personally think that the external wants a different thesis entirely so would favour either omissions of substance (though those listed are in places bizarre or massive in scope, eg the second of the ... corrections, without adding to the substance of the thesis) as I cannot see a happy ending if the same examiners re-viva.

The regs suggest I can appeal after the decision of the Board is made. I think you can appeal against any decision, though obviously it would tend to be contentious ones.

Thanks for your ongoing advice - you read about nightmare vivas but never expect it to happen to you!

**Q: any further thoughts at this stage?**



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You may recall I contacted you several weeks ago about a disastrous PhD viva. The verdict is now in from the Research Degrees Board and it's, as expected, not pretty - ie submit and re viva with the same examiners.

I do not think I can get a fair reception from the external and believe he is likely to fail me on resubmission as he hasn't really got what he wants. Letter from examiners and reports attached below, have sent it to my supervisor and intend to appeal. It has been informally indicated to me that my department is supportive of an appeal and thinks it has a good chance of success. I intend to ask for resubmission and re viva with fresh examiners due to the procedural improprieties.

Many thanks  
Louisa

Hi John

Thanks for the speedy reply. I have been working this evening on a draft appeal letter, outlining in detail where the examination was in breach of the university's regulations. I attach a draft I am happy for you to show the letter to (your colleague), as it is probably the easiest way for her to see the situation and the regs which govern it.

The deadline is 28 days from receipt of the decision of the Board.

I confess I am surprised by the decision, though I am told that the Board likes to give students the maximum amount of time to make corrections. I cannot see how they think a re-viva is appropriate though!  
Louisa

(John suggests she obtains advice from a colleague of his, an expert in phd examinations). She points out:

I absolutely take your point about the problem that the thesis was essentially interdisciplinary and both your examiners were from (the same branch of the discipline), particularly if the details they picked up were predominantly in this area. It can be a good idea to discuss the question of interdisciplinarity and its implications for the methodology adopted at the beginning of such a thesis, though perhaps you did that. However, it is unlikely that you'd have any route with a complaint about their being inappropriate examiners because this would



all fall within the reasonable bounds of academic judgment I think, and as you know, no court will touch that and the OIA cannot do so either.

More important is how best to get through the hoops to the degree from where you are now. My job is to give you the best advice I can on the basis of my knowledge of complaints and appeals and also long experience of PhD supervision and examination, though of course someone else might differ.

.....you can't ask for them to construct alternative procedures. The ones I was quoting from yesterday are embedded in the University's domestic legislation....

John adds

Have noted all this. I agree with (the colleague) - who has more expertise in the subject and experience of appeals - that putting all efforts into building on existing examiners' advice and addressing their suggestions would probably be better use of your time...

**Q: what should Louisa do now?**

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Hi both

Thank you again for the responses.

The appeal form asks what outcome I would like from the appeal. I would like either to complete the corrections to the satisfaction of the internal examiner only or resubmit with new examiners.

I was asked repeatedly (and quite aggressively by the external) to choose and told that if I did not, a third examiner would be appointed to choose on my behalf. The internal did not join in with this but did not attempt to prevent it either. The exam regs state clearly what examiners must do if they cannot agree, and though neither I nor my supervisor knew exactly what this was at the time, it was clear what was being proposed was almost certainly not it, and I refused to do what they were asking.

The result of this was that external gave me the lower grading of those offered in his report, which he had threatened me with during the foregoing proceedings, which seems almost punitive for my refusal to participate in this breach of exam regulations. My argument is that this casts serious doubts on the outcome of the original viva and whether any re-viva with the same could be considered 'fair'. The procedural irregularity is the vehicle for this.

In addition to this, it is not clear whose corrections I am to do, and some of them are vague. I would like to ask for submission of corrections to the satisfaction of the internal only, without re-viva, as I am concerned that the vagueness of some of the corrections means that I will be unable to satisfy one or the other of them, they will once again be unable to agree, I will perhaps be penalised for/by this and this whole process has been in vain. The alternative to this, and what my department prefers, though I personally do not, is resubmit to new examiners. The regulations give no indication of what appeal outcomes there may be, but these are the two that my department has recommended I ask for as there are apparently precedents for both cases.

I do take your point about improving the thesis and I have previously said that I agree with some of the corrections and am happy to do them overall. I just don't want to complete them under the guidance of the internal (she sent me an email about this) and then, at a re-viva, have the external disagree again and refuse to award the PhD unless 'his' corrections are done or just fail it outright.

**Q: discuss Louisa's response**

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John's colleague writes:

Thanks for this. First, could I suggest you read your email below through for clues in the language you are using. The stress you are feeling is probably having an effect on your perceptions (punitive; threatened; aggressively). This is the way people write when they feel conspired against and I am quite certain this is not what has happened here. You would have a huge task to prove that the examiners were hostile to you and deliberately trying to fail you as a punishment. (I see quite a few letters in this tone so I am familiar with the problem of being dispassionate when you are upset.)

The responsibility for procedural correctness lies with the Board in the end and its letter to you is perfectly OK I think. It is their decision you are appealing against remember. You would have to show that they did not take some relevant circumstance into account and I see no evidence of that.

This episode speaks to me of examiners, and your supervisor, possibly not being properly on top of the procedures but wanting to find a way to ensure that you could have a good chance of getting this degree in the end. I have said already that if you got a new viva with new examiners it would have to be of the thesis as it stands not a revised version. You could find you were offered an MPhil not a resubmission. I wouldn't risk it myself.

The required corrections or changes go far beyond correcting typos etc, which would indeed require a precise list. The Board's letter covers the situation by sending you the full comments. The examiners have suggested that more radical revision is needed. You probably need to step back and rethink the thesis before resubmission. Their suggestions are not 'vague' but a prompt to review of the whole thing. At this level when you are moving from an apprentice to a self-reliant scholar there is no question of your simply being given a list of 'corrections' unless they are of the typo sort. I am sure you want to get this over - you said that earlier - but even if you got a reexamination of this version it would not happen for months. There are no short cuts.

**Q: discuss the points raised in this reply**

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Louisa replies:

Thank you for your comments. A point of clarification - I do not, and never have, think the examiners are engaged in any kind of conspiracy against me. The external was, I am afraid, aggressive when he was trying to pressurize me to accept his view over that of the internal.

To ensure that I understand you correctly, are you in effect stating that, despite the material irregularities to the process, I should accept the decision of the exam board and not appeal?

Best wishes  
Louisa

Louisa,

The point about the Board's decision is that they state that they dealt with the disagreement. You can only challenge the Board's decision so you would have to show that they did not do that fairly and I don't think that would be easy (I look at these things as an appeal would or the OIA would or a court would. Of course another adviser might disagree. It is your decision.)

Conspiracy - the point I needed to make to you is simply that you say you want new examiners because you think the external is prejudiced against you. You use quite strong language about that. You say you think he was trying to punish you. But the appeal committee would need a high level of proof before accepting new examiners were appropriate, and all you can really say is that you felt pressurized.

The thesis does need revision, as you realise. Neither examiner thought it was a borderline pass and merely needed a few minor corrections. Why not, as John says, put your energies into that revision?

It is absolutely your decision, but appealing is stressful and exhausting and will take time. I am not sure what it would do for you if it succeeded. You would still have to face examination and that would surely best be done with a stronger version of the thesis?

Louisa replies

When I initially contacted John, he thought I had a strong case for appeal based on the circumstances and regulations. I am disappointed to find that he no longer thinks this is the case.

Stressful, exhausting and time-consuming are not deterrent factors for me.

I have taken your comments into account and am working carefully to expunge any reference to academic judgment from the appeal.

Dear Louisa,

Now I am aware of the Barchester regs about disagreement I see the committee took a reasonable decision probably thinking they were giving you the maximum scope to bring your thesis up to a form that could pass. Similarly, from an outsider's perspective, it might appear that the examiners were being helpful in offering you the choice. In the circumstances I think the best chance of success is making the best shot at meeting their suggestions.

Bw

John

Hi John

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If concrete and numerous breaches of the University's own exam procedure by examiners are not the basis for a successful appeal, how anyone ever appeals successfully is beyond me.

My perspective is this: I have nothing to lose by appealing. If it fails, I am in the same position as now and can turn my energy to giving the corrections my best shot.

Thank you both for your help - I am afraid I still intend to appeal, and my department are actively (and unasked) encouraging this, but your comments and feedback have influenced the content hopefully for the better.

**Q: comment on Louisa's decision.**

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Extract from Louisa's appeal:

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The Regulations and Code of Practice for Research Degree Programmes are clear that where the examiners are unable to agree a joint report, they must submit separate final reports (reg xy). For the examiners to bring myself and Professor ... into the room and ask me, with my supervisor, to select which grading I would prefer, with the alternative being the appointment of a third examiner to choose between the gradings, is clearly in breach of this regulation. Further to this, asking the student and her supervisor to participate in the decision-making process is in breach of regulation z which states that 'supervisors...may not contribute to discussion during the oral examination, and must withdraw before the examiners begin to consider their recommendations.' ....

I am also concerned that Professor ... will be biased against me at any future viva on the basis of my criticism of the handling of the examination process....

**Q: what do you predict will be the decision on this appeal?**



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## The outcome

Hi John

You may recall I corresponded with you a few months ago about appealing my PhD result. I thought you might like an update. I appealed on the basis of multiple breaches of the exam regs and potential bias of the external. The appeal was successful.

I understand that it was determined that, as the Board was not going along with what he had proposed there was a high risk of bias from the external examiner, and so I should submit afresh to new examiners.

New examiners with research interests closer to mine were chosen and I am happy to report that not only did I pass, but they complimented me on the quality of my writing. The viva was completely different - thorough and robust questioning, but without the aggression of the original. I almost (!) enjoyed it.

Best wishes  
Louisa

Dear Louisa,

Many congratulations. You were right. If there were breaches of the regs, you had a better case than I realised.

One of the worrying things about phd examinations is how different examiners can come to such different conclusions.

Would you allow me to draft a short version of our correspondence, with names, details and that of the university changed, for use in supervisor and student training sessions? I would send you the draft for approval and then when approved £50 for the copyright so that I can add it to my collection. Supervisors, examiners and many phd candidates would then learn from your experience. It would be particularly valuable in that, against my advice, you went ahead, and won...

Best wishes  
John

John

Thanks; in fairness, the appeal I submitted was much more tightly drafted as a result of your comments. I could go on about the vagaries of the system and importance of choosing the right examiners but you know all that. There are a few corrections to do,



but while they outlined them the examiners kept saying 'you can go and celebrate, you WILL get your PhD' - music to my ears!

In principle, yes I would be happy for you to use my case as an example on your site. It would need to be carefully drafted though to ensure anonymity, as Barchester has also been promoting the use of independent chairs more broadly to avoid a repeat for others. My supervisor was really great through all of this; I was fortunate we have such a good relationship.

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## Team task

What are the lessons here for

1. Phd candidates
  2. Supervisors
  3. Examiners, and
  4. Institutions?
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## 10 Louisa's advice

### 1. For PhD candidates

Have an honest and open relationship with your supervisor. You need to be able to ask difficult questions and be able to believe the answer, even if it is hard to hear. I nearly gave up, but my supervisor encouraged me to keep going - I kept going because he believed in me and in the quality of my work.

If you are appealing, keep the faith. It's a long and stressful process and sometimes you will want to give up. Don't.

Reality check: be prepared to lose. Make sure you can face the consequences if necessary.

### 2. For supervisors

Getting the right examiners is crucial, particularly if the thesis is inter-disciplinary or otherwise unconventional. Make sure the examiners' and the candidate's research interests/approach are closely aligned.

Try to get experienced examiners and get some feedback from other institutions if you can - my internal was inexperienced, which can't have helped matters when she was faced with a 'difficult' (her words!!) external. I am told the external will not be asked to examine again at my university.

Be honest with your student; if your student's appeal is unlikely to succeed or you think the judgment of the examiners is valid (even if it's a fail!) you need to say so.

Appealing is a long and painful process and I needed to know that my supervisor believed in me - and to be able to believe him when he said it. Trust is important and that can mean having difficult conversations ahead of the viva.

### 3. For PhD Examiners

Examine the thesis in front of you, not the one you think should have been written.

If a problem arises and you aren't sure of the regulations, check.  
Know what your role is in the process and be prepared to stand your ground if necessary.

If you have an issue with the thesis, ask the candidate about it in the viva. The initial external examiner revealed that he had some major issues with my thesis after the viva was over and I wasn't given an opportunity to defend them. At my second viva I was asked the same questions; I had excellent reasons for doing what I did and defended it robustly - I passed.

#### 4. For institutions

My department is encouraging the use of independent chairs; I would personally like to see this made compulsory. Fairness in examination is key - even if you don't like the outcome, at least you have been examined fairly.

Make the appeals process faster - I had over 6 months between my original viva and the new one (which didn't take long to organise) and it was hard to get back into the necessary frame of mind as it had been almost a year since I finished writing. Thankfully my job didn't rely on my PhD, but the slow process would have been disastrous if it did.