

Rita's re-examination

27 January 2012

Hi,

I read on the internet that you give advice for students who have failed or are likely to be failing doctorates. I am in that position and would welcome advice. I have two very experienced and supportive supervisors who are both shocked at the way I have been treated. I am employed at the University where the Doctorate has been delivered and the University have been sympathetic to my situation.

Could you let me know if you are still advising Doctoral students?

I look forward to hearing from you.

Best wishes,

Rita

John asks for details...

Hi John,

I have laid out below the information you requested as far as I am able.

1. I submitted my EdD thesis the first time in July/August 2010 and the Viva was held in the following November 2010. The word count for an EdD is 50,000 words and I did find it a challenge keeping within the limit of 55,000. The Viva was short and I found one of the male examiners intimidating and the atmosphere was hostile. I was interrupted continually by the male examiner mentioned previously and although obvious, the other two male examiners did nothing to stop this, including the internal who acted as Chair. This atmosphere continued into the feedback session and was witnessed by one of my examiners. They refused to give me verbal feedback despite my requesting it. I didn't feel that I had been able to defend my thesis due to the lack of pertinent questions and the constant interruption. I was told I would have to re-write the whole thesis but I could not use any feedback they gave me as a 'checklist'. I was told I could exceed the previous word count.

2. I received the attached written feedback. However, about a week after that first Viva the internal examiner came to my office, with no prior warning or appointment wishing to give me verbal feedback. I did not wish to see him and

also could not understand why this feedback was not included in the written feedback. It didn't feel right and I found the whole thing very uncomfortable. The original thesis had several errors - I had a lot of problems with the editing programme on my computer and although I listed these, I was expecting this to be a problem. However, my list of corrections was not acknowledged as a problem. At the time I felt this might have caused some of the hostility but was told by the internal that this was not the case. In the end I put in a complaint about the process of the Viva, citing as evidence the attached feedback. I knew that I would not be able to face this same panel again and so asked for a woman to be added to the team, as per the regulations. This was agreed. Also a female independent chair was added to the team on the request of the internal examiner. I was not particularly confident that this would have much of an effect on the outcome of a 2nd viva but did feel it would prevent a repeat of the behaviour I had had to endure first time around.

3. I completely re-wrote the thesis, taking into account the feedback from the first Viva. This was problematic firstly because it was quite vague and secondly because some of the comments were rather random - in particular the point about the number of interviews, which in qualitative social research is not really the issue (although there is research to show that this is a very common method used in Doctoral thesis and the average number is below the 21 I carried out). This was handed in at the beginning of September 2011.

4. The second Viva was held on January 25th 2012. It was a completely different experience. The unpleasant member of the first panel couldn't attend as he had a hospital appointment. The Chair was very calm and very encouraging. I was not interrupted once. I started by going through the feedback from the first Viva and explained how I had responded to it and the thinking behind the re-write. The second Viva lasted about 2 hours and was extensive. It was very well chaired and the questions were relevant and searching. I felt I did quite well. We then waited for about an hour and a half possibly 2 hours for the result. I was told that the decision was to award me an M Phil. I told them that I did not want an M Phil and I asked for feedback. Most of the points made were new ones and when my supervisor, who came in with me for the result, pointed out that this was unfair, we were told this was because there was a new examining team. I was told that they had decided on an M Phil purely because they did not feel that there was enough time for me to make the necessary changes (6 months). I argued that I felt that should have been my decision. I was told that the thesis was much improved and I had done very well in the Viva but that some of these

points were not contained in the thesis. I questioned this on the basis that this was the purpose of a Viva.

We were then told to leave the room again for a few minutes. Comments had been made by the internal examiner that I was an 'expert on the regulations' - a reference to my complaint, so I believed they were going to have a discussion around my point about the purpose of a Viva and perhaps ask for advice. However, after about 30 minutes we were called back in and I was told that they wished to change their decision and give me the option of re-submitting (albeit against their advice). I said I would consider this and contact the chair in the evening with my decision. I felt I needed to consult with my other supervisor and my line manager. The only other point about this Viva I felt was relevant was that the woman who had been appointed as an examiner (not the independent chair) made a point of saying that she agreed with the comments from the first Viva. I didn't follow this up but I was surprised that she felt the need to say this and also that she had seen the previous thesis since it had been stressed to me that I should treat this Viva as a new Viva. I was also told that they would need to check that the regs allowed them to change a Viva decision (which they did). I felt at the time that the changed decision was made on the basis of my arguments at the feedback session but on reflection think it much more likely that they were concerned I might complain - or the internal examiner was concerned about this.

At the second Viva and the resulting feedback session I felt the external examiners were much more engaged with my thesis and more encouraging. The woman examiner made a point of stating that she thought I was capable of doing the required changes and the other male examiner gave encouraging comments. Nonetheless I don't feel optimistic about my chances, especially if the written feedback (which I have not yet received) is not specific. I don't think either of the externals are terribly experienced in research or Doctoral Vivas.

6. I also have to consider whether it would be a good idea to risk failure bearing in mind the job that I do. I am in the process of co-editing a book with a colleague, which has been accepted for publication and several journal articles in the pipeline. I am also aware that my failure has implications for my supervisors, although they insist this should not concern me.

7. I will check the appeals procedure tomorrow. I am pretty sure that if I fail the examination I can appeal to Senate but have no idea if anyone has ever done that or the likelihood of success. I have found the University very supportive but (and I can understand why) their hands are tied. If there were a solution I am sure

they would take it.

I am not sure if it would be beneficial to seek legal advice since I believe that the University would do everything within its power to resolve this matter correctly. However, legal advice itself would probably be useful. I would not be interested in seeking compensation.

I would really welcome your comments and please come back to me if you feel some of the above information is incomplete.

Best wishes,

Rita

Sun, 29 Jan 2012 18:52:40 +0000

Hi Rita,

Looks like a 'dog's dinner'. A real mess and not your fault...

Points:

1. was the letter of Nov 2010 the only written report to you from the examiners? if so, it was totally inadequate. Informal briefing by one examiner is totally inappropriate and insufficient.

2. you were resubmitting - but to new examiners? that's pretty unusual, even if you wanted a woman there. Another interpretation would be that it was a new examination. What are the regs about members of the examining board for doctorate? Which was it?

3. although the absence of an examiner may have worked in your favour, all examiners should be present at a viva, I'd have thought. Who prepared independent reports before the viva?

4. the month's notice should be from when you receive the written examiners' report and recommendations. So you have a little time to think. It should be detailed and enable you to consider how realistic it is for you to meet their

specifications

5. Normally it is difficult to appeal at this stage (check this), because you have not been failed, only given the opportunity to rework your thesis, but that doesn't mean you can't do anything.

6. I don't think you should give up. You have invested too much in this degree and you have a right to be examined scrupulously and fairly. You don't want an undeserved 'failure' on your record. I think you ought now to look at the full phd examination regs and rules for examiners, vivas etc, and check whether you consider that they have been followed to the letter. Then, if not, consider getting legal or specialist advice. I can suggest a number of options which will not initially cost anything but give you specialist advice and enable you to be clear whether you have a case - and if necessary what it would cost to pursue it that way. If you win anyway the uni would have to cover your costs. I can send you an example of a successful case if that would help.

7. let me see the full examiners' report which you get it.

Best wishes
John

Hi,

Yes that letter in November was the only response that I got. I am not sure where the regulations around members of the examining board for doctorates are but I can find out. I am not sure what independent report you are referring to - nothing springs to mind but I may not have been aware of it. I will ask.

In regard to the examiner not attending - I was consulted about this but I am not sure the other members of the board were.

I am very clear I don't want the failure on my record, which was why I was considering withdrawing. However, if I can be treated fairly then I would prefer to continue.

Yes I will consider taking legal advice and it would be useful to see a copy of the case you mention. I don't know if it makes a difference that the University paid my fees for this?

You have no idea how grateful I am for this. Thank you so much.

Best wishes,
Rita

Sun, 29 Jan 2012 21:04:37 +0000

Rita,

Just look carefully through the Uni Regs for examining doctorates (Prof docs may be slightly different from PhDs but not much). And check whether they were followed.

When you look at them, I think you will discover that each examiner has to submit an independent preliminary report ahead of the viva; then after the viva a joint report has to be written, in detail. If a resubmission is recommended then a clear list of what the candidate has to do for the resubmission has to be included and this communicated to you by the University. Typically that is a couple of pages of detailed instructions.

Also check on attendance requirements. Normally if an examiner is unable to attend, the viva is postponed, partly because the viva is part of the examination and an absent examiner is therefore not properly examining your work.

If you are not treated fairly, that would be grounds for complaint or appeal.

It doesn't matter who paid the fees. You are registered as a candidate for a doctorate and have all the rights that that entails.

I attach an appeal, which was successful. I am awaiting the candidate's approval to use it in my courses. So please do not pass it on. You will know how the lawyer has checked exactly what happened against each regulation.

Best wishes
John

Hi John,
Thank you for the case study and I will not show this to anyone else. Are the regulations for examining doctorates (and attendance requirements) usually freely available?
best wishes,
Rita

Hi John,

Actually I found the regulations mentioned and have copied and pasted them here. I have to appeal within one month.

Best wishes,
Rita

SECTION 4

Students are advised to seek impartial help, advice, guidance and support from sabbatical officers in the Students' Union and Students' Union Advice Centre.

Assessment Regulation 10: Appeal against the recommendation of examiner (students on approved courses of supervised research)

10.1 Candidates may in the circumstances set out below request a review of the examiners' recommendation, whether at the first examination or on re-examination.

10.1.1 An 'appeal' is defined as a request for a review of the recommendation of the examiners, whether at the first examination or on the re-examination. Such an appeal will always be concerned with the conduct of the examination or with the personal circumstances of the candidate.

Grounds for an appeal

10.2 An appeal may only be made in relation to the decision made on the recommendation of the examiners. Given the existence of procedures for complaint

during the study period, alleged inadequacy of supervisory or other arrangements during the period of study do not constitute grounds for requesting a review of the examination decision.

10.3 An appeal is permitted only on the following grounds:

- a) that there are circumstances affecting the candidate's performance of which the examiners were not aware at the oral examination;
- b) that there is evidence of procedural irregularity in the conduct of the examination (including administrative error) of such a nature as to cause doubt as to whether the result might have been different had there not been

any irregularity;

c) that there is evidence of unfair or improper assessment on the part of one or more of the examiners. Candidates may not otherwise challenge the academic judgement (sic) of the examiners.

Procedure for dealing with an appeal

10.4 A notice for an appeal against the recommendation of the examiners shall be made

in writing to the Head of Registry's office as soon as possible and normally not later

than one month from the date of notification of the outcome. The candidate must submit the detailed written case for the appeal within a further three months from the date of giving notice.

10.5 The appeal will be considered by a panel convened by the Head of Registry. The

panel will consist of three persons having experience of supervising and examining research degrees and who have had no previous involvement in the case nor be

51

drawn from the School in which the candidate is based. No student or research degree candidate may be a member of a Research Degree Appeal Panel.

10.6 The Head of Registry or a nominated deputy shall act as secretary and convenor of

the Research Degree Appeal Panel, but shall not be a member.

10.7 The Research Degree Appeal Panel shall normally hold its first meeting within one

month of the submission by the candidate of the written case for the appeal. Its meetings shall be held in private and its proceedings shall be confidential.

10.8 The candidate may, if he/she wishes, present his/her case to the Panel in person

and has the right to be accompanied by a friend when presenting the case to the Panel. Notification of the date of the Panel will be forwarded to the candidate at least ten working days in advance of the meeting.

10.9 The meeting of the Panel may be postponed for no more than ten working days, if

the candidate who has made the appeal can show good reason for not being able to attend at the originally specified time. However, the failure or inability of the candidate to attend the meeting of the Panel will not preclude the Panel from reaching a decision.

10.10 If a Panel agrees that a candidate has valid grounds for appeal, it must

either:

- a) recommend that the examiners be invited to reconsider their decision; or
- b) recommend that new examiners be appointed.

10.11 A Research Degree Appeal Panel is not constituted as an examination board and

has no authority to set aside the decision of examiners and thereby to recommend the award of the degree.

10.12 The Panel shall have the powers to disallow an appeal and in such cases its decision shall be final, with the following proviso that the Senate may hear complaints of improper conduct against the Panel or require in exceptional circumstances, the Panel to be reconvened.

10.13 All decisions of the Panel shall be made by a majority vote of the members.

10.14 The Panel shall submit a written report of its conclusions within ten working days of

its final meeting to the candidate, the examiners, the candidate's Director of Studies

and the Chair of the University Research Committee.

10.15 The University will meet reasonable and proportionate incidental expenses (for

example, travel within the UK, subsistence and essential accommodation) necessarily incurred by successful appellants as a result of attending a Research Degree Appeal Panel. The University will not meet any legal expenses.

10.16 The Head of Registry will prepare an annual statistical report on complaints and

appeals for the University's Teaching and Learning Committee and Research Committee. This report will identify any issues which need prompt attention

Hi John,

I received this today. It states that the 6 months starts from the date of the Viva, which is a bit of a blow. The examiners reports are confidential apparently and I don't think I am allowed to see them.

I haven't received the feedback yet.

I am not sure if I can appeal anywhere for extra time - I certainly don't think there is anything in the Regs about this. It all feels pretty hopeless to be honest.

Best wishes,
Rita

> From: CD
> Sent: 31 January 2012 15:31
> To: Rita...
> Subject: Outcome of Viva
>
> Dear Rita
>
> Please find attached confirmation of the outcome of your Research Examination which was held on 24 January 2012. The original hardcopy has been sent to your home address today.
>
> Kind Regards
>
> CD

Hi John,
Sorry for the delay in getting back to you. I have attached the feedback which I received from the 2nd Viva. My manager tried to get an extension on the 6 month rule and was told that this was non-negotiable. To be honest, I feel this has worked in my favour since he has released me from some of my teaching duties so that I can get on with the re-write.

The feedback wasn't as bad as I had imagined, to be honest, and together with the Viva I have a reasonable idea of what they want. Also I am getting a lot of help from my supervisors. At the first viva I handed in a typed list of the typos and had made enough copies for each examiner so that comment is basically a lie. Also the NVivo and qualitative methodology comments are laughable since these were areas I was told I needed to strengthen by the internal examiner when he came over to see me after the first viva. However that material can easily be inserted as an appendix. At that same visit I was told that the typing errors were not a problem - despite this I did take along another list to the 2nd Viva but was not asked for it. Having said all this, since the final copy will not contain any errors, I don't have a problem with the points regarding editing.

The university regulations here are quite vague but I can appeal to Senate if they fail me. I do intend to answer all the points in the feedback although I am not sure about the status of the first feedback and whether I am expected to respond to that point by point.

I would just like to say again how grateful I am for your help. I am happy to keep you informed as to the outcome and will definitely come back to you if they fail me, if that is ok with you.

Best wishes,
Rita

Subject: Re: EdD Viva problems
Date: Wed, 8 Feb 2012 20:19:46 +0000

Hi Rita,

These are very full reports, and although critical, detailed and largely constructive. In my view you should concentrate on dissecting, listing and addressing each substantive criticism, leaving the merely presentational issues until you have a draft demonstrating doctoral level work. If you can raise it to the standard they expect, I doubt if any remaining typos will prevent them recommending a degree.

One minor matter, which could become important, is that from what you say, you are already over the word limit? That is dangerous as I expect that the maximum number of words is precisely regulated and, if so, exceeding it is definite ground for failure. Thus, one job will be to précis what you can to allow for the additions expected by the examiners.

Don't feel that you have to keep updating me, as time is v short. Just when you think I can help, and when you have resubmitted...

Best wishes
John

Thanks for this. I was told by the internal not to worry about the word count since I had been asked for extra content. However, since other information he gave me turned out to be tosh I will have this checked out.
Yes I felt this report was helpful.

Thanks again for your help. I will let you know the outcome either way.
Best wishes,
Rita

9 Feb 2012

Fine, but I have know of two cases where examiners have failed a thesis because it was well beyond the word limit. In one case they suggested that the excessive length demonstrated the inability of the candidate to write concise summaries and analysis. And there is no opportunity for another resubmission. Academics give 'advice' but you suffer if it was bad advice, not them.
Best wishes
John

Thanks John - this is good advice.
Best wishes,
Rita

October 2012

Hi John,
I don't know if you remember me but I contacted you last October regarding problems I was having around my EdD viva. I re-submitted my thesis on 23rd July and it has been passed by two of the three markers - one internal and one external. The other external has as yet not returned his mark sheet despite, as I understand it, having said that he would do by the beginning of this week. I have been trying to get the research office to chase him up for a while now as I was hoping to make the November graduation.

What concerns me now is that they don't seem to have any regulations to deal with this situation and no-one will let me know how long they are prepared to wait for him to respond (he does not seem to be in contact with the research office), or what they will do if he doesn't return the mark sheet.

I don't know if you have any advice regarding my situation. I am not getting a response from the research office.

I was hoping that I would be able to send you an email thanking you for your help and saying that I would be happy for you to use my experience as a case study but unfortunately closure in this matter is not to be!

The mark sheet might well come through today. However, I intend to make some recommendations regarding my experience and it would be useful to know if you have any experience of this problem.

Hope all is well with you and thank you again for your help - it was a deciding factor in my decision to continue.

Best wishes,

Rita

12 October 2012

Hi Rita,

Glad to hear that it is looking good. But the uni has been waiting for 10 weeks for the second external's report? that's disgraceful. Have you looked thro the uni regs about length of time for reports to be received? if there is nothing, you might want to consider composing a formal letter (which I could scan) indicating that this is unreasonable and, if appropriate, the delay this has had in the furthering of your career. Could you substantiate any loss? also check what the situation is in the regs if examiners cannot agree about the outcome. I would have thought that they could go ahead since two of the three have passed it.

let me know the outcome and we'll take it further.

Best wishes

John

Hi John,

Thanks so much for your speedy reply. I have drafted a short email for the Asst Vice Chancellor (Research) and attached it here. Any comments would be very much appreciated.

I don't think we have any regulations regarding this situation. My supervisor has emailed them giving examples of what other Universities do and I have asked about regs but neither of us have received any reply. I think when it is all over I will try and get them to look at ways of avoiding this happening to anyone else!

Best wishes,

Rita

To whom it may concern,

Re: my EdD

Could you please look into the matter of my Doctoral result as a matter of urgency please.

I re-submitted my thesis on 23rd July 2012 and have been informed that two of the three markers have passed it. The third marker has not at this moment in time submitted his mark and as far as I know has not provided a date when he does intend to return his mark sheet. I have tried to find out what the regulations state in regard to this situation but have not received a reply. This delay means that I have been unable to apply for at least 2 posts in other universities since they require a doctorate as a minimum requirement. In addition I have been trying to set up an international network along with a colleague with similar research interests – my lack of a doctorate severely undermines our case. Along with the same colleague, I am jointly editing a book on international research in this same area – a doctorate would enhance the standing of the work.

I had assumed, if I was successful, that I would be graduating this November. I have 90 year old mother who would very much like to attend. Could someone make a decision now on the marks that are in? If I am to graduate in November, the decision really needs to be made now.

I look forward to hearing from you.

14 October

Hi Rita

I attach your reply with some track changes.
Let me know what happens.
John

Hi John,
This is so helpful - thank you. I was intending to send it as an email to the Pro VC Research.
I am surprised at how stressful this delay has been. Your support has been invaluable - do let me know if I can do anything to help in return.

Best wishes,
Rita

14 October 2012

I suggest copy to Chair of whatever committee has to make final decision.
When all is done and dusted, let me know and we'll make a narrative out of your experience to add to my files if I may...

bw
John

Hi John,
That would be fine. I think the Pro VC chairs the research committee but it might have to go to full Senate, I'm not sure. He dealt with my complaint after the first viva and was sympathetic.
Thanks again. I will be in touch.
Best wishes,
Rita

Hi John,
Here is the correspondence in relation to my email to the Pro VC research. Initially felt quite optimistic but actually realised that nothing had really changed.
What do you think? Dr L is the external who has not returned his report.
Best wishes,
Rita

From: IP
Sent: 15 October 2012 18:26
To: Rita...
Subject: RE: Urgent: My Doctor in Education Result

Dear Rita,
Thank you for copying me in to this note. I have not been responsible for PGR matters since the end of last year, because that team is now part of Researcher Environment headed by AH. However, Professor B has asked me to look into this matter and to do what I can to help.
In principle the Pro Vice-Chancellor is happy for the award to be signed off on the basis of the reports already received, but the internal examiner still wishes to have to the opportunity to discuss the matter with Dr L before a final decision is made.
Professor Avis is making concerted efforts to contact Dr L by telephone and has been doing so since last week.
I have asked for your name to be added to list passed to Registry for the November awards ceremony and so you need not worry about this aspect of the matter. I hope you and your mother have a terrific day and I will be back in touch about conferment as soon as possible, and hopefully before the end of tomorrow.
Best wishes

I

From: Rita...
Sent: 15 October 2012 19:33
To: IP
Cc: ...
Subject: RE: Urgent: My Doctor in Education Result

Thank you for your help in this matter, particularly since it is no longer your area of responsibility.

I appreciate your encouraging words but basically I do not feel this situation is substantially different from what it was prior to my contacting the Pro Vice Chancellor. Can I ask that a decision is made by the end of tomorrow? I think this would be reasonable.

Thank you again.

Best wishes,

Rita

20 October 2012

Hi John,

Just to let you know that I have got my doctorate! It does feel good.

I don't know if the third report came in - certainly hadn't by last Thursday.

Thank you so much for your help and I am more than happy for you to use me as a case study.

Best wishes,

Rita

Hi John,

I checked on whether the 3rd examiner had provided a report. Apparently he did this via email to the internal examiner who then passed this on to the post-graduate research office. I wasn't quite sure whether they had actually received a forwarded email from the examiner or whether the internal had emailed saying he had received confirmation - she did look in my file but simply said she had received a confirmation via email.

Best wishes,

Rita

26 November 2012

Hi John,

Yes I have graduated and have the doctorate. I was told he didn't complete a report but they received an email saying that he had passed it from the internal examiner. I don't know if that was a forwarded email or not.

You are welcome to use my case on the basis of it being anonymised and thank you again for all your support and help – it was invaluable and I honestly don't think I would have completed without it.

Best wishes,

Rita

Rita's conclusions (March 2013):

Reflecting on my experience, I think better regulations would have helped. In particular a form that examiners had to fill in which detailed where the thesis needed to be improved would have helped at the first Viva since the feedback from that one was not helpful. I also think that Vivas should be open events – I think the behaviour at the first Viva would have been better had other people been there. A time limit should be attached to the Examiners' reports – 6 weeks seems to be the norm. We don't seem to have any limit.

I think we should also provide guidance to Examiners and I think we should have an appeals or complaints system attached to it

As I said at the time John, had I not contacted you and received your advice and support it is unlikely that I would have completed. My supervisors were supportive but had their own agendas; the research office and the pro VC were also supportive but again, their ability to help was very limited.

Generally I found the whole experience very disempowering. On a more positive note, I was very pleased with my end thesis, and I am really glad I finished. I would really like to pass that message on to anyone that has a similar experience to myself: it is worth it.