

## Angie's appeal

I

A colleague of mine has suggested I write to you with my query regarding the conduct of my recent PhD viva. Just to fill you in on my background, I worked as a professional classical musician for 15 years, becoming a mature student in my late 30s and gaining a B. Mus (Hons) [2:1] and an M.A. in Musicology (with Distinction) at a major UK university. Now 51, I've spent the last 3 years working full-time on my PhD thesis on 'The development of baroque music: a psychological perspective', a topic described at my upgrade meeting as 'highly unusual' and which it was always clear would require a multi-disciplinary approach. I've worked extremely hard, had 'excellent' progress reports throughout, and prepared as well as I possibly could for my viva. Unfortunately, that's the point at which it all fell apart.

To set the scene, my external examiner was aggressive to the point of bullying. In fact, his entire thrust was that my musicological data (which he described as "fascinating," "impressive" and immensely publishable) should have been situated within an entirely different discipline from the outset, despite my stating in the introduction that this was neither practical nor relevant. The outcome, not surprisingly, was extremely poor. His verdict was that, with 6-12 months' work, I *might* turn the thesis into something worthy of an M.Litt., but that it would take at least two years to turn it into a PhD and he strongly advised against this course of action.

I was absolutely devastated at this, and went home in a state of shock. I was unable to face anyone, and couldn't even tell my family what had happened for several days. I emailed my supervisor, who had observed the first hour but had had to leave for a meeting, and asked for a date when we could discuss the next step, and to which he agreed with alacrity.

However, the following day my supervisor (in his role as Head of Department) called to say that the internal examiner had just told him that not only had I been bullied throughout, but that the external had also bullied her from the minute he had arrived at the university. She said he had consistently overruled her and forced her to take his line during the exam and the final report, and that as a consequence she wanted the whole process to be declared null and void. My supervisor had also apparently had grave misgivings during the time he was observing the viva, so he (as HoD) has also asked for a re-examination. As the initiative has come from them, I have followed this up with an appeal of my own, which would have seemed pointless otherwise. The matter is now in the lap of the gods...or rather, my faculty's Graduate Dean and the Higher Degrees Board. [BTW, I have nothing but praise for my department, supervisor, and now the internal examiner who had the guts to come forward.]

My question is this: have you heard of this happening elsewhere? If so, how rare (or otherwise) is it for the internal to take such an initiative?

I have used my private email address, and although I know it would be easy enough to identify me and my university I am sure you will respect my privacy and treat this in confidence. This is

obviously a very tough time for me but I would be very interested to find out whether this is an isolated occurrence.

In the interim, there are two things keeping me going:

1) I intend to treat this viva as a mock, and

2) It may have felt like the worst day of my life, but I keep telling myself that nobody died.

When one's friends are having their houses repossessed, facing critical illness, etc, it is a little easier to keep a sense of perspective.

Yours,

Angie

**Q1 List the issues that have arisen here**

**Q2 How would you respond to Angie's email?**

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John responded:

Q1: presumably the internal examiner signed the final report?

A: I presume she had to do this before parting company with the external, but she effectively withdrew her assent the following day, before submitting it. I raised this point with my supervisor: as HoD, he is next in line to sign it off, but as my supervisor cannot do so. So he approached the Head of School of Arts, who would be next in line, and said he wanted the process stalled. Head of School of Arts has now referred it to the Graduate Dean, who will, I presume, present it to the Higher Degrees Board.

So the Graduate Dean now has the following documents:

Full Report from supervisor/HoD (requesting re-examination)  
Full Report from Internal Examiner (requesting re-examination)  
Final Viva Report, signed by both examiners  
Preliminary reports from both examiners  
Complaint from me (see attached)

Appeals Form is really aimed at taught courses and written exams and doesn't seem to fit this case, and when I asked the Student Complaints Committee whether I needed to submit one, they said my dept/sch/faculty dean was the first port of call.

**Q1 Can an examiner withdraw their agreement to the examiners' decision?**

**Q2 Are there grounds here for an appeal?**

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Q2: On what grounds are you appealing? Can you send me copy of your appeal document?

A: here it is:

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Re: PhD *viva voce* Examination

Dear Professor Brown,

I wish to lodge a formal complaint regarding the conduct of my PhD *viva voce* examination on 20 November 2008. I feel very strongly that I was being examined, not on my own work, but on an imaginary thesis which the external examiner (Professor Proteus) appeared to think I should have written. Having stated that my data were “fascinating” and “impressive” he then informed me that the thesis should have been situated firmly within a single discipline (ethnomusicology) at the outset of my research, even though my introduction stated clearly that this was neither practical nor relevant.

During the course of the examination, Professor Proteus seemed determined to interrogate me on issues and literature unrelated to the stated aims and objectives of my work, and constantly derailed my attempts to refer to specific points in the thesis in order to support my answers. While the internal examiner (Dr Ellen Sugarman) raised critical and challenging questions, allowing me to engage in constructive dialogue, Professor Proteus continued to be extremely aggressive. He constantly interrupted my replies and asked closed questions in unrelated disciplines, effectively depriving me of a voice; by the end of the examination I felt unable and unwilling to answer at all. My own questions were evaded and remained unanswered.

While I was well prepared for this examination to be rigorous, demanding, even confrontational, I did expect my own thesis – as submitted – to be the starting point for wider discussion of the issues raised. I do not believe this examination has complied with the university’s own criteria, and sincerely hope that the university can therefore provide an opportunity for me to defend my work in a suitable academic environment in the near future.

Should you need any more information please do not hesitate to contact me, preferably by telephone or email.

Yours faithfully,            Angela Harris

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**Q     Discuss Angie’s letter of appeal**

Q3: Have you scoured the university regulations for the exact grounds for appeal? If so, can you quote them to me?

A: Attached below. I'm complaining about the conduct of the viva rather than appealing against the decision per se. I haven't seen any of the other reports.

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## **RESEARCH DEGREE EXAMINERS' REPORTS: GUIDANCE FOR EXAMINERS**

Information and guidance on the examination process is provided in the University's *Regulations and Code of Practice for Research Degree Programmes* ("the *Regulations and Code*").

Examiners must complete independent preliminary reports before the oral examination and a joint report, containing a firm recommendation, after the oral examination. Taken together, the examiners' reports must enable the University's Research Degrees Examination Board (RDEB) to assess the scope and significance of the work submitted by the candidate and to determine whether the candidate satisfies the University's criteria for the award of the research degree as set out in Section 9.1 of the University's *Regulations and Code* and in the regulations for the specific degree, contained in Annex 2 of the *Regulations and Code*.

Reports should be made on the appropriate forms available on the University's website, and should be filled in using a word processor and signed. Examiners should bear in mind that reports may be made available to candidates after being considered by the RDEB.

The **examiners' preliminary reports** record their assessment of the candidate's submitted work (dissertation or published work), and identify topics for discussion during the oral examination. Examiners must exchange their preliminary reports prior to the oral examination.

The **examiners' joint final report** after the oral examination sets out their assessment of the candidate and of his/her submitted work and makes a firm recommendation, backed with appropriate justification, to the University Research Degrees Examination Board concerning the award. Where the joint report differs in its findings from any of the preliminary reports, examiners should justify the changes in

their joint report. If examiners cannot agree their joint report, they should submit separate final reports.

Examiners should comment on the strengths, as well as any weaknesses, of the candidate's work. Reports need to be informative and specific to the candidate and his/her submitted work. Generic reports will not be accepted.

Examiners' individual and joint reports should address the following issues:

- (a) the purpose of the research and the overall approach taken
- (b) the candidate's application of research methods
- (c) the candidate's review of the literature
- (d) the extent of any collaboration
- (e) the candidate's contribution to the advancement of knowledge in the subject represented
- (f) the literary form and quality of presentation of the work submitted, and the inferences that can be drawn about the candidate's ability to present and defend intellectual arguments in writing
- (g) the candidate's general knowledge of the subject
- (h) the candidate's performance in the oral examination, and the inferences that can be drawn about the candidate's ability to present and defend intellectual arguments verbally

The **examiners' recommendation** should take into account the criteria set out in Section 9.1 (Criteria for award of research degrees) of the *Regulations and Code*, as well as any specific criteria contained in the regulations for the individual award (included in Annex 2 of the *Regulations and Code*). Where the recommendation involves correction of errors of substance, or resubmission, examiners should attach clear and comprehensive guidance for the candidate to the final report. For minor errors, examiners should make clear to the candidate, in writing, the corrections required.

**The Internal Examiner is responsible for ensuring that the examiners' independent preliminary examination reports and their final report(s) are sent to the Head of School/Department (or agreed nominee) for countersigning. If the Head of School/Department or the agreed nominee is the candidate's supervisor or internal examiner, an alternative senior member of the School/Department's staff should sign the form. The Head of School/Department (or agreed nominee) should forward the signed forms to the Examinations Office to arrive no later than two weeks after the date of the oral examination.**

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**Q1 How can Angie frame an appeal within these regulations?**

**Q2 List the grounds that might apply in this case**

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Q4: Has your university got any guidelines for examiners on procedures for vivas?

A: Here is the relevant extract from the Regulations and Code of Practice:

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### 9.6 The oral examination

Supervisors or other observers may not contribute to discussion during the oral examination, and must withdraw before the examiners begin to consider their recommendations.

The examiners are jointly responsible for ensuring that the oral examination is performed fairly, taking account of any special circumstances of which they have been made aware.

Examiners should return the examined dissertation or published work to the candidate as soon as possible after the end of the examination.

### 9.7 Examiners' reports and outcomes of the examination

The examiners' judgement is based both on the work presented by the candidate and on his/her performance in the oral examination. Examiners should refer to the criteria for research degrees set out in these Regulations and Code (Section 9.1) and in the regulations for the degree in question to ascertain the standard required.

Each examiner must complete an independent preliminary report on the dissertation (or published work) before the oral examination, noting areas that should be explored with the candidate during the examination. Examiners must exchange their preliminary reports in advance of the oral examination.

After the oral examination, the examiners must complete and sign a joint report, clearly indicating their recommendations. [Details of possible outcomes deleted]

If the conclusions of the examiners' joint report differ significantly from those of any of the preliminary reports, the examiners should justify the changes in their joint report.

If examiners cannot agree on their joint report after the oral examination, they should submit separate final reports. Reports should be received by the Examinations Office within fourteen days of the date of the oral examination.

**Q What can Angie do in the light of this Code of Practice?**

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Q5: Does (the University) have any code on bullying?

A: Yes. They're apparently quite hot on it. A notice to that effect is posted outside the dept office, and my supervisor was incandescent, so I think it's not just lip-service. This is from the uni website.....

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### **Dignity at Work and Study**

The University acts to ensure dignity at work and study. The University will take steps to protect its staff and students from harassment, bullying or victimisation, whether this arises from race, sex, sexual preference, age, appearance, political or religious views or on any other grounds.

Those who believe they have been treated in a way which threatens their dignity should in the first instance try to deal with the matter informally, where necessary involving a senior member of staff or tutor. Frequently all that will be needed is an explanation that behaviour is damaging or hurtful, followed by an apology. In some cases it may be helpful for the University's Mediation Service to be used to find an informal solution.

Where the matter cannot be dealt with informally, members of staff or students may make use of the University's grievance procedures. In appropriate cases disciplinary action may follow. Assistance may be obtained from Personnel Services or the University Secretary. All issues will be dealt with in confidence. The University also has Dignity at Work and Study Advisers available to talk over your concerns in confidence before deciding on any course of action.

To view the University's policy on Dignity and Work and Study, or for names of Dignity at Work and Study Advisers, please see: [www...](http://www...)

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I hope this gives you all the information you requested. Many thanks for your attention.

Angie

**Q1 Discuss how this Code might be applied to Angie's problem**

**Q2 What should she do now?**



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Hi Angie,

Looking through everything you have sent me, I summarize the situation as follows:

1. The examiners have presumably submitted independent preliminary reports, one of which is highly critical and the other largely supportive (?)
2. They have held a viva which you (and the internal examiner, and possibly your supervisor) can attest as being an inadequate basis to form a fair judgment of the quality of your work
3. The external examiner, for these purposes working under the university's procedures, behaved in a way that both you and the internal examiner considered 'threatened your dignity' (as your bullying code puts it)
4. The internal examiner is unwilling to submit the joint report because, on reflection, although initially signed, it was under duress, and she now feels that it does not accurately reflect her views
5. Therefore, according to the rules, I think her course of action is to submit a separate final report which does express her views. (Both examiners will need if necessary to explain any differences between their first and subsequent judgments.)
6. These two reports are then submitted to the relevant officer
7. Your complaint has also been submitted

Faced with these facts, I think that you should clearly expect to be re-examined by a new team of examiners and the external examiner informed in no uncertain way that this is because of his behaviour as examiner.

The whole thing makes a clear case for ensuring that an independent chair is appointed for all vivas...

What do you think?

Best  
John

**Q** Discuss the issues raised in John's response

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Dear John,

Your summary is extremely accurate, and I certainly agree with you that an independent chair should be the norm. My husband is a scientist, and he and his colleagues were all appalled that in this case there were only two examiners as they are used to three. I am greatly encouraged by your opinion, and I thank you for taking the time to study the circumstances of my case. I can only hope that the Higher Degrees Board agree that I should be re-examined.

I am sure you have come across other cases of bullying examiners, but I doubt a candidate's appeal gets very far in the absence of independent witnesses. I am eternally grateful to my internal examiner for coming forward. It says a lot for her integrity.

The next meeting of the Higher Degrees Board is in January.

Best wishes,

Angie

**Q     What decision should the Board take in January?**

Dear John,

I have just received the decision of the Higher Degrees Board re my viva. Rather bizarrely, they've decided not to overturn the decision, want me to implement the incredibly major revisions in the joint Final Report, but have agreed to a change of External for resubmission of the revised thesis. This concession would appear to be a clear admission that things weren't right, but they haven't taken the next step which would have been to nullify the viva. My own feeling is that this is a test case and that the ramifications of permitting a re-examination would have been very far-reaching for the university as a whole: I am inclined to think that they just didn't want to go there. This is obviously a grave disappointment, and I'm not impressed with the decision, but I feel that, in the light of this decision, a further appeal would be pointless. Instead, I have a lot of work to do, and a 12-month deadline, so my next step is to speak with my Supervisor and talk through the options.

I now, for the first time, have copies of the examiners' reports and there is a clear mismatch not only between the preliminary and final reports but also between what I am required to do and the conditions for resubmission. My main concern is that the final report reiterates the External's estimate of 6-12 months' work for an M.Litt, and two years' work for a PhD. The final report ends with these words: 'because we are unwilling to cut off the option to the candidate of undertaking the major revision to this dissertation, we recommend that they be permitted to resubmit at PhD level once the necessary conceptual framework is in place'. On the other hand, I have been given a 12-month deadline. I will work for 80 hours a week if necessary, but don't want to risk ending up with an M.Litt or - even worse - missing the deadline because the task is simply unmanageable. Can I ask the Internal for her estimate of what I actually have to do, given that the original External is now out of the picture?

I also have a problem with the nature of the revisions: some are not only irrelevant to the thrust of my argument, but would be impossible to realize. I am required to 'liaise closely with [my] Supervisor and Examiners to ensure the revision is done in the form specified,' but how can I do this if there is to be a new External? I sure as hell don't want to go anywhere near the present External, and how can I discuss things with the Internal without compromising a fresh viva of a revised thesis? Will the new External know this is a resubmission? The whole thing is messy and inconsistent. In fact, it stinks. Incidentally, I notice that the letter sent to me regarding the board's decision was copied to my Supervisor/HoD and to the Internal, but not to the External. I wonder whether how they'll tell him he's been replaced.....

Looking forward to receiving your reaction to this sorry state of affairs.

Yours,

Angie

Dear Amanda,

I am away from my desk and your file for a few days, but some instant reactions:

1. the University seems to have made real hash of the situation. I would have thought that, although this would be a re-examination, it looks more like a new examination, with you having the opportunity to evaluate and take into account the views of the now sacked external? and the internal??

2. what is your audience? your internal examiner who has already taken a view very different from that of the first external? the new external who may do also?

I see nothing to be lost in finding out all you can and asking pertinent questions of all parties except the first external. On what grounds did they come to this decision? will they expect the new external to accept the requirements of the first? or could they introduce new criteria? will the new examining team have an option of requiring you to resubmit if necessary?

The whole thing shouts out for a review or another appeal, although I understand your reluctance.

Best wishes

John

**Q Discuss Angie's questions and John's responses, and any other issues which have now arisen**

Dear John,

Having spoken to my supervisor, who was as confused as I regarding the terms of my re-submission, I wrote to the Graduate Dean in an effort to clarify the University's decision. I have to admit that I was not expecting either a prompt or a definitive reply, but I have in fact received both. Here is my original mail, followed by the Graduate Dean's reply:

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Dear Dr C,

I have just been notified of the Higher Degrees Board decision regarding my PhD viva, and I am delighted that the University has seen fit to appoint a new External Examiner for my re-examination. However, I was not given sight of any of the examiners' reports until this week (presumably because they were withheld subject to the appeal launched by the Internal) and the conditions for re-submission raise several important points on which I shall need clarification before embarking on my revisions.

1) **Revisions** The examiners' reports are inconsistent, and it is unclear which revisions are required. As the External has been dismissed, should I disregard the discredited final report and base my revisions on the Internal Examiner's report? If, on the other hand, the final report is still deemed valid, I would have to comply with the (largely impractical) demands of the dismissed External. Not only do these bear little resemblance to the opinion of the Internal, but the External's requirement that I research an entirely new discipline prior to rewriting the thesis represents 1-2 years' work and is not consistent with the 12-month deadline.

2) **Liaison** The letter from the Examinations Office states that I should 'liaise closely with [my] Supervisor and Examiners to ensure the revision is done in the form specified'. As I will not be contacting the dismissed External, how closely should I liaise with the Internal, given that she will then be re-examining the thesis? And how much can she discuss with my Supervisor without compromising the re-examination?

3) **New External** Will the new External know this is a re-submission, or will they be examining a new thesis? How will this square with the Internal's existing experience of the thesis?

4) **Timescale** I am currently registered for a writing-up year until 31 Oct 2009. Can this be extended until the re-submission deadline of 28 Jan 2010?

I realise this is an unusual situation and may have created some precedent, but I would be very grateful for a prompt reply as I cannot plan my revisions until the University's decision has been clarified.

Dr C wrote:

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Dear Angie,

Many thanks for your message. As a general point, may I suggest that you refer to your supervisor, who, I am sure, will be the best possible guide through the process of revision.

1. I would suggest you adhere closely to the internal examiner's report and follow those points of the external that your supervisor would endorse.

2. You can ask the internal to clarify any point she has made, or to elaborate upon it. You can also ask her advice on what you might need to do - in terms of sources, methodology - to address the problems with the thesis. What you cannot do is to ask her to comment on drafts prior to submission.

3. The new external will examine the thesis in its own terms. They will know it is a resubmission but they will simply be asked to judge whether it meets the required standard; since they were not present at first examination it is not for them to judge whether previous advice has been followed. The internal will consider whether you have followed her advice and addressed identified points at issue, but if you and your supervisor liaise closely this should not present a problem.

4. You are normally granted a year following the date of the Examination Board to re-submit. Your registration status is now superseded by the Board's timetable. You should confirm with Robert Heron the current submission date; if this presents a problem you can apply to the Board for an extension, which, generally speaking, is normally granted.

Best wishes, Dr C

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As you can imagine, I am delighted with this reply as it is all that I - and my supervisor - had hoped for. I also now know that the Internal wanted an outcome of 'accept with major revisions' rather than the huge rewrite (and against which he strongly advised) demanded by the External. I feel more positive now than I have done in months, and will be starting on the Internal's suggested revisions - which are perfectly feasible - this week. I'm very philosophical about the forthcoming work - I know what I have to do, and will end up with a better thesis in the end. The ramifications for my family of the last few months have been immense, and the support of family, friends, and - importantly - my supervisor has been crucial. BTW, I gather the Pro-Vice Chancellor is to write to the sacked External telling him that his behaviour will not be tolerated, and that he is never to examine for the University again. As the External is Head of Department at another prestigious university I am more than happy that my institution has maintained its anti-bullying stance. ☺ With best wishes, Angie

Dear Angie,

I am away from your file at the moment, but the outcome seems very helpful to you, and I am glad you can now get on with the research, which, after all, is the purpose of the exercise.

It is unusual to allow a candidate such formal access to the internal examiner while rewriting. The guidance you have been given leaves the University with some issues open, as it is a resubmission for one examiner and a first submission for the other. For instance:

1. If your work meets all the internal examiner's requirements, what happens if the second external differs and is unwilling to pass the thesis?
2. If, after the re-examination, the examiners want to suggest further work and another resubmission or substantial amendments, are they at liberty to do so? (Normally this is not an option at re-submission.)

You could check up now on these points so that the situation is clear.  
Or you may think I'm niggling...

Best wishes  
John

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Dear John,

Don't even go there! I'm just going to have to make sure this thesis is bomb-proof..... I'll let you know how I get on.

With best wishes and thanks,

Angie

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**Q**      **Discuss Angie's decision and the likely outcome**

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9 months later

Dear John,

I thought you might like to know about my progress since the disastrous viva I experienced last year. After 6 months' hard work (two chapters rewritten with a new critical framework; the weakest chapter deleted and a different one added; new intro and conclusion written) I recently resubmitted my revised thesis.

It was not without trepidation that I approached my viva version 2, exactly a year after the last one, but I'm delighted to say that it went very well and that the thesis was accepted with only a few minor corrections.

Although the questioning was rigorous, the examiners were friendly and courteous, I was able to acquit myself well, and the examiners were very happy with my answers. In fact, the whole experience involved a couple of hours of lively, constructive discussion of my work with two interested, well-informed people who made plenty of suggestions for publication, and I have to say that I really enjoyed it!! BTW, after both examiners had congratulated me, the internal (who had initiated the complaint about the last defence) said: "And THAT's how a viva SHOULD be!"

Looking back on the experiences of the last year, I have been able to draw several conclusions. Firstly, I don't believe my supervisor should have let me submit the original version of my thesis: I didn't have a clear critical framework for some of the issues, but I think he was too close to what he described on many occasions as the "huge amount of material" I had at my fingertips. Regrettably, although I had indeed unearthed plenty of fascinating data I hadn't interrogated some of them appropriately. I can't bring myself to blame my supervisor as it's not in my nature, but in the absence of a mock viva, or a second expert opinion, these weaknesses didn't come to light, and I'm annoyed with myself for lacking the judgment to see that. In my defence, however, one only (generally speaking) completes a doctorate once in a lifetime and one is therefore dependent on a supervisor's professional judgment.

Secondly, I'm sure my work gained enormously from the rewrite. The chapters which had lacked critical engagement became, once revised, the strongest sections of the thesis in the opinion of the panel. I feel proud that I rose to the challenge of an unsuccessful - and very traumatic - viva experience by raising my game to this extent. The support of my department, and of course family and friends, helped considerably in preserving my self-esteem so that I could face what I have termed a 'character-building' further year of work. I have to admit to regarding the success of my revised thesis as 'one in the eye' for the dismissed external who had told me that it would take 1-2 years' work to turn the work into an MPhil, and who had strongly advised me against aspiring to a doctorate!

As a result of the previous points, I consider that there is a case for a departmental mock viva as a compulsory element of the doctoral process. Conducted at the point where a thesis is fully



written up but not yet submitted, this would ensure that any major problems could be addressed before submission. I regret that I didn't push for a mock prior to the original viva, although as this would have taken place after submission I dread to think what the outcome would have been: would I have withdrawn the thesis? Is there even a mechanism for doing so at that stage? [By the way, another lecturer in my department kindly offered me a mock before viva 2, but I couldn't face another potential mauling so close to the real thing, so turned it down in favour of some detailed feedback and emailed questions. However, his very positive comments got me through the door of the exam room feeling that I had made a significant contribution to the field.]

I can see two problems with a compulsory mock: the supervisor's judgment could be seen to be in question; and it would entail extra work for other staff. However, maybe the results would be reflected in a higher completion rate? I was extremely fortunate in that, although my original plans for post-doc work had to be put on hold for an entire year, my family provided the financial security which enabled me to continue with my research full-time until completion. Many postgrads are not so fortunate and would have been forced to abandon the attempt.

Angie

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### **Team task**

**On the acetate provided list the main points of your advice to**

- 1. Postgraduate research students**
  - 2. Supervisors**
  - 3. Examiners**
  - 4. Institutions**
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