

## Deborah's quandary

1

Dear John

I hope you won't mind me contacting you for advice but I am in a bit of a quandary. I am about to examine a thesis at a post 92 institution and I have just found out that the other external examiner (from an EU university) has recently published a paper with the candidate's supervisor and the candidate.

It is a multi-authored paper, supervisor is 1st author, examiner is 2nd author and candidate is 4th author of 7. The paper has been published after the thesis was submitted, but to my mind this is still a conflict of interest on behalf of the external.

As soon as I found out I contacted the supervisor who says 'We published this paper together, but only recently. And, J and M were involved in writing different sections of the paper. As lead, I made sure they did not have direct contact regarding content, with me leading the team and them focused on different parts of the paper. (The University) does not have guidance currently on this, but will have by next year, as I understand it. It is worth raising this if you have concern'.

As far as I can see, there is nothing in the examination guidelines from this institution that state that examiners should declare conflict of interest. Nevertheless, I feel very uncomfortable about this, and, I must admit, I feel somewhat compromised. This would not be acceptable at my university. However, this has clearly been a long journey for the candidate who has additional needs (some sort of health problem) and I do not want to disrupt the viva arrangements. As the more experienced of the two examiners (we are both external), what would you advise me to do in this situation? I feel I should raise this with the university's examinations office.

There are other problematic elements about this thesis - however, these seem to be covered by the University's regulations. This new issue is troubling - I thought I had come across most 'viva' issues in my time but this is a new one for me.

**Before turning the page discuss the issues that have arisen and how you would have responded to Deborah's question.**

2

Hi Deborah,

New one to me. Interesting.

You are right to be concerned in my view. Your position as examiner could easily be at least uncomfortable if you have any disagreements with the other examiner.

I think it goes back to the original appointment of the examiner. Presumably the supervisor proposed the appointment of this examiner to the institution. Did they indicate any potential conflict of interest on that form? if not, then to my mind, you should raise your concerns formally with the university. They then decide what to do about it.

If, however, they did inform the university on the appointment form that the proposed examiner was preparing or submitting an article with the candidate and supervisor etc, the university should have taken this into account in making the appointment. If they did, then I suppose the examination is legitimate.

However, since you are uncomfortable with the situation (which I think is reasonable) you could make a principled resignation. I don't think any other consideration about the candidate or their circumstances should affect that decision.

I don't find this covered in the QAA Code of Practice for research degrees, but would you allow me to check with an expert colleague in confidence? I am sure she would put us right.

best wishes

John

**Any thoughts on John's reply?**

3

Dear John

Thank you for responding so promptly. Arrangements for this viva have been long in the coming. I think I was originally approached in April 2014 as was the other examiner. At that time then there would not have been a conflict of interest. I have not been involved in decisions about the make up of the examination panel. Although - looking back at the e mail trail - I have been appointed to bring experience to the examining team, as the 'specialist' examiner does not have the required examination experience to examine without a more experienced external on side.

The regulations at my own institution as you know are quite strict:

'Examiners should be entirely independent, and where there is any interest which might prejudice this, it should be declared at nomination stage' and

.' examiners should be 'neither related to, or have a close professional or contractual relationship with the candidate, supervisor or other members of the examination panel'.

I do not want to call a halt to the examination, as the candidate would be a casualty of a situation that is not of her making. I will wait to see what your colleague advises. It would appear that I am the 'senior' examiner here, so my judgment & recommendations presumably will take precedence.

What a tangle, we could write it up as one of your narratives...

D

**Any comments on Deborah's reply?**

**Should Deborah have resigned at this point?**

4

The expert opinion:

I would have thought that independence of examiners must be put beyond doubt and this is a situation in which Deborah would be right to do what you suggest and resign, clearly explaining why. Otherwise she would be condoning the potential compromise of the University's degree-awarding powers. That might prompt them to reappoint the other examiner and find someone not compromised by a potential conflict of interest.'

D's response

The Graduate School Director has just been in touch to say that they are going to cancel the viva and seek a replacement external examiner – exactly the action you both suggested.

Thank you both for your advice and support.

Any further comments?

5

The new viva is to take place in September

There are other interesting aspects to the case, however, that I did not include in the earlier e mails. One of these is that one of the thesis chapters has clearly been written in collaboration with a research team at an overseas university where the candidate seems to have carried out one of her experiments under the supervision of the PI. This 'collaboration' is allowed according to the University's rules, but it does beg the question of whether all of the thesis can be said to be the candidate's own work.

Also, this candidate has additional needs that require special arrangements during the viva.

**How should candidates and examiners deal with collaborative research?**



6

Dear John,

Thanks for your mail. An alternative external examiner was appointed, although this process was rather slow-moving (and I didn't really have any major 'input' in the actual choice). He is an experienced academic from a very reputable university in London, with several publications relevant to the candidate's research area.

As we were both booked into the same hotel the evening before the viva, we had a chance to discuss our pre-viva reports and agree our line of questioning. We were both of the opinion that research outlined in the thesis was basically sound; that the methods used were innovative and that the findings made a distinct contribution to the field. We did, however, have a mutual concern about the thesis structure and the unevenness of the writing. Also, my colleague had noticed that my pre-viva report had been written in June and was rather puzzled by this. Clearly he had no idea of the reasons for his later appointment and I briefly explained that the previous viva had been cancelled at short notice and left it at that.

The next day we met the internal examiner who was also chair of the examination panel. The chair was able to tell us more about the candidate, and the circumstances that had led to her carrying out her final experiment in an overseas laboratory. She explained that, as part of their research training, it was practice in the department to find placements with specialist research teams for their PhD students. This gave them access to specialist equipment and expertise that was not necessarily available in the home department. The chair also advised that the candidate had a mild communication disorder and the viva process was likely to be quite tiring for her. She should be permitted to take short breaks if necessary.

As it turned out, the viva went extremely well and we got into such an interesting discussion with the candidate that she didn't want to take a break. She gave an excellent defence and has been offered a post-doctoral fellowship with the overseas research team.

We recommended that the candidate should be passed subject to minor corrections. We asked for the structural weaknesses to be addressed and advised that, although it was interesting, the problematic chapter written during the candidate's time with the overseas research team should be removed to an appendix. The thesis contained sufficient original work without it.

All's well that ends well, I guess (but it was all quite stressful, I have to say). There was to my mind a worrying lack of transparency on the part of the supervisor, internal examiner and institution at certain points in the process.

Discuss issues that have arisen here;

1. how and when examiners should be informed of any special circumstances that might affect the viva
2. whether examiners should be informed of reasons for delay
3. if she had failed, would she have had any grounds for an appeal?

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### Team task

What lessons are there here for

1. Candidates
2. Supervisors
3. Examiners, and
4. Institutions?