

Case 200801939: Queen Margaret University

Summary of Investigation

Category

Scottish Higher and Further Education: Higher Education; teaching and supervision

Overview

The complainant, Mr C, was a PhD student at Queen Margaret University (the University). He raised concerns that his Director of Studies (the Director of Studies) had claimed that his supervisors had doubts as to the quality of his work, following a meeting on 5 May 2005. Mr C complained that his supervisors had not expressed to him any doubts as to the quality of his work. He was also unhappy that the Director of Studies alleged that there had been research misconduct by him. Mr C said that he only became aware of these issues when he had sight of a letter written by the Director of Studies to a third party in April 2008. Mr C also had concerns about the way the University handled the subsequent investigation into his complaint.

Specific complaints and conclusions

The complaints which have been investigated are that:

- (a) the Director of Studies claimed wrongly that Mr C was aware of his supervisors' doubts as to the quality of his work, following a meeting on 5 May 2005 (*upheld*);
- (b) the Director of Studies alleged inappropriately that there had been research misconduct by Mr C (*not upheld*); and
- (c) the University failed to take into account the evidence available to them when investigating Mr C's complaint (*not upheld*).

Redress and recommendations

The Ombudsman recommends that the University:

- (i) apologise to Mr C for the failure to ensure that he was made aware of his supervisory team's concerns adequately, in line with the Research Degree Regulations in force at the time (RDR) (2002) and the Research Degrees Code of Practice (CoP);

- (ii) reinforce with all staff involved with research degree supervision the importance of dealing with any concerns which might arise during the course of a student's research, in line with the current RDR;
- (iii) ensure that all staff involved with research degree supervision are fully aware of the provisions of the new CoP when it is published; and
- (iv) reinforce with all staff involved in responding to student complaints the importance of providing a full response to complaints; in particular, that the response includes details of any evidence considered during their investigation.

The University have accepted the recommendations and will act on them accordingly.

Main Investigation Report

Introduction

1. The complainant (Mr C) began a PhD at Queen Margaret University (the University) in early 2003. Following the outcome of his second submission for the award of PhD in January 2008, he raised a complaint with his Director of Studies' (the Director of Studies) professional body. In part of the response to the professional body dated 19 April 2008, the Director of Studies claimed that Mr C had been aware of his supervisors' doubts as to the quality of his work following a meeting on 5 May 2005 and that there had possibly been research misconduct by Mr C.

2. Following sight of the Director of Studies' response to the professional body, Mr C made a formal complaint on 5 May 2008 to the University; in particular, that he had not been made aware of his supervisors' doubts as to the quality of his work and that there was no evidence to support this, contrary to the University's regulations. He also disputed the allegation of research misconduct explaining that he had not been informed of this, again contrary to the University's regulations. The University did not uphold his complaints. Mr C felt that the University had not considered all the available evidence in reaching this decision.

3. The complaints from Mr C which I have investigated are that:

- (a) the Director of Studies claimed wrongly that Mr C was aware of his supervisors' doubts as to the quality of his work following a meeting on 5 May 2005;
- (b) the Director of Studies alleged inappropriately that there had been research misconduct by Mr C; and
- (c) the University failed to take into account the evidence available to them when investigating Mr C's complaint.

Investigation

4. In investigating the complaint, I reviewed the correspondence, made written enquiries of the University and interviewed relevant University staff and Mr C. I also considered the relevant University processes and procedures (see Annex 2).

5. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the University

were given an opportunity to comment on a draft of this report. Abbreviations are set out in Annex 1.

Background

6. Mr C began a PhD at the University in January 2003. Following the initial probationary year, Mr C was accepted formally onto the PhD programme on 10 February 2004. Although there were staffing changes which affected Mr C's supervisory team, by late 2004 Mr C's supervisory team consisted of the Director of Studies and two supervisors (Supervisor 1 and Supervisor 2)¹. Mr C first submitted his PhD thesis for consideration on 14 December 2005 and had his first viva voce² on 18 April 2006. The result of his first submission was that he was asked to resubmit his thesis within 12 months, after substantial revision, for re-examination. Mr C was diagnosed with dyslexia and was given an extension to resubmit. He resubmitted his thesis in August 2007 and was given a second viva voce on 24 January 2008. He was advised of the result of the resubmission on 13 February 2008. The result was that he should be awarded the degree of MPhil (a lower level of degree than a PhD), subject to amendments to the thesis to the satisfaction of the examiners.

7. Following the viva voce in January 2008, the Director of Studies resigned from Mr C's PhD supervisory team and Mr C raised a complaint with the Director of Studies' professional body about various aspects of the conduct of the viva voce and the quality of supervision received from the Director of Studies. The Director of Studies responded to the complaint on 19 April 2008. In the response, the Director of Studies claimed that Mr C had been aware of his supervisors' doubts as to the quality of his work following a meeting on 5 May 2005 and alleged that there had possibly been research misconduct by Mr C.

8. Mr C successfully appealed the outcome of the resubmission (which was declared null and void) and was informed of this on 7 May 2008³.

9. In May 2008, Mr C raised a complaint with the University about the contents of the Director of Studies' response to the professional body (see

¹ For the avoidance of doubt, it is this supervisory team which is referred to in this report.

² An oral examination where the PhD candidate has to defend the work contained in the thesis.

³ Mr C has recently resubmitted his thesis and had the subsequent viva voce. The result is that he will receive his PhD, once minor amendments to his thesis have been approved.

paragraph 7). One of the University's Vice Principals (Vice Principal 1) responded to Mr C's complaint and did not uphold any of Mr C's complaints.

10. Mr C was unhappy with this response and escalated his complaint to the second stage of the University's complaints process. He provided further information as new evidence which he did not feel Vice Principal 1 had considered in responding to his complaint and also raised concerns about how Vice Principal 1 had reached the decision not to uphold his complaint.

11. The complaint was responded to by another of the University's Vice Principals (Vice Principal 2). He explained that, in order for the complaint to be progressed to a Complaints Hearing, there had to be evidence of an irregularity at stage one of the process or that evidence had become available which it had not been reasonable to present at the first stage. Vice Principal 2 considered Mr C's complaint and did not feel that there was evidence of irregularity at stage one of the process or new information which it would not have been reasonable to have presented at the first stage of the complaints process.

12. The Ombudsman's office cannot review matters of academic judgement. This report, therefore, does not deal with such matters; in particular, whether or not there had actually been research misconduct by Mr C.

(a) The Director of Studies claimed wrongly that Mr C was aware of his supervisors' doubts as to the quality of his work following a meeting on 5 May 2005

13. When I spoke with Mr C, he explained to me that his recollection of the meeting of 5 May 2005 was that it was an ordinary meeting with his supervisory team where he discussed the direction of his research. His recollection was that no concerns about the quality of his work or his ability to do a PhD were raised and deregistration was never mentioned to him.

14. When I spoke with the Director of Studies, he explained that he and Supervisor 2 began to have concerns about Mr C's work when he started to write up his results in late 2004. Both the Director of Studies and Supervisor 2 independently confirmed to me that, prior to the meeting in May 2005, they felt that Mr C was not taking on board their feedback and kept changing his method of analysis. This led to a meeting which took place in April 2005 between Mr C, the Director of Studies and Supervisor 2. The Director of Studies explained that it became clear during that meeting that Mr C was not coping with the analysis

and this prompted an email to Supervisor 1 to highlight their concerns. In this email (which I have had sight of), the Director of Studies referred to Mr C's changing analytical approach and time being wasted giving feedback to Mr C. He also said that:

'If this current attempt fails to get him back on track, I have little idea what else to suggest to him...'

15. This resulted in a full supervisory team meeting being held with Mr C on 5 May 2005. I have seen written notes made by Supervisor 1 of the meeting of 5 May 2005 and one of the issues to be discussed was '[the Director of Studies] email 19 April ongoing concerns'. In Supervisor 1's notes of the discussion, he wrote 'outlined seriousness of supervision relationship, duties to student and to staff, he thinks he takes supervision on board, need to identify one [Supervisor 1's emphasis] approach within Discourse Analysis'. These notes were kept in Supervisor 1's file on Mr C.

16. Having spoken with Supervisor 1, I understand from him that, at the meeting on 5 May 2005, he took the lead in expressing the supervisory team's concerns about Mr C's work (see paragraph 15). Supervisor 1 explained to Mr C the duties he had, both as a student and also to staff, and the importance of taking on board feedback. Supervisor 1 had to ensure that students received a high quality of supervision but also that staff were not wasting their time. Supervisor 1 said that the possibility of deregistration was discussed with Mr C if things did not improve. When I spoke with the Director of Studies, his recollection of the meeting was not that Mr C was warned about deregistration but that he was asked to consider whether he wanted to go on with his PhD. Supervisor 1 felt that Mr C could not have been left in any doubt as to the supervisory team's concerns. He explained that he remembered the meeting well because he had never had that sort of meeting with a student before.

17. In Vice Principal 1's response to Mr C's complaint, sent by email on 21 May 2008, he explained that the Director of Studies (who he had met with as part of his investigation) had referred to the meeting of 5 May 2005 as one where '[Supervisor 1] read the riot act to [Mr C]'. In the response, Vice Principal 1 acknowledged that he had concerns that the message shared with Mr C at the meeting in May 2005 was not clearly heard by Mr C and he explained that he was going to advise colleagues involved in Research Degree organisation that where there are doubts about a student's performance, the student should be given a 'blunt and unequivocal warning of potential problems ahead.' He

explained, however, that there was also a responsibility on the student for their own progress and success or otherwise.

18. When I spoke with each member of the supervisory team, all three agreed that the quality of Mr C's work improved after the meeting of 5 May 2005. Their concerns following the meeting were what Supervisor 2 called 'production' concerns. These appeared to be about Mr C's writing style, including spelling, punctuation and structure of the thesis. It is my understanding that the concerns that the supervisory team had following the meeting of May 2005 were not as serious as the concerns they had prior to the May 2005 meeting (see paragraph 14).

19. The relevant sections of the Research Degree Regulations⁴ (the RDR (2002)) and the Research Degrees Code of Practice (the CoP) can be found at Annex 2 to this report. It is notable that, although the CoP remained the same over the time that Mr C was a student at the University⁵, there were some changes to the University's Research Degree Regulations (RDRs) over this time. It was RDR (2002) that was in place until amendments were made in June 2006. Although the June 2006 and subsequent amendments clarified and expanded on the relevant sections of RDR (2002), the intention appeared to remain the same.

20. In my enquiries to the University, I asked them to explain how concerns about Mr C's progress were dealt with in accordance with the RDR (2002) and the CoP, in particular, relating to how concerns about progress should be dealt with, what records should be kept of meetings and when training should be suggested.

21. In response to my enquiries about how concerns about progress were dealt with, the University explained that the evidence available did not support Mr C's view that he was not aware of his supervisors' concerns. They referred to Mr C's Probationary Report of January 2004 and his Confirmation of Transfer of Registration in February 2004 as evidence that there were concerns about the quality of Mr C's work. Both documents refer to concerns about Mr C's lack of clarity in his writing style. The University also referred to the Annual Progress

⁴ At that time, they were called the 'Academic Regulations and Procedures for Research Degrees'.

⁵ However, a new CoP is about to be published (see paragraph 41).

Report of 2004/2005 (dated 24 August 2005) where the Director of Studies recorded:

‘After a series of initial difficulties, data analysis now seems to be progressing well and the latest version of the thesis appears to show good progress towards completion.’

22. When I spoke with the Director of Studies, he explained that he had not referred to the meeting of 5 May 2005 in the 2004/2005 Annual Progress Report because he felt there was little point in signalling to the Health and Social Sciences Faculty Research Committee (the Faculty Research Committee) (where these reports are considered) that there were concerns because it was not appropriate. Supervisor 1 explained that, had this been highlighted to the Research Degrees Committee, they would have felt compelled to act on this information. The Director of Studies explained that a full and frank discussion had been had with Mr C in May 2005 which had resulted in signs of progression from Mr C, so the supervisory team had decided to give Mr C the benefit of the doubt. He explained that his concerns following the meeting of 5 May 2005 (see paragraph 18) were highlighted in numerous emails between Mr C and the supervisory team. I have had sight of these emails and, although I can see from them that the supervisory team gave specific feedback to Mr C regarding written work he had submitted to them, there is no specific reference to the meeting of 5 May 2005 or the concerns noted as being raised with Mr C at that meeting (see paragraph 15 and paragraph 16).

23. The Annual Progress Report of 2005/2006 dated 3 July 2006 noted that Mr C had submitted his thesis in late 2005 and was required to make some revisions before resubmitting, which he was currently in the process of doing.

24. In December 2005 and August 2007, Mr C submitted and resubmitted his thesis and the Director of Studies and Supervisor 1 and Supervisor 2 signed the Student’s Declaration Forms to confirm that they had read the thesis/final draft and that it was worthy for consideration for the degree for which it had been submitted.

25. When I spoke with the Director of Studies, he explained that the award of PhD is not purely about the written work, it is also about the defence of the thesis in the viva voce. In deciding to support a student’s work, there is no guarantee that the student will pass. The CoP also explains that it is the student’s decision when he or she is ready to submit and the supervisor’s

opinion is advisory only. It is my understanding that the Director of Studies felt, at the time he signed the forms, that if Mr C gave a convincing defence of the thesis he could have passed⁶.

26. I spoke with the University's Registry Officer (Quality Enhancement) (the Registry Officer), who is also Secretary to the Faculty Research Committee. She was able to give me general information about how the RDR (2002) and CoP would be expected to be fulfilled in practice. She explained that, if a supervisory team had concerns about a student's progress, in the first instance it would be for them to try to resolve this with the student. The Director of Studies would be encouraged to note concerns within the Annual Report. Upon receipt and consideration of the report, the Faculty Research Committee would come to a view on whether or not it would be left to the Director of Studies to monitor the situation or to involve the Dean of School. However, the CoP encourages Directors of Studies to highlight any issues and difficulties which have arisen in that year in the Annual Progress Reports, even where these have been resolved, including concerns arising when a student is writing up.

27. I asked the Registry Officer specifically whether the RDR (2002) and CoP would mean that she would have expected a meeting where a student was asked whether it was worth continuing to be noted on the Annual Progress Report. She confirmed that she would have expected this to be noted. I also asked what the practice would be, in line with the RDR (2002) and CoP, if a meeting was held with the student in which serious concerns were raised. She explained that she would have expected this to be followed up in writing with the student, to ensure they were fully aware of the concerns.

28. I also asked the Registry Officer more generally what the Faculty Research Committee would do if concerns were noted on an Annual Progress Report. She explained that if the Annual Progress Report explained the concerns and how the situation had now been resolved, this would not require Faculty Research Committee intervention. She explained that it is rare for the Faculty Research Committee to intervene in the student-supervisory relationship, even when concerns are noted on the Annual Progress Report.

⁶ I understand this to mean that Mr C would be recommended for the award of PhD with either no corrections or minor corrections and amendments to the thesis.

29. In relation to records being kept of meetings and, in particular, the meeting of 5 May 2005, the University referred me to Supervisor 1's written notes and the pre-meeting exchange of emails among the supervisory team (see paragraphs 14 and 15).

30. When I spoke with the Registry Officer, she explained that a hand written note placed on the supervisor's own file would accord with the note taking practice outlined in the RDR (2002) and CoP. She explained that, more often, it was the student who recorded the meeting and followed this up in an email to the supervisor. That way, there was a written record for both the student and the supervisor of what was discussed and the action points arising.

31. In relation to training being suggested, the University referred me to various emails between Mr C and the supervisory team. I have had sight of these emails and I can see that, in April 2005, the Director of Studies highlighted a workshop for Mr C to attend; in July 2005, the Director of Studies brought Mr C's attention to a conference that he could go to; and in November 2005, viva voce training was discussed between the supervisors and the Centre for Academic Practice.

(a) Conclusion

32. In my interviews with Mr C's supervisory team, it was clear to me that they had serious concerns about Mr C's progress in early 2005 and the emails prior to and Supervisor 1's notes of the meeting of 5 May 2005 confirm this. However, for reasons unknown (which we will never be able to establish) Mr C has a different recollection of the meeting of 5 May 2005 (see paragraph 13).

33. The University have said that Mr C was made aware of the team's concerns in the Probationary Report of January 2004 and his Confirmation of Transfer of Registration in February 2004. I am satisfied that these documents record the University's concerns at that time, however, both pre-date the May 2005 meeting and the claim which has been made is that Mr C was aware of the team's concerns following the meeting of May 2005.

34. I can see that, following the meeting of 5 May 2005, the 2004/2005 Annual Progress Report noted that there had been 'a series of initial difficulties'. The 2005/2006 Annual Progress Report referred to the result of the first submission and that Mr C was currently in the process of making the required revisions.

35. Following my discussion with the Registry Officer, it does not appear that the RDR (2002) and CoP have been followed in this case. The supervisory team should have followed up the meeting of 5 May 2005 in writing to Mr C (by letter or email) to ensure that Mr C understood their concerns and the seriousness of the situation. There is no evidence to suggest that this happened. In line with the CoP and RDR (2002), the serious concerns expressed at the meeting of May 2005, and the fact that the May 2005 meeting was held to discuss this and the possibility of continuing with the PhD, should have been recorded in the 2004/2005 Annual Progress Report, even if the situation had improved by the time the report was written. I do not consider that the reference to 'initial difficulties' is sufficient reference to the serious concerns the supervisory team had in May 2005. Although the advice given by Vice Principal 1 to colleagues in light of Mr C's complaint (see paragraph 17) is welcomed, I do not consider that it fully addresses the fact that such concerns also need to be properly followed up in writing to the student and recorded in the Annual Progress Reports.

36. There seemed to be a misunderstanding on the part of Supervisor 1 that, if the meeting of May 2005 had been noted on the progress report of August 2005, this would have required the Faculty Research Committee to take action. The Registry Officer confirmed that this was not the case.

37. I also understand from the interviews with Mr C's supervisory team that Mr C's performance improved following the meeting of May 2005 and that subsequent concerns were about difficulties in writing up. Again, following discussion with the Registry Officer, in line with the RDR (2002) and CoP, concerns of this nature should have been noted on Mr C's Annual Progress Reports. It is clear to me that these concerns were not noted on the 2004/2005 and 2005/2006 Annual Progress Reports.

38. I have also considered whether the supervisory team should have noted any concerns they had about the quality of Mr C's work on the Student's Declaration Forms which accompanied Mr C's thesis submissions of December 2005 and August 2007. It is up to each member of the supervisory team to decide whether to support the student's decision to submit; however, it is ultimately the student's choice and, even if they do support the student's decision, this is not a guarantee that the student will pass (see paragraph 25). It is also worth noting that, at the time of the Student Declaration Forms being signed, the supervisory team had noted that the quality of Mr C's work had

improved and that their remaining concerns were related to 'production' issues (see paragraph 18). Therefore, I do not consider that the supervisory team were required to note any concerns they had about the quality of Mr C's work on the Student's Declaration Forms.

39. It is clear to me that, had the supervisory team followed up the meeting of 5 May 2005 with something in writing to Mr C confirming what was discussed, and had the Director of Studies recorded the supervisory team's concerns appropriately on Mr C's Annual Progress Reports, Mr C would have been left in no doubt about their views. The Director of Studies should also have recorded on the Annual Progress Report any concerns that the supervisory team had when Mr C was writing up. I consider that the University failed to follow the RDR (2002) and CoP in this case because, although there was a meeting with Mr C to discuss his supervisors' serious concerns about his work, this was not followed up adequately with Mr C to ensure that he was fully aware of their concerns. Therefore, I uphold this aspect of Mr C's complaint.

40. I consider that the notes that were taken of the meeting of May 2005 by Supervisor 1 were recorded on file in line with the CoP and RDR (2002). I have not seen evidence to support Mr C's view that the supervisory team did not suggest appropriate training. It is also notable that there were numerous amendments to the RDR during the time Mr C was a student at the University and the RDR (2002) was not as specific about suggesting individual training as the later versions of the RDR (see Annex 2).

41. One of the particular amendments in the later versions of the RDR is in relation to how concerns about progress should be dealt with; it is now more specific. It is also notable that the University is currently updating the CoP. I have seen a draft of this and, in its present form, it provides greater clarity for students and supervisors regarding their respective responsibilities and also, practically, how concerns about progress should be dealt with. Provided staff are fully aware of the new provisions of the CoP and the provisions of the current RDR, this should avoid a recurrence of similar complaints in future.

(a) *Recommendations*

42. The Ombudsman recommends that the University:

- (i) apologise to Mr C for the failure to ensure that he was made aware of his supervisory team's concerns adequately, in line with the RDR (2002) and CoP;

- (ii) reinforce with all staff involved with research degree supervision the importance of dealing with any concerns which might arise during the course of a student's research, in line with the current RDR; and
- (iii) ensure that all staff involved with research degree supervision are fully aware of the provisions of the new CoP when it is published.

(b) The Director of Studies alleged inappropriately that there had been research misconduct by Mr C

43. When I spoke with Mr C, he explained that, although he and the Director of Studies had been in email contact following his viva voce in January 2008, it was only when the Director of Studies responded to the complaint in April 2008 to the professional body (see paragraph 7) that Mr C became aware of the allegation of research misconduct. Mr C explained to me that, as far as he was aware, no report of research misconduct has been made to the University, contrary to University regulations.

44. In the stage one response from Vice Principal 1, I can see that he felt that the Director of Studies was citing the views of the examiners, not the Director of Studies' own views on this matter.

45. Following sight of the letter from the Director of Studies to the professional body, I can see that the Director of Studies referred to the 'possible contravention of the Research Code of Practice'. When I spoke with the Director of Studies, he explained that this comment originated from Mr C's viva voce of 28 January 2008. Mr C was questioned about the analytical strategy he had used and it transpired that he had not presented data in the thesis which contradicted his central arguments. I can see from the outcome of the viva voce that the examiners stated that there was 'evidence of the candidate attempting to 'shoe-horn' his data in accordance with expectations.'⁷

46. Following the viva voce, the Director of Studies decided to approach his line manager, the Dean of School, to request that he withdraw from Mr C's supervisory team. In his email to Mr C of 30 January 2008, the Director of Studies explained to Mr C that he would be meeting with the Dean of School when she returned from a visit the following week to discuss the viva voce and

⁷ The outcome of the *viva voce* of 28 January 2008 has been declared null and void (see paragraph 9 above), however it is relevant in this context because the subsequent complaint flows from it.

its outcome and implications. The Director of Studies explained to me that, when he met with the Dean of School in February 2008, he explained to her that he wished to withdraw from supervision because of the research problems noted by the Examiners in the viva voce of 28 January 2008. The Director of Studies then left it to the Dean of School, as his line manager, to decide whether to take his concerns further.

47. The Director of Studies explained to me that he could not have been aware of the problems identified with the research before the viva voce because he would have had to have studied all the data collected by Mr C to realise this. He explained that he had had no reason to suspect there was any problem.

48. The relevant section of the University's Research Degrees Code of Practice (the RCoP) can be found in Annex 2 to this report.

49. In response to my enquiries regarding how the allegation of research misconduct was dealt with in line with the RCoP, the University explained that they had not reached a decision on the matter of whether or not there was research misconduct by Mr C and that the matter has not been pursued further, other than in their consideration of Mr C's complaint.

50. When I spoke with the Registry Officer, she explained that, if a member of staff or a student had concerns about research misconduct, the correct course of action in line with the RCoP would be to bring this to the attention of the Head or Dean of School. The Registry Officer confirmed that the action taken by the Director of Studies amounted to the Dean of School being informed. It would then have been up to the Dean of School to decide whether any further action was required in line with the RCoP.

(b) Conclusion

51. I am not persuaded by the argument that the Director of Studies was purely citing the views of the examiners in relation to his allegation of research misconduct. Although his allegation of research misconduct flowed from the examiners' comments about how Mr C had presented his data, it is my opinion that it was the Director of Studies who reached the view that this could amount to possible research misconduct.

52. It is clear from the Director of Studies' response to the professional body that he was not suggesting that there was definitely research misconduct by Mr C but that there was a 'possibility' that there was research misconduct.

53. It is also clear to me that the Director of Studies' concerns were based on evidence that he had heard in Mr C's viva voce of 24 January 2008. I understand that the Director of Studies did not make Mr C aware of these concerns in the email correspondence following the viva voce because, at that time, he had not approached his line manager, the Dean of School, to inform her.

54. I consider that the Director of Studies brought his concerns to the attention of the Dean of School, in line with the RCoP. It was then at the discretion of the Dean of School whether any further action was required. In this case, she decided that no further action was required. However, I do have some concerns that the University did not appear to know that the Director of Studies had approached the Dean of School on this matter, when responding to Mr C's complaint and my initial enquiries.

55. As I mentioned above (see paragraph 12), it is not within the powers of the Ombudsman's office to make any judgement on whether or not there was research misconduct by Mr C. I am satisfied that the claim was evidence based and that the correct processes and procedures were followed to report it, in line with the RCoP. The fact that it was decided that no further action was to be taken explains why Mr C was not informed by the University of the allegation. I consider that the Director of Studies' reference to the fact that it was only a 'possibility' that there was research misconduct appropriately acknowledged that no definite decision had actually been made by the University at that time. Therefore, in the circumstances, I do not uphold this complaint.

(c) The University failed to take into account the evidence available to them when investigating Mr C's complaint

56. Mr C raised concerns about the University's investigation into his complaint. He was unhappy that Vice Principal 1 had not taken account of all the available evidence (in particular, the Probationary and Annual Progress Reports) when investigating his complaint and, therefore, did not uphold it.

57. Having reviewed Vice Principal 1's response, he explained that, in investigating Mr C's complaint, he had read the papers circulated to him and

interviewed Mr C, the Director of Studies and Supervisor 1. When I spoke with the University's Director of Registry and Secretariat, she explained that she had co-ordinated the management of the complaint and had forwarded a large volume of information to Vice Principal 1 in relation to the complaint. This included the complaint and attachments from Mr C, the report of the examiners of 24 January 2008 and all paperwork associated with Mr C's progress over the period (including the Probationary and Annual Progress Reports). I have had sight of the documentation which was forwarded to Vice Principal 1 to respond to the complaint.

58. Mr C also complained that Vice Principal 1 should have ignored the views and outcome of the second PhD examination because it had been declared null and void following his appeal (see paragraph 8). The Director of Studies referred to the views of the examiners in reaching the view that there was a possibility that there had been research misconduct by Mr C (see paragraph 45). When Mr C raised this as a complaint with the University, in responding to this aspect of the complaint, Vice Principal 1 referred to the views of the examiners in his response.

59. In response to Mr C's complaint that Vice Principal 1 should not have referred to the views and outcome of his viva voce of 24 January 2008, Vice Principal 2 explained that it would have been impossible for Vice Principal 1 to set aside the examination process because the complaint which the comments referred to related specifically to the examination process.

(c) Conclusion

60. Having had sight of the documentation which Vice Principal 1 considered in reaching his decision not to uphold Mr C's complaint, I am satisfied that he took account of the relevant evidence in reaching his decision. However, I do have some concerns about the lack of detail in his response; in particular, that there was not more information included about what evidence he had considered to reach his decision. Unfortunately, the lack of detail led Mr C to believe that the Vice Principal had not considered all the relevant information.

61. Turning to Mr C's concerns about Vice Principal 1's reference to the examiners' views, I can see that the viva voce was held on 24 January 2008. The Director of Studies referred to the views of the examiners in his letter to the professional body on 19 April 2008. Mr C successfully appealed the outcome of the viva voce held on 24 January 2008 and was informed of this on 7 May 2008.

At the time when the Director of Studies referred to the views of the examiners, the outcome of the viva voce held on 24 January 2008 still stood. Therefore, I consider that it was appropriate for him to refer to the viva voce of 24 January 2008 when the comments were made and, consequently, I consider that it was appropriate for Vice Principal 1 to refer also to the views of the examiners in responding to Mr C's complaint about the Director of Studies' comments in the letter to the professional body. Therefore, I do not uphold this complaint.

(c) Recommendation

62. The Ombudsman recommends that the University reinforce with all staff involved in responding to student complaints the importance of providing a full response to complaints; in particular, that the response includes details of any evidence considered during their investigation.

63. The University have accepted the recommendations and will act on them accordingly. The Ombudsman asks that the University notify him when the recommendations have been implemented.

Explanation of abbreviations used

Mr C	The complainant
The University	Queen Margaret University
The Director of Studies	Mr C's Director of Studies
Supervisor 1	One of Mr C's supervisors
Supervisor 2	One of Mr C's supervisors
Vice Principal 1	One of the University's Vice Principals
Vice Principal 2	One of the University's Vice Principals
The RDR (2002)	Academic Regulations and Procedures for Research Degrees (2002 version)
The CoP	Research Degrees Code of Practice
The RDR	The University's current Research Degree Regulations
The Faculty Research Committee	The Health and Social Sciences Faculty Research Committee
The Registry Officer	The University's Registry Officer (Quality Enhancement)
The RCoP	Research Code of Practice and Quality Assurance

Academic Regulations and Procedures for Research Degrees (2002 version):

‘6.4 After transfer of registration, annual reports on the progress of PhD and MPhil students must be jointly submitted by the student, supervisors and Head of School. Such reports must contain assurances from the Head of School that any deficiencies identified have been or will be addressed.

7.6 The Director of Studies is formally responsible to the Head of School for a student’s progress with their programme of study.

8 Research Training

The University College runs a Research Training Course for research students. All new research students ... must attend the generic training and are required to pass the assessment in order to progress beyond probation. More specific training is additionally provided by each Faculty.

Research Degree Regulations (2008 version):

‘6.7 After probation, annual reports on the progress of PhD and MPhil students must be submitted separately by the student and Director of Studies to the Dean of School. It is the responsibility of the Dean of School to follow up any issues raised by the reports.

6.8.1 All students are required to pursue their programmes of study with due diligence. If a student wilfully and persistently neglects his or her academic work, or in the case of seriously inadequate progress being signalled in the probationary or annual reports, the student’s registration may be terminated.

6.8.2 Deregistration may be pursued by the University under any of the following circumstances:

...

(c) the student is making seriously inadequate progress ...

6.8.6 Post probation, if a Director of Studies is concerned about a student’s lack of progress, this should be highlighted in the annual progress report. Following an adverse report, the Dean of School may recommend an immediate meeting with the student under 6.8.8 below. Normally, however, the Dean of School will recommend action to address the points at issue. The Director of Studies and student should meet to agree an

action plan and targets to allow the student to improve his or her performance.

- 6.8.7 Concerns about progress may arise mid-year, outwith the annual progress report cycle. Issues should be discussed with the student first, explaining the consequences of failure to improve. The Director of Studies should consult with the full supervisory team to agree whether a report should be made to the Dean of School. Any such report would then be dealt with as in 6.8.6 above.

...

7 Supervision

...

- 7.2 The frequency of supervisory meetings between the Director of Studies and a full-time student should be not less than monthly throughout the prescribed period of study; not less than bi-monthly for part-time students. In the early months, the frequency of meetings should be greater ...

- 7.3 Meetings of the full supervisory team with the student should normally be arranged by the Director of Studies at least every four months for full-time students, and twice yearly for part-time students, for review purposes ...

- 7.4 Records must be kept of all meetings.

...

- 7.7 The Director of Studies is formally responsible to the Dean of School for a student's progress with their programme of study. The Director of Studies is responsible for ensuring all administrative aspects of the student's progress are conducted appropriately, and in particular for ensuring adherence to these regulations.

8 Research Training

- 8.1 The University runs a Research Training Course for research students. All new research students must attend the generic training and are required to pass the assessment in order to progress. Students may apply for exemption from this training by submitting evidence of previous certificated or experiential learning to the Dean of School.

- 8.2 The Research Training course may not cover all training needs. Directors of Studies must discuss each student's individual training needs and take steps to access suitable additional training if required, either from modules available within the University or from outside if necessary. Any resource considerations must be discussed with the Dean of School.

- 8.3 Deans of School must ensure that students are studying topics and using research methods which can primarily be supervised and supported within the existing expertise base of QMU.'

Research Degrees Code of Practice:

'4.1 Responsibilities of the Supervisors

All members of a supervisory team [Director of Studies and Second Supervisor(s)] are individually and collectively responsible for:

...

- b) clarifying with the student mutual responsibilities
- c) giving guidance concerning the nature of the research (and of a PhD/ MPhil) and the standard expected, literature and sources, and requisite techniques
- d) advising on and supporting the student's attendance at courses as appropriate, including the University's Research Training Course
- e) maintaining contact through regular meetings with the student to discuss his or her work and keeping a written record of the occurrence of meetings
- ...
- h) returning written work with constructive criticism ...
- i) advising the student on thesis structure and providing prompt feedback on written chapters

...

4.2 Responsibilities of the Director of Studies

In addition to the responsibilities pertinent to the role of Supervisor (see above), the Director of Studies is responsible for:

...

- c) meeting with the student on a regular basis
- ...
- f) arranging joint meetings of the full supervisory team with the student
- ...
- i) submitting reports and/or forms to the Research Degrees Committee (through the Faculty Research Committee as appropriate) in good time ...
- j) consulting with the supervisory committee with regard to the submission of reports and/or forms

...

4.3 Responsibilities of the Student

...

- q) deciding when he or she is ready to submit the thesis taking due account of the supervisors' opinion which is, however, advisory only'

Research Code of Practice and Quality Assurance:

'16 Research Misconduct

...

The code applies to all members of staff and to all students, postgraduate and undergraduate, at the University. Research misconduct includes deliberate fabrication, falsification or corruption of data; deliberate distortion of research outcomes by distortion or omission of data that do not fit expected results ; dishonest misinterpretation of results; publication of data known or believed to be false or misleading; plagiarism, or dishonest use of unacknowledged sources; dishonest misquotation or misrepresentation of other authors; inappropriate attribution of authorship, unauthorised use of information which was acquired confidentially, failure to obtain appropriate permission to conduct research, collusion in or concealment of research misconduct by others.

The University takes seriously all cases of research misconduct. Disciplinary measures will be taken against members of staff or students where appropriate.

Staff and students have a duty to report misconduct in the prosecution of research, where they have good reason to believe it is occurring. Persons should feel able to report misconduct in good faith without fear of victimisation or reprisal.'