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28th September 2004

Dear Ms Woollen,

Complaint of Mr Andrew Terry against Keele University

I acted as Mr Terry's representative in the later stages of his appeal to Keele University against being required to withdraw from his PhD studies. I should like to comment on several aspects on this case, both in my capacity as his former representative and from my experience as a Keele academic involved in postgraduate progress procedures (I have been a member of the postgraduate review committees of two Keele departments, and have served for a while as postgraduate tutor in one department; I have no involvement, however, with the Psychology Department).

Procedural issues

Many things went wrong in the handling of this case. I shall pick out a few points that seem to me most significant and that have not been covered by any previous investigation.

1. Supervisors have a responsibility for guiding students, helping them to overcome difficulties, and especially for 'ensuring that the student is made aware of inadequacy of progress or of standards of work below that expected' (Keele University Code of Practice on Postgraduate Research Degrees, Annex D3). It is clear from the six-monthly progress reports and record of correspondence that, at some time in Mr Terry's second year (1998/9), Dr Boulton became dissatisfied with him, but the nature and grounds of the dissatisfaction were not properly spelt out, still less what Mr Terry might do to overcome it.

Thus, the first progress report, completed 26/4/98, gives a satisfactory grade with no unfavourable criticisms. The second progress report, completed 14/10/98, also gives a satisfactory grade, but complains (in a confidential section not shown to Mr Terry) 'I am slightly concerned that he has not yet produced anything tangible (such as a questionnaire)'. This is a baffling statement, as Mr Terry was on the verge of

completing his questionnaire (it was sent out on 2nd November), and Dr Boulton was well aware of the advanced state of this work and had commented on drafts.

The third progress report, completed 19/5/99, gives an unsatisfactory grade and speaks of the 'very slow rate of progress'. This is also very puzzling, as Mr Terry had completed the agreed pilot study. Dr Boulton seems to have become dissatisfied with the pilot study, which he approved beforehand. It is understandable enough that Dr Boulton should feel the need to rethink matters after a pilot study, but it is not understandable that he should give the impression that Mr Terry had failed to carry out the agreed work programme. It is also puzzling that Dr Boulton omits to record Mr Terry's successful conference presentation and Essex course; most supervisors would be proud to record such achievements for a first-year student.

From the progress reports, the correspondence, the e-mails, and the lack of face-to-face supervisory meetings, a clear pattern emerges of a failure to acknowledge Mr Terry's achievements and to provide constructive guidance. It is not to be wondered at that Mr Terry suffered a loss of confidence at this stage and felt he did not know what was expected of him.

2. The process by which the University required Mr Terry to withdraw in 2002 was confused and irregular. Professors Gellatly and Rotenberg of the Psychology Department reviewed Mr Terry's upgrade paper and held a viva on 17/12/01. It should be noted that they insisted on reviewing an out-of-date paper that Mr Terry had written as a proposal to the Education Department at a time when he was trying to re-orient his research towards Education, with a view to transferring department and so avoiding his supervisory problems. The paper deliberately downplays the psychological content (on the advice of Professor Phillipson, to whom Mr Terry had turned for help). The paper was therefore totally unsuited for the purpose for which it was used, a fact not acknowledged by Professors Gellatly and Rotenberg in their report on it.

Professors Gellatly and Rotenberg found the paper inadequate and recommended that Mr Terry not be permitted to upgrade his registration from MPhil to PhD. Mr Pike, the Deputy Director of Academic Affairs, then wrote to Mr Terry (20/12/01) asking him to revise the paper and demanding that he choose between submitting it to the Psychology Department and submitting it to the Education Department. The implication was that Mr Terry must guess which department was most likely to accept his work. An e-mail from Dr Anderson of 8/1/02 confirms this peculiar procedure: Mr Terry was being asked to gamble, and if he backed the wrong horse he would be out. In the event, the revised paper went to Education. Education decided that it could not provide a supervisor in this area. The Psychology Department never read it. Mr Terry was then required to withdraw.

This procedure is not in accordance with the Regulations. Please note in particular the following two points.

- (i) A research student may be required to withdraw only if they persistently fail to maintain a satisfactory standard of work (Regulation 2D(8.1)). It is true that the supervisory relationship in the Psychology Department had broken down and that

the Education Department was unable to provide a supervisor in this area; but neither of these is a ground, under the Regulations, for a student to be required to withdraw.

- (ii) A student's registration is with Keele University, rather than with a department. It is the University that has the continuing responsibility for them. A student who seeks a departmental transfer and fails does not thereby fall between the cracks and cease to be a member of the University. Mr Terry did not, by expressing a preference for Education, agree to surrender his rights as a Keele student.

At the subsequent appeal hearing, Professor Vincent, the Deputy Vice-Chancellor, asserted (in my presence) that Mr Terry had in fact been given the benefit of both options: i.e., it was a valid withdrawal process from the point of view of the Psychology Department and in addition he had been given the option of applying to Education as a transfer. This is not consistent with the letter of Mr Pike, the e-mail of Dr Anderson (which demands explicitly that he choose one department or the other), or the actual course of events. The revised upgrade paper was never read by Psychology and hence we still have no idea whether it answered the objections of Professor Gellatly and Rotenberg satisfactorily. This is an obvious breach of natural justice.

Professor Vincent's report (21/1/03) gives the following justifications for the withdrawal.

- (i) Mr Terry was not allowed further time and help to rectify the shortcomings in his paper due to the breakdown of supervisory relations (para 3.7). Under the Regulations, this is not a ground for depriving a student of tutorial assistance or requiring them to withdraw.
- (ii) Mr Terry had signalled his wish to transfer to Education, and hence Psychology was relieved of its responsibility for him (para 3.7). This is absurd. The *University* retains its responsibility for him until he withdraws, regardless of whether he transfers department or not.
- (iii) 'It is difficult to envisage that a further process of supervisory exchange could have been arranged within the Department of Psychology, or that it would have resulted in a rectification of the major methodological and research flaws identified by Professors Gellatly and Rotenberg' (para 3.7). Here Professor Vincent is abrogating the University's responsibilities to supervise its students and is pre-judging the outcome of the reassessment that Mr Terry was required to undergo.
- (iv) The Education Department was entitled to decline Mr Terry's application on the grounds of absence of supervisory capacity (para 4.3). Now, it is true that the University may decline an application from a *new* student on the grounds that it cannot provide appropriate supervision or facilities. However, *continuing* students are in a different position. Once they are here, the University has a responsibility towards them; if, e.g., the supervisor leaves or supervisory relations break down, the University is under an obligation to make alternative arrangements, whether involving a departmental transfer or not.
- (v) Finally, Professor Vincent alleges that there was a long history of academic failure (para 5.4). He cites the unsatisfactory grade in the progress report of May

1999; I have pointed out above that Mr Terry was up-to-date with his work at that time and that his achievements were not acknowledged. Professor Vincent also cites the department's application for withdrawal in November 2000; this application was overturned by the Research Degrees Committee, which found that the department had not reviewed his upgrade paper.

In short, the diverse and conflicting reasons given by the University for requiring Mr Terry to withdraw are not in accordance with Regulation 2D(8) or natural justice.

3. There are some disturbing instances of inadequate investigation throughout this case. For example, Mr Terry complained of inadequate supervision to Dr Choi, the departmental postgraduate tutor, who failed to pursue the matter. He repeated the complaint to the Research Degrees Committee, which made no attempt to establish the record of meetings but merely accepted the supervisor's vague statement that the meetings were 'numerous', 'many' and 'several' (see its report of December 2001, para 5.4). Professor Vincent refused even to consider the matter at the appeal stage. I consider that this constitutes grossly inadequate investigation and a dereliction of the University's duty to take students' complaints seriously.

Substantive issues

In this section I should like to address the substantive question of whether, on the basis of his progress to date, Mr Terry deserves to continue his research registration at Keele.

1. It is important that Mr Terry's progress be evaluated by the same standards as other students in his position. Students apply for upgrade of registration from MPhil to PhD at the end of their first year (or second year for part-time students), when they write a 5000-word paper and their progress so far is assessed. Mr Terry should be judged against the progress that a student could reasonably be expected to make in one full-time year of study. The hurdle is, in practice, quite low. In my experience, most students at Keele go through 'on the nod'.

In his first year he had a paper published (arising from his previous work) and dealt with national press interest arising from it, he gave a poster presentation at a conference, attended a research methods course and a statistics course (the latter was outside Keele and arranged and funded at his own initiative), and arranged for material assistance from the NAS/UWT and NUT for his work (again, entirely at his own initiative); he corresponded with a government minister and members of the Council of Europe about his work. He also contributed to the life of his department by acting as postgraduate representative and serving on the University Postgraduate Committee. In later years he attended further courses, gave further conference presentations, and assisted with the department's teaching.

By normal standards he has absurdly over-performed. Any other department would be delighted if their research students showed this much energy and initiative in their first full-time-equivalent year. The University has failed to give him any credit for his general progress but has judged him exclusively on the upgrade paper.

2. The criticisms of Professors Gellatly and Rotenberg of the December 2001 upgrade paper look to me like the kind of points that, in normal circumstances, would have been thrashed out between student and supervisor long before this stage. Mr Terry failed to receive the benefit of adequate supervision, and hence he was meeting these criticism for the first time at this stage. From the records it appears that he had three supervisory meetings in his first year, two in his second year, and hardly any at all after that. This of course falls far short of accepted academic practice, at Keele or elsewhere.

Certainly Mr Terry was disadvantaged at the upgrade viva in comparison with students who have been adequately supervised; he had no specialist psychologist to help him anticipate possible objections when drafting his upgrade paper or to help him answer the objections when revising the paper. I believe that a student cannot be expected to do himself justice in these circumstances.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Fletcher', written in a cursive style.

Peter Fletcher.