

## UNIVERSITY OF OXFORD

**MEMORANDUM FOR EXAMINERS FOR THE MASTER OF STUDIES IN LEGAL RESEARCH AND FOR THE MASTER OF PHILOSOPHY IN LAW/ MASTER OF PHILOSOPHY IN CRIMINOLOGY****1 Time-table for the examination**

Unless a specific date for the oral examination has been agreed beforehand, examiners are expected to complete the examination and submit their joint report as soon as reasonable possible (and normally within **three months** of receipt of the thesis). If this is impossible, they are asked to notify the Research Degree Office of the reasons for delay. Candidates are advised that they may approach the Research Degree Office if they have not been contacted about the date of the viva within one month of submission of their thesis.

Viva examinations should not be held within one calendar month of the examiners receiving their copies of the thesis.

However, if particular circumstances necessitate a viva examination to be held within one calendar month, notification should be sent to the relevant board, and the permission of the Proctors must be sought. Under no circumstances will a viva be permitted to take place within 14 days of receipt of the thesis by the examiners.

**2 Duties of the examiners**

These are prescribed in the *Examination Decrees* as follows:

(1) to consider the thesis sent in by the candidate, provided that they shall exclude from consideration in making their report any part of the thesis which has already been accepted, or is being concurrently submitted, for any degree in this university or elsewhere, and shall have the power to require the candidate to produce for their inspection the complete thesis so accepted or concurrently submitted;

(2) to examine the candidate orally in the subject of the thesis and on subjects relevant to the candidate's field of study;

(3) to report to the Board whether on the basis of the thesis submitted, the oral examination, and, where applicable, the report referred to in paragraph (7), the candidate:

(i) should be awarded the Degree;

(ii) should be awarded the Degree with Distinction; or

(iii) should be given the opportunity to re-submit for the Degree within a further three terms.

(4) to return the copies of the thesis to the candidate.

### **3 Subject of thesis**

A candidate is required to obtain the approval of the faculty board for the title of his/her thesis. It can therefore be assumed that the faculty board has concluded that the subject of a thesis is *prima facie* a suitable topic for the degree in question.

### **4 Standard required**

The examiners must satisfy themselves that the thesis affords evidence of serious study by the candidate and of ability to discuss a difficult problem critically; that the candidate possesses a good general knowledge of the field of learning within which the subject of the thesis falls; that the thesis is presented in a lucid and scholarly manner, and that the candidate has made a worthwhile contribution to knowledge or understanding in the field of learning within which the subject of the thesis falls to the extent that could reasonably be expected within the time normally spent as a student for the Degree.

### **5 Oral examination**

Examiners are asked to take responsibility for all communications with each other, for arranging the oral examination and for notifying the candidate of arrangements made. The candidate's address is the relevant college unless otherwise indicated. Please let the candidate know the date of the oral examination as soon as it is arranged, even if this is some time ahead, and inform the Research Degree Office of the agreed date. The purpose of the oral examination is three-fold;

- (i) to enable the examiners to assure themselves that the thesis is the candidate's own work;
- (ii) to give the candidate an opportunity to defend the thesis and to clarify any obscurities in it;
- (iii) to enable the examiners to assess the candidate's general knowledge in his/her particular field of learning.

A candidate submitting a thesis is required to be orally examined except in the single case of a resubmission where the examiners recommend the award of the Master of Studies in Legal Research or Master of Philosophy In Law/Master of Philosophy In Criminology (as the case may be) without reservation.

A candidate resubmitting a thesis may be dispensed from the oral examination by the faculty board, provided that the examiners are able to certify that they are satisfied, without examining the candidate orally, that they can recommend to the board in the terms required that the candidate be awarded the Master of Studies in Legal Research or Master of Philosophy In Law/Master of Philosophy In Criminology (as the case may be). A candidate must be orally examined, however, for the examiners to recommend further reference back.

The oral examination should be held at Oxford in a suitable university or college building, unless the Proctors give special permission for it to be held elsewhere. It should, except in special circumstances, begin not earlier than 9 a.m. nor later than 5 p.m. and may be held in term or vacation.

The examination may be attended by any member of the University in academic dress. Non-members of the University may attend it only with the consent of both examiners.

If, owing to illness or to other urgent and unforeseen cause, an examiner is unable to attend the examination, it may be postponed to a later date. However, if postponement would be a serious hardship to the candidate the Proctors should be notified since in appropriate circumstances they may authorise another member of the faculty to attend the examination as a substitute.

## **6 Recommendations available to the examiners**

The various different recommendations provided for by the Examination Decrees are set out in full on the report form and examiners are requested to indicate their intentions by deleting such sections of the form as do not apply. Further details are set out below.

### **6.1 Course in Legal Research Method/Course in Empirical Research Method**

The examiners are asked to make their recommendation subject to certification direct to the Law Board, by either Director of the Course in Legal Research Method, that the candidate has satisfied those requirements.

### **6.2 Award of the Degree**

The Examination Decrees prescribe that the faculty board shall in no case award the candidate the degree of Master of Studies in Legal Research or Master of Philosophy In Law/Master of Philosophy In Criminology (as the case may be) **unless** the examiners have reported in the following terms:

‘that the thesis affords evidence of serious study by the candidate and of ability to discuss a difficult problem critically; that the candidate possesses a good general knowledge of the field of learning within which the subject of the thesis falls; that the thesis is presented in a lucid and scholarly manner and that the candidate has made a worthwhile contribution to knowledge or understanding in the field of learning within which the subject of the thesis falls to the extent that could reasonably be expected within the limit of time normally spent as a student for the Degree.’

### **6.3 Award of a Distinction**

The examiners shall award a distinction if they feel that the candidate has excelled in the requirements stipulated under 4. above.

#### **6.4 Reference back of a thesis for resubmission**

If unable to recommend that the degree of Master of Studies in Legal Research or Master of Philosophy In Law/Master of Philosophy In Criminology (as the case may be) be awarded, the examiners have power, after having completed the examination (i.e. including the oral examination), to recommend that the Board refer the thesis back to the candidate in order that the candidate may revise and present it for re-examination ((4) on the report form).

If the examiners are fully satisfied that the thesis does not merit the degree they are requested to give serious consideration to the possibility of recommending that the candidate be given the option of having the thesis referred back for resubmission for the degree. Wherever they see any prospect of the thesis being brought up to the standard required they should give the option of reference back; they should not withhold that option because they think it might be in the best interests of the candidate to do so (e.g. because they think the candidate will not have enough time to make the necessary revision), but should instead make clear the magnitude of the task so that the candidate can decide whether or not to attempt to revise the thesis in the time available. Where the examiners conclude that the thesis could not be brought up to the required standard, they should indicate clearly in their report their reasons for recommending rejection outright.

Examiners who recommend that a thesis be referred back for resubmission are requested to supply, on a separate sheet for transmission to the candidate, a statement setting out the respects in which the thesis falls below the standard required for the award of the degree. Examiners are requested to be as specific and forthright as possible in setting out the respects in which the thesis falls below the standard required: if they are doubtful that the thesis will achieve the required standard but are nonetheless reluctant to refuse the candidate the chance to resubmit, they should make clear their concern about the overall quality of the thesis in the statement to be communicated to the candidate. Instead of submitting a separate statement, the examiners may, if they so wish, simply indicate which part or parts of their report to the faculty board should be forwarded to the candidate. When recommending reference back the examiners are requested to allow the transmission to the candidate of as much as possible of their report in order that the candidate may have the maximum guidance in revising the thesis. The candidate will be requested to seek elucidation of the examiners' statement through the supervisor and not by direct communication with the examiners.

Examiners will normally be expected to agree to re-examine in due course if they should recommend reference back.

#### **6.5 Failure**

If the examiners are satisfied that the thesis is not of sufficient merit to qualify the candidate for the degree of Master of Studies in Legal Research or Master of Philosophy In Law/Master of Philosophy In Criminology (as the case may be), and do not consider

that the thesis should be referred back to the candidate for resubmission, they may recommend that the candidate's application for leave to supplicate be refused ((5) on the report form). The examiners are requested to state as fully s possible the reasons why they are not prepared to recommend reference back.

#### **7 Correction of minor errors in theses**

If the examiners are satisfied that the candidate's thesis, as it stands, is of sufficient merit to qualify the candidate for the degree but consider, nevertheless, that the candidate should make minor corrections (which are not sufficiently substantial to justify reference back for re-examination), they may require the candidate to correct the thesis to their satisfaction. The examiners should confirm that the corrections have been made to their satisfaction before they report to the board.

#### **8 Examiners divided in their opinion**

If the examiners are divided as to the standard of merit attained by the candidate, they should report in that sense to the Board, explaining the nature of and reasons for their disagreement.

In any case in which the examiners are not able to make an agreed recommendation to the Board, the Board has power to satisfy itself in some other way as to the merit of the work done by the candidate and then to act as though it had received an agreed recommendation to that effect from the examiners.

#### **9 Communication with the supervisor**

The examiners should not normally contact the candidate's supervisor in connection with the examination except for the elucidation of any comments about the candidate by the supervisor which may have been sent to the examiners. Any enquiries concerning the examination should be addressed in the first instance to the Director of Graduate Studies of the Law Board via the Graduate Studies Officer.

#### **10 Communication with the candidate about the examiners' proposed recommendation**

The examiners' report is confidential to the faculty board which alone has authority to act on the examiners' recommendations. Particularly in cases of possible difficulty, examiners should take care not to intimate to the candidate the content of their report or what they propose to recommend. Before the examiners' report has been considered by the faculty board, enquiries as to the outcome of the examination may be addressed via the Graduate Studies Officer to the Director of Graduate Studies of the Law Board (who may, of course, choose to divulge nothing until the report has been formally considered).

#### **11 Return of thesis to candidate**

After the viva, both copies of the thesis should be returned to the candidate. If examiners require them for the purpose of writing their report, they may retain them and then

return them to the Research Degrees Team, Examination School, High Street, Oxford, OX1 4BG or directly to the candidate.

## **12 Copyright and confidentiality**

You are asked to note that the copyright of the thesis belongs to the candidate and that no quotation from it or information derived from it may be published without the candidate's prior written consent.

## **13 Fees and expenses**

Examiners should claim their fee and any appropriate expenses by returning the enclosed claim form. For clarification, the fixed-rate examiner's fee is paid specifically as a contribution to the work involved in reviewing the thesis, i.e. for overseas examiners it is for work carried out outside the UK. While examiners should certify that minor corrections have been carried out satisfactorily before submitting their report, the claim form may be sent to the Research Degree Office, as soon as the oral examination is completed.

(Revised May 2009)