



PhD Candidacy Examination Guidelines

All PhD candidates in Law must successfully pass a candidacy examination approximately one year following their enrolment in the program. This document sets out rules and guidelines for the conduct of candidacy examinations.

Purpose of the Candidacy Examination:

The candidacy examination is designed to fulfil the following purposes:

1. To ensure that the:
 - a) student's dissertation proposal is well conceived and likely to be feasible;
 - b) student has developed a robust sense of the general structure and approach of the dissertation;
 - c) student appears to have the capacity to undertake the dissertation project; and
 - d) student has a well developed timetable for the dissertation's research, writing and completion before work begins in earnest on the research and drafting of the dissertation.

It is especially important that the student's project be studied and refined at this point in the candidature, and that his/her readiness be assessed, so that the student has a strong foundation as he/she proceeds to a more independent form of study. Note that the role of the candidacy exam is to assess general readiness and make general recommendations for the future, not to oversee the detailed drafting of the proposal. Detailed correction remains the role of the supervisory committee.

2. To provide an evaluation of the dissertation project by an experienced researcher from outside the supervisory committee.

Ultimately, the completed doctoral dissertation will be evaluated by an examiner from outside the supervisory committee. Moreover it is sometimes the case that someone from outside the supervisory relationship can identify issues that the supervisory committee, working closely with the student, might overlook. It is therefore important to have an external opinion at an early stage of the candidacy.

3. To provide useful feedback to students on their dissertation project and on the resources and methods most likely to promote successful completion of the dissertation.

In the great majority of cases we expect that students will pass the candidacy examination at their first attempt. But the examination provides an invaluable opportunity to obtain feedback on the project at an early stage. We hope that students will take full advantage of that opportunity, learning from the process and refining their project in consequence.

Timing of the Examination:

The candidacy examination should normally occur one year into the student's program, following completion of the coursework component.

The student should raise the question of the candidacy examination with their supervisor and with the director of the graduate program approximately eight months into the candidacy, to determine the appropriate timing for the examination and to propose members of the candidacy examination committee.

Composition of the Examining Committee:

The committee consists of at least two members (and, if feasible, all members) of the student's supervisory committee plus a member who is external to that committee. The external may but need not be a member of the Faculty of Law.

The external member is appointed by the director of the graduate program. The student and supervisors may make recommendations as to who should be chosen. They are also entitled to be informed of the director's decision in a timely fashion and may, if they feel necessary, object to the person's appointment on grounds of expertise or of actual or apprehended bias.

An essential criterion in the choice of the external member is the member's knowledge of what it takes to bring a major research project of the kind involved in a PhD through to completion. The external member must therefore have a PhD or equivalent and either be a member of the Faculty of Graduate Studies at the University of Victoria or, if at another university, satisfy equivalent criteria. Expertise in the specific subject matter of the dissertation is not required, although general familiarity with the area is. The external member's primary role is to advise on structure and feasibility of the dissertation project, together with the student's preparedness to undertake it. The external member's advice on the substance of the argument is valuable but of secondary importance in the candidacy examination, for the provision of detailed oversight and direction on the dissertation's argument remains the primary responsibility of the supervisory committee.

When a dissertation relates specifically to indigenous issues, an indigenous representative may be appointed to the examining committee (in addition to the external) in order to ensure that attention to research ethics and community involvement is fully integrated into the examination process. It is up to the student (with the advice of the supervisors) to determine whether the candidacy examination is the appropriate place for this input. If an indigenous representative is not appointed, the student remains responsible for ensuring that there is adequate consultation with communities involved and that ethical standards are fulfilled.

The student and supervisory committee should take into account the cost of the members' attendance when proposing who should serve as external and when proposing the participation of an indigenous representative, securing funding themselves or initiating discussions with the director of the graduate program. Note that the graduate program has no special budget for refunding the travel costs of members of the committee and will generally be unable to do so.

Materials to form the Basis for the Candidacy Examination:

At least three weeks prior to the candidacy examination, the student must send to the members of the examination committee:

1. The most recent, developed, version of the PhD dissertation proposal. This will normally be about 15 to 20 pages (3750 to 5000 words) long.
2. A proposed research timeline with projected milestones.
3. A draft of a portion of the dissertation argument. This will normally be a draft chapter, literature review, or overview of the primary argument in the dissertation. It should be at least 25 pages (6250 words) long. As a draft, it certainly need not be in final form, but it should be sufficient to demonstrate the student's quality of analysis and precision of expression (including grammar and citation) on matters that will form a significant aspect of the dissertation.

The student should consult with his/her supervisors in determining what materials are appropriate for the examination and in drafting and revising those materials.

The external's role is to assess the general preparedness of the student to commence the heart of their dissertation research, basing that assessment on the materials submitted and the discussion with the student at the oral examination, and to offer useful suggestions as to the dissertation project and the future conduct of that research. The external's role does not involve detailed correction of the written materials. Those materials are work-in-progress; they will undoubtedly be developed or superseded in the course of the student's future work, under the detailed direction of the supervisory committee.

Conduct of the Candidacy Examination:

The candidacy examination will be chaired by a member of the graduate studies committee of the Faculty of Law or other person nominated by the director of the graduate program. The chair presides over the examination, but does not actively participate in the questioning or the committee's decision.

The student may always choose to have the oral examination confined to the chair and members of the examination committee. Subject to the advice of the supervisors and of the director of the graduate program, the student may invite other people to attend the examination. These people do not form part of the examination committee, but they may participate in the general discussion as set out below.

The candidacy examination takes the following form:

1. The chair welcomes those attending, introduces the student and the members of the examination committee, and explains the procedure.
2. The student then makes a presentation, providing a synopsis of his/her dissertation project (normally 15 to 20 minutes).
3. The external member and the indigenous representative (if there is one) then engage the student in turn in questions about the project, the documents previously circulated, and the student's preparedness (this will normally take approximately 20 minutes for each person). Where there is both an external member and indigenous

representative, the chair will determine who should go first, taking into account the preferences of those two individuals and any issues of protocol.

4. The members of the examination committee who are also members of the supervisory committee then engage the student in turn in questions about the project, the documents previously circulated, and the student's preparedness (approximately 10 minutes each).
5. Once all the members of the examination committee have had an opportunity to pose their questions, a general discussion is engaged on the student's project, in which members of the audience who are not members of the examination committee may ask questions or offer suggestions.
6. The chair should ensure that the student has fair opportunity to respond to questions and to ask questions of his/her own. In the initial questioning by members of the examination committee, care should be taken that the student has an opportunity to answer the questions, and that this opportunity is not pre-empted by members of the supervisory committee.
7. Once the discussion has run its course, and in any case no later than 2 hours into the examination, the chair will call a halt to the discussion and ask the student and all members of the audience who are not members of the examination committee to leave the room. (The chair remains present in the room.)
8. The examination committee then deliberates and makes its decision.
9. The chair then summons the student (but not the other members of the audience). The committee communicates its decision. It may also use this opportunity to provide further feedback.

Assessment of the Candidacy Examination:

The written material submitted by the student and the student's oral defence will be assessed by assigning a single grade for the entire contribution, in one of the following two categories, and the grade recorded on the form provided:

- Acceptable

This grade is used when the student's oral and written contributions are each considered broadly acceptable and form a suitable basis for the student to begin the dissertation research in earnest, even if the examination committee has identified shortcomings and provided substantial suggestions. The written and oral contributions must be assessed separately, and each considered to be broadly acceptable by the external member and a majority of the examining committee before a student may receive this grade for the entire contribution. Where the external member and a majority of the committee require the student to revise their written or oral submissions before one or both can be considered to be broadly acceptable, a student is not eligible to receive this grade.

In determining broad acceptability, the examining committee must keep in mind that the candidacy exam occurs early in a student's graduate study, that the written material remains preliminary, and that the primary role of advising the student on their dissertation's development rests with the supervisory committee. The

appropriate standard is whether the material forms a sufficient foundation for the student to begin their dissertation research in earnest, or whether serious problems are evident.

- Not Acceptable

This grade is used when the candidacy suffers from significant weaknesses that, in the opinion of the majority of the committee, must be corrected before the student can be given approval to continue in the program.

For a candidacy examination to be judged "Acceptable," the external member must agree to that grade.

In the case of a grade of "Not Acceptable" the committee must provide brief reasons on the form provided. The student may have one further opportunity to undergo a candidacy examination. If the student wishes to take this opportunity, he/she must notify the director of the graduate program in writing (received not later than one month after the date of the first candidacy examination) of his/her intention to do so. The director will then set a date for the second examination in consultation with the student and with his/her supervisory committee. This date must not be later than one year following the first examination. The student may submit (and indeed is advised to submit) fresh written material for the second examination. The procedure applicable to the establishment and conduct of the second examination is the same as for a first examination. The composition of the second examination committee need not be the same as the first.

A student must obtain a grade of Acceptable on either the first or, if applicable, a second candidacy examination, in order to be enrolled in subsequent terms of the PhD program.