

• 31 January 2020

Theodora Kostakopoulou

Kostakopoulou, Dora, Lavender, Andy, Resource Chair of Council

everton dochery

Dear Professor Lavender and Sir Normington,

I am about to leave the UK on professorial business, but I believe that the astonishing information you forwarded to me today should be forwarded to the Chair of the Council of the University because it warrants the immediate lifting of my suspension. There exist no valid complaints and no founded allegations of 'attempting to influence witnesses' and that 'i have harassed and displayed threatening and intimidating behaviour towards students'.

What you have forwarded to me is Professor Sanders', who had already brought false allegations against me and had a grievance submitted against him on 6 January 2020, own interpretation, own personal account and embellishment of what supposedly Ms Diana Opik said to him and to Solange about another supposed discussion she had with student X and about X's supposed statements and subjective worries which do not have any foundation since they are speculative.

There has been no corroboration of all this, no formal or informal complaint by either Diana or Student X in line with 6.2 of the Dignity at Warwick Policy, no statements signed and dated by the direct participants and no detriment.

No University in the UK can proceed to suspend a professor on the basis of uncorroborated hearsay, conjecture, the HoD's own interpretation and own statements of what X allegedly heard from Y....

The basic requirements under the policies of the University have not been complied with and hence I formally request from the Chair of the Council the lifting of my suspension within hours.

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I would also make a formal request that the University invites within the next day or so both Ms Opik and Student X to make a formal complaint that complies with 6.2 of the Dignity at Warwick Policy and include their own statements. In the absence of a formal complaint, the University needs to dismiss Professor Sanders' untrue and malevolent statements as uncorroborated hearsay, and, as I show below, as untruths.

Obviously, no person can be called upon to respond to Professor Sanders' interpretation and paraphrasing of Ms Opik's interpretation and paraphrasing of what allegedly student X told her (- how do we know that this is correct?) and X's own subjective worries.

In what follows, I would like to take this opportunity to let you know that:

1) Two formal grievances were submitted; the first was against Professor Sanders and Professor Ennew on 6 January 2020 and the second against Professor Ennew on 17 January 2020. Please let me know how the three grievances will be investigated and by whom.

2) Dr Dochery's request for the details of the first allegations and the supporting evidence were not based on the appendix 1 of the Disciplinary Policy, as you have stated in your letter. They were based on natural justice, Part 1 of Statute 24, ACAS's Code of Practice, the case law and on Provisions 3.2 and 7.2 of the Disciplinary procedure, 6.1 and 6.2 of the Dignity at Warwick, 7.1 and 7.2 of the Grievance Procedure and the related provisions in Statute 24 and Ordinance 20. Hence, the information Dr Dochery and I have requested for more than 18 times since mid-December 2019 needs to be provided in order to enable me to respond to the (false and malevolent) allegations.

3) The chain of email exchanges I had with Ms Opik is perfectly innocent and appropriate; it was a legitimate query and I had the right to ask her whether she had any meeting or wrote to Professor Sanders because I was seeking verification of the credibility of Professor Sanders' own statements. Reading this exchange, no rational individual in the UK could conclude that it displays harassment, threatening or intimidating behaviour.

Professor Sanders' imposition of his own interpretation and his own flavouring cannot be used, and should not have been used, as a credible, unbiased and truthful allegation.

Professor Sanders breached standard procedure here; any complaint made by a student must be made by him/her in writing and not by others who are most likely reflect their own interpretation and bias. This is indeed the purpose and function of 6.0 of the Dignity at Warwick Policy and the Procedure on Student Complaints.

4) Hearsay of hearsay (the last two paragraphs of the non-dated email of Professor Sanders to Adele)

As a Head of Department, you must be able to discern clearly the problematic nature of those paragraphs.

Here is the truth: Student X is Ms Opik's boyfriend. He was one of the two students I saw during my office hours on Thursday 9 January. I asked both students whether they would be willing to confirm the times and dates of the meetings we had in Term 1 if there was a need. Both replied 'yes'. Student X met me in week 1 of Term 1 having emailed me during non-term time. This means that the Professor Sanders' statement 'Dora questioned X about whether he had talked or sent messages to me or other in the School about difficulties in securing a meeting with Dora' is an untrue statement. It would be illogical for me to even think about this because the meeting had taken place in week 1 of Term 1. Accordingly, all the subsequent statements, that is Professor Sanders' paraphrasing of Mr Opik's alleged paraphrasing are fundamental untruths.

Please consider Professor Sanders' statement that Diana told him that she was told by student X that 'He told Daina that he did not want her to disclose his name to anyone. This is because X is taking Dora's module this term; he is worried that if she finds out that he has reported that conversation or reported that he too had difficulties in securing a meeting with Dora and/or had not been contacted by her early last term that she would penalise him'. This student had his meeting in WEEK 1 of TERM 1. I could continue and continue with Professor Sanders' last paragraph, but I feel unable to even address the triviality, untruthfulness and malice of all this.

The University of Warwick proceeded to suspend a professor on malicious and vexatious statements of hearsay and speculative subjective worries. No hard facts, no evidence.

The University of Warwick proceeded to inflict injuries to my health, my reputation, my career, my work, my family life for a considerable period of time on the basis of Professor Sanders' untruths. It disrupted my supervision of 11 students and my relations with them. It disrupted my delivery of a module on Data Protection to more 100 students who rely on this module for their employability.

The University of Warwick violated my dignity, my integrity, my personality rights, accused me of harassment, threatening and intimidating behaviour, caused harms, damage and distress on the basis of Professor Sanders' statements knowing that oral or written statements by persons who are neither parties nor participants are inadmissible to prove the truth of the matters contained in those statements.

Accordingly, I would make a formal request to you, Sir Normington, to ensure that the Policy

Statement (1.0) of the Dignity at Warwick Policy (i.e., all staff and students are treated fairly and with dignity and respect) is complied with and to lift my suspension within hours.

I would also like to receive Ms Opik's and Student X's formal complaints complying with 6.2 of the Dignity at Warwick Policy within the next seven days so that I could seek redress for the damage caused.

Yours sincerely,

Professor Dora Kostakopoulou

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Dear Adele



Director of HR
University of Warwick
University House
Coventry

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Cc: Sir Normington
Chair of the Council of the University

February 11, 2020

Dear Madam,

Following eight (8) requests for Professor Sander's written allegations since my unlawful and wrongful suspension by the Provost of the University of Warwick, Professor Ennew, on Thursday 16 January 2020, Professor Lavender forwarded to me a thread of communications on Friday 31 January 2020, that is, 15 days following Professor Ennew's suspension letter. This included an undated email communication ('the complaint') Professor Sanders sent to HR.

I replied to Professor Lavender and Sir Normington on the same day (Friday, 31 January 2020) and this email communication is included below and forms part of my grievance. I did not have time then to tender a second grievance against Professor Sanders because I had a flight on the following day. It is submitted now (- the first grievance was submitted on 6 January 2020).

Professor Sanders has committed serious acts of gross misconduct (- these are outlined below) and behaved, once more, dishonestly and with lack of integrity in order to victimise me and to cause serious injuries to me, that is, to his colleague, mentee and, in the light of the reference he forwarded to Warwick University before my job interview in 2012, his friend.

Professor Sanders is well aware the neither the Student Complaints procedure of the University nor the Dignity at Warwick Policy permits a head of department to write complaints/allegations on behalf of a student. Both policies require the written statements of students as complainants (see 6.1 and 6.2 of the Dignity at Warwick) and no student had tendered any complaint. They had no reason for doing so. The reason as to why no one is permitted to write 'hearsay'

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statements and unsubstantiated opinions on behalf of another is because the policies do not leave room for breaches of natural justice, deliberate falsehood, prejudice, malice, discrimination and sycophancy. Professor Sanders intentionally did not follow the procedures of the University and proceeded to write a complaint for Ms Opik in order to make libellous statements which would cause me substantial harm.

I will not engage with the low level displayed by the content of Professor Sander's email communication, here; I refer you to my email communication to Professor Lavender and to Sir Normington of 31 January 2020 which is included.

It will suffice to note that Professor Sanders's statements were made with actual malice – namely, with knowledge that they were false (- my communication with Ms Opik did not disclose harassment; in fact, Professor Sanders has seen the HR Notice in the kitchen of the law school on what harassment means) and with reckless disregard of whether they were false or not (- this applies to the statements he made regarding Ms Opik's unsubstantiated hearsay concerning student x and his own embellishment of that uncorroborated hearsay).

Maliciously making false allegations and intentional and unwarranted statements violating the dignity of a professor, her honour, reputation and professional integrity in order to procure a suspension is not only unethical and unlawful behaviour but also gross misconduct.

Professor Sanders has engaged in sycophancy.

He also breached tort law (libel) and equality law.

In addition, he breached his duties in terms of the pursuit of truth, fairness and the duty of care.

Accordingly, he caused concrete harms (the suspension) and mental suffering and distress through an act which is wrongful in itself and in violation of standard procedures in all Universities in the UK and Europe. He has damaged my professional standing within the department and beyond, my relation with 11 supervisees and foiled my delivery of a course to more than 100 students, who had explicitly chosen it for a number of reasons, including employability.

He also displayed complete disregard for my fundamental rights (he acted in breach of Articles 1 and 8 EUCFR, Article 12 UDHR and Article 8 ECHR), the prohibition of victimisation (breach of the Equality Act and the policies of the University, that is, the Dignity at Warwick and the Grievance Procedure which prohibits the victimisation of the person who activated it,

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health and safety regulations (and the Health and Safety Act 1974) and the duty of care and, finally, for the contractual duties he has to observe natural justice.

All the above breaches fall within the ambit of gross misconduct (see Appendix 1 of the Disciplinary Policy) and I believe that the University of Warwick has to activate its disciplinary policy, irrespective of my grievance.

Thus far, it has punished the person who was wronged by Professors Sanders and Ennew thereby inviting reasonably held beliefs that it operates its disciplinary policy inconsistently, unfairly and in a discriminatory manner (see ACAS's guidance).

Abuses of power and intentionally not following standard procedures in order to abridge protected freedoms and damage an employee, who has a legal case before the courts and has submitted a grievance against Professor Sanders, through defamatory falsehood cannot but turn the Warwick Law School into a victimisation project.

In such circumstances, I have the right to protection and request the University to right the wrongs Professor Sanders and Professor Ennew have committed immediately and to rectify all the serious injuries inflicted upon me.

The Disciplinary Policy of the University of Warwick does not confer upon Professor Sanders, and/or Professor Ennew, an unrestricted and unbridled licence for every possible attack upon the dignity of another employee and the abridgment of her rights, including her rights to health and well-being, to exercise her profession and teach her students and to an undisrupted and peaceful enjoyment of her private and family life.

I look forward to hearing from you.

Yours faithfully,

Professor Dora Kostakopoulou

PS: I have prepared letters for 140 students who have been affected by my total banishment from the University of Warwick. Please inform me about the process of delivering those letters to my students.

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