

WHAT IS IT ABOUT THE AGE IN WHICH WE LIVE THAT MAKES HUMAN DIGNITY, EQUALITY AND TRUTH SO DIFFICULT?

Open Letter to the Members of the Council of the University of Warwick

Dear Council Members,

I do not know whether my previous letters to the Chair and Vice Chair of the Council of the University have been brought to your attention. You will find the content of this letter disturbing, but, as the remedy to serious institutional failings falls within your jurisdiction (- the body obligated to uphold the law, natural justice, the rules and values of the University, including its Charter), I am compelled to bring this matter to your attention. In what follows, I describe the conditions and circumstances of those failings resulting from breaches of the law, the policies and procedures of the University, natural justice and human rights and the professional code of conduct.

I spent weeks, months and years seeking to comprehend why my employer should be so keen on fabricating lies in order to harm me, suspend me for four months without even giving me an opportunity to know the particulars of their malicious allegations and to be heard, subject me to an unfair disciplinary process with no evidence of my alleged wrongdoing lasting eight whole months, impact adversely on my health, family life and career and to degrade my reputation. This happened as soon as the outcome of the UK's Brexit referendum was announced. Since 2016 I have been toiling to show that human decency, equal human dignity and ethical conduct trump yesteryear beliefs, such as, 'we are masters and we do as we please', 'there are no procedures here' and 'no one reasons, everyone executes'.

It was a sunny morning on a train to London from the south of England on 3 December 2019. I had many reasons to be pleased on that day despite the fact that the rail strike was threatening to delay my return to the office at Warwick University. I had examined a wonderful PhD dissertation the day before in the south of England, I had recovered from the lack of adequate sleep due to very early morning starts, I had completed the viva examination report and relevant forms, I had almost finished my new research monograph, my article had been accepted by a wonderful journal in the Netherlands and another article had been submitted to a British journal, my dissertation supervisees were progressing well

and Christmas was approaching. I had a few more engagements at the University of Warwick, three more trips abroad, including two presentations in Belgium, and had already taken the third week in December as part of my annual leave in order to finish the introduction to my research monograph. Carrying out this task would have then permitted me to enjoy the company of my three children who were coming home for Christmas and to have a short break before commencing the heavy teaching of three modules in January 2020. That was my simple, very ordinary plan.

I recall I arrived at the University of Warwick at 2.55 pm on 3 December 2019. I happened to meet my PhD student at the entrance of the Social Sciences building who kindly offered to help me with my bags and to buy a chocolate drink for me. Our meeting had been scheduled for 3 pm. Following that supervisory meeting, I had feedback and advice hours from 4 to 6 pm. I saw my undergraduate students, received their Christmas cards and wishes as well as a few more requests for references I had to write urgently for a few of them. When I finished at 6 pm, I updated the online University system about all the student meetings that had taken place and took screen shots of those entries. I had to do this because there had been a pattern of unwarranted interference with my data for years. This had been brought to the University's attention, but it continued to remain unresolved despite the stress it was causing. I had also forwarded to the IT department of the University more than 100 spam, fishing and malware containing emails I had been receiving, requesting an investigation about their origin, but nothing had been done about it. When I finished with the online University system, I wrote a memo to the Director of Undergraduate Studies and the Head of Law Department informing them that all my office hours had been concluded for the term and that the students had appreciated my input and advice. The only remaining task was to prepare my presentation for the engagement in Belgium on the following day.

Upon checking my University email, I discovered that the Head of Department had sent me an email communication, which was copied to HR, after office hours (at 17.04 pm) on 2 December 2019 stating: 'you are contractually obliged to carry put reasonable management instructions. This includes meeting me to discuss matters of concern. Those matters of concern include communicating with your personal students as reasonably instructed. If you do not attend the meeting on 3 December at 2 pm in my office, further action may be instigated which could include disciplinary action being taken'. I was shocked: the language of 'carrying out reasonable management instructions' was unfriendly and unprofessional. The reference to 'contractual obligations' was inappropriate. And the fact that he was threatening me with disciplinary action knowing that I had external examining duties

which I had been employed to perform in another part of the country and which could not be cancelled signalled the presence of an improper motive. I replied to that email reminding him that meetings are arranged on mutually agreed dates and mutually convenient times and that it is not consonant with the dignity policy of the University for a manager to threaten disciplinary action because a female professor has pre-arranged external examining duties elsewhere which cannot be cancelled. I also reminded him that I had informed him previously about my unavailability and had suggested several alternative dates for a meeting.

On my return journey, I recounted similar hostile communications I had received from him and the unnecessary stress and insomnia I had been experiencing for a considerable period of time. I also recalled the continuous unwarranted and unwanted interference with my web profile and personal data I had been experiencing for years, including the deletion of my information without my knowledge and consent which had led me to establish my own personal website; the barrage of spam, fishing and malware containing emails I have been receiving on my University email address; the relentless tide of inflammatory and unfriendly email messaging; the cries of female colleagues who had experienced similar targeting; the departmental bullying which had led colleagues to depression and absences from work; the forced exit of female colleagues and, finally, the issues surrounding my own unlawful suspension for simply doing my job in 2016 which were still live in the courts. All this was wearing me down. I could not overcome the mental stress caused by his unreasonable threatening language during the night and had to cancel my flight and trip for the following day.

On 4 December 2019, the Head of Department wrote to me again: ‘asking you to meet me is a reasonable management request, as is asking you to confirm that you had made contact with all your personal tutees and have responded appropriately to their requests. Both of them form part of your contract of employment with the University of Warwick, and you have not demonstrated that you have fulfilled your contractual obligations’. I did not reply to this email; it was obvious that he had an improper agenda; the phrasing was typical. He had suppressed the facts of his prior knowledge about my examining duties in a distant part of the country on 2 December 2019 and the completion of all student feedback and advising sessions. He had received my memo. He had also ignored that all the information he needed was on the University’s own online recording system which was readily accessible by him. He was imputing some form of professional unfitness knowing that he was making false statements which would cause injury to me. Like the Vice-Chancellor of Warwick in 2016, the Head of Law Department was publishing statements about me which he knew were

untrue. HR was copied into his email, but, contrary to health and safety and the dignity at work policies, HR did not impress upon him his duties of care, due diligence for compliance with human rights and effective concern about the physical and mental well-being of staff.

On 13 December 2019, the day of the official announcement of the UK's national election result, I received a letter from the Provost of the University of Warwick informing me that she had ordered a disciplinary investigation on the basis of 'information' she had received that I had failed to meet the HoD and that 'I was not fulfilling my responsibilities in good faith'. On the same day, I wrote to her to request the substantiation and prima facie evidence for those allegations. Needless to say, that despite more than 20 such requests no information for several weeks (- and months) was forthcoming. Notably, this pattern follows the 'textbook' definition of bullying and victimisation: making unfounded, misrepresented or fabricated criticisms/allegations and refusing to substantiate them in writing in order to cause injuries to an employee.

I also wrote to the Vice Chancellor of the University where I had the external examining duties requesting him to impress upon the Provost of Warwick University 'the importance of upholding the value of academic institutional collaboration and the integrity of the PhD examining system which would collapse without the unselfish and generous provision of professorial service'.

I kept receiving official letters from the University of Warwick about the disciplinary investigation with no information and prima facie evidence of the allegations made by the Head of Department and the Provost and, naturally, my Christmas break was ruined. I could not have a peaceful time with my family. When the University re-opened, on 6 January 2020 I submitted a formal complaint against the Head of Law Department and the Provost to the Chair of the Council of the University. The grievance was accompanied with documentary evidence attesting my innocence and a detailed explication of the breaches of University policies, the law, natural justice and human rights, including the absolute right to human dignity. I also informed the appointed disciplinary investigator about the submission of the grievance.

Ten days later I was suspended from work indefinitely through the concerted actions of the Provost, HR and the Head of Department despite the existence of explicit rules, both internally and externally, prohibiting the victimisation of complainants. I am confident you know that all universities have policies stating that discrimination, bullying, harassment and victimisation are unacceptable – they have no place in a civilised working and learning environment. They also state that staff have a right to complain in confidence because no

member of the University community is expected to tolerate what they genuinely and reasonably believe to be discrimination, bullying and victimisation.

Sadly, those rules do not seem to apply to the higher echelons of Warwick University; holders of senior posts have placed themselves above the law, human rights, natural justice and the rules of the University. The Provost of the University of Warwick is well aware that she is prohibited from inflicting injuries to a professor's health, private and family life, career and reputation on the basis of unsubstantiated information, lies, whispers, rumours, hearsay and so on. She cannot act on bullying, vexatious allegations. She must have objectively verified and strong evidence of gross misconduct which must be communicated to the individual in advance thereby giving her the opportunity to demonstrate that it is erroneous. Under no circumstances, the Provost of the University can suspend an employee on the basis of lies without giving her an opportunity to be heard and to expose the lies. The common law principle of legality, the rule of law and natural justice prohibit this. These mandatory requirements did not apply to me thereby making my suspension null and void in the eyes of the law. The Provost made no effort to safeguard the standard requirements of fairness and justice, because she knew that the allegations were false and that bad faith had been involved in triggering the suspension.

My suspension was carried out in a manner intended to hurt, humiliate and degrade and did not follow the ACAS guidance on suspensions (i.e., suspension as a last resort, exploration of alternative options, strong prima facie case of misconduct, prior investigation to establish facts, the employee ought to be heard, the length of it should be indicated to the employee and so on). More specifically, on Thursday 16 January 2020 at 1.10 pm, the Head of Social Sciences and an HR adviser knocked on my office door, interrupted a meeting I had with one of my supervisees, asked the supervisee to step outside my office and they then delivered by hand the Provost's letter of suspension. I was then ordered to collect my things and to leave the office immediately. I had arranged a number of meetings with tutees, supervisees and PhD students in my office that afternoon. The suspension letter was not accompanied by any written complaint. No supporting evidence and no sufficient information were included. No prior investigation had been conducted to ensure there was a prima facie case and that any (malicious) allegation was true and accurate. I kept asking for this information for nearly two weeks while the devaluation of my human dignity was keeping me awake during the night. I had stomach pains and migraines during the day. I believe that the absence of concrete information about the allegations (- and of the compulsory meeting before the suspension with the employee affected) for two weeks was intentional; the Vice

Chancellor had done the same in 2016. It is designed to shock, destabilise, humiliate and to injure psychologically the employee who, naturally, within a short period of time would fall into deep trauma and depression. Through such violence, the employee's forced exit and constructive dismissal would be actualised.

By the end of January 2020, the Provost, HR and the Head of the Law Department had created a situation out of which there was no possible way that was not distressing, degrading and from which there was no truth to be extracted. I submitted another formal complaint to the Chair of the Council for the flagrant abridgment of the law, human rights, natural justice and the rules of the University on 17 January 2020. The Chair failed to act.

As for the Head of Department, he had succeeded in his intention to injure an innocent person. In order to punish me for exposing his unlawful actions and the serious breach of the professional code of conduct on 6 January 2020 and, as there were no facts to support and legitimise lies, he had manufactured another malicious story. He used the following email communications, which were further evidence I had that he was lying when he wrote to me that my students had met with him, in order to fabricate allegations for my suspension:

Dear Dora,

I did not write to 'the HoD'. The email chain is the same one you and I are both copied into.

Sincerely,

X

Hello X,

Thank you for your kind email – did you meet with him? I am asking these questions because he sent me an email similar to the email you wrote and he instigated disciplinary proceedings on the basis of what I see as lies.

Happy New Year to you,

Dora

By breaching standard University procedures which prohibit a HoD to write statements on behalf of a student, the Head of the Law Department, HR and the Provost used the above emails in order to charge me with acts I never committed, knowing that they were untrue and thus acting with malice – namely, 'You have attempted to influence potential witnesses, specifically by questioning students in relation to complaints they may have made against

you, in an effort to undermine the ongoing investigation into the fulfilment of your duties’ and ‘You have harassed and displayed threatening and intimidating behaviour towards students when questioning them in relation to complaints they may have made against you’. Needless to say, there has been no formal or informal student complaint.

When I wrote to the University asking them to pinpoint the words and sentences of mine in the email communication which indicated that their allegations were true, I did not receive a response. I complained about such unlawful and unethical behaviour which falls within the ambit of gross misconduct to the Chair of the Council of the University of Warwick.

The Chair of the Council is duty-bound to investigate such a serious incident of breach of the professional code of conduct, of managerial honesty and integrity, the legal rules and of the rules of the University. He is the only senior person, other than the Vice Chancellor who could not act because he had prior involvement, who could hear the grievances against the Provost of the University. He is also responsible for ensuring that non-discrimination law and policies are adhered to and that employees can report without fear of recrimination any suspected impropriety or breach of University policy or legal obligation. But he did not act. Nor did he invite me to meet with him. Yet, as the Chair of the Council of the University of Warwick, he must ensure that the University does not tolerate any form of harassment, discrimination or bullying by any member of Warwick University and that it acts lawfully, fairly and justly in the wider public interest in all its activities. He is also required to act to protect my health and my natural rights and freedoms.

In January 2020, the Chair of the Council wrote to me stating that: ‘I repeat, therefore, that I will not be taking any further action in respect of your letters. Nor will I be responding to further correspondence from you and your husband on these matters’. Saddened by his reaction, I activated the whistleblowing policy of Warwick University outlining all the infractions and requested a formal investigation. I expected a swift investigation of the misconduct I was reporting and a clear statement from the Chair of the Council of the University of Warwick that this institution neither permits nor condones lies by its senior managers and gross disregard for the health and safety as well as the human rights and dignity of its female and ethnic minority employees. But there was no investigation and no response. Instead, HR proceeded to lengthen the suspension for more than four months and to act in order to conceal the facts and evidence for several months – actions about which I have complained in writing.

On reflection, however, I should have expected the Chair's omissions to act. When I had previously written to him presenting documentary evidence of seriously sexually explicit emails I was receiving in my inbox and a threatening email, entitled 'kin inquest', he had also failed to act. And when I had informed him that I had discovered false and hurtful information about me written in secret by the former Head of Department and placed in my employment file without my knowledge contrary to data protection law, he had failed to act as well. I had to write to the Information Commissioner and to wait for several months in order for this data to be removed and destroyed in accordance with data protection legislation.

But is it not the case that everyone within the University has a duty to behave lawfully, fairly and honestly? Are not managers and holders of senior posts duty-bound to protect employees and to prevent and mitigate potential and actual human rights abuses? How could a public institution manufacture bullying, malicious allegations and place a female professor in suspension for several months assailing her dignity and integrity? Why should her module on Data Protection Law attended by more than 100 students be cancelled in week 3 of the Term? Why should her 11 supervisees experience the trauma of disrupted bonds and academic guidance? And what has happened to truth and righteousness? Why is it that following struggles of nearly fifty years, equality for women, ethnic and racial minorities and for other groups is still elusive? And why is it that, despite so many anti-discrimination and human rights legal instruments, the gaps in the protection of significant segments of society are not narrowing, but are expanding? Why is the defaming and degrading of women so epidemical and rife? Is this a new, distinctly aggressive and fairly destructive, face of inequality displaying no care for persons and no respect for human dignity, no concern for legal rules and internal procedures and, more worryingly, no regard for truth and justice?

I spent days, weeks and months pondering over the above questions, writing email communications and letters to the University of Warwick and trying to figure out who might be responsible for the crisis of our age. I could not find either reason or justice or ethics in the deeds and words of all those who have harmed me now and harmed me in 2016. Nor can I condone the devaluation of human dignity which reigns in the hearts and minds of all those individuals at the University of Warwick who inflict senseless hardship, mental suffering and professional injuries on innocent persons. Admittedly, I would also shoulder a fairly good share of responsibility for the dehumanisation that engulfs us, if I did not speak up for human decency, equal treatment, the rule of law, truth and justice.

I look forward to your actions.

With my most sincere regards,

Professor Dr Dora Kostakopoulou

6 June 2020