

Sir Normington and Ms V. Cooke  
Chair and Deputy Chair  
Council of the University of Warwick  
University House  
Coventry

Cc: ACAS, Birmingham;  
UCU, London.

January 2, 2020

Dear Sir Normington and Ms Cooke,

Regrettably, I write to report a serious incident of malice, bullying and victimisation in our academic community which has been designed to put me in a detrimental position. It brings into play breaches of the law (EA 2010, PIDA 1998, EUCFR, ECHR), the Dignity at Warwick Policy, Warwick's Guiding Principles, the Disciplinary Policy, including Statute 24 and Ordinance 20, and of Health and Safety regulations.

Accordingly, I have no other option than to tender a formal internal complaint about the malevolent, unreasonable and unlawful actions of Professor C. Ennew, Provost of the University of Warwick, and Professor A. Sanders, Head of the Law department. I believe their actions are the direct consequence of my legal action for unlawful victimisation under the Equality Act 2010 and the Public Interest Disclosure Act 1998 (whistleblowing legislation). They are based on intentional false statements of alleged misconduct and non-performance of my duties in good faith which remain unsubstantiated to date, despite my repeated requests for substantiation, and which caused, and were calculated to cause, physical and mental damage to me before, and during, the Christmas season.

## THE GUIDING REGULATORY FRAMEWORK

Like all organisations and public bodies, the University of Warwick has policies which, in line with statutory provisions, case law, international norms and the ACAS guidelines, prescribe that all employees have the right to be treated with dignity and respect at all times during their employment and that all its managers and members of the executive team are required to conduct themselves in accordance with these principles. The University is legally obligated and committed to ensuring that no discrimination and victimisation in the workplace, whatever the motivation and manner, are overlooked or condoned.

The University also requires that all employees and managers display honesty and integrity, observe the principles of natural justice as part of their contractual duties,<sup>1</sup> refrain from bullying, discrimination, harassment and victimisation and correct such unacceptable behaviour as soon as it is brought to their attention,<sup>2</sup> ensure procedural fairness in the operation of grievance and disciplinary procedures, respect fundamental rights and refrain from causing unjustified and disproportionate interferences with Articles 8 ECHR, 7 EUCFR (personality rights stemming from the right to respect for private and family life) and 1 EUCFR, comply with their duty of care and refrain from causing injuries to employees by breaching health and safety requirements.

The University's Disciplinary framework also prescribes that disciplinary matters are handled fairly and reasonably and in compliance with the policies of the University and the existing legislation. The Disciplinary Procedure's Appendix 1 lists breaches of the above-mentioned duties as acts of gross misconduct.

The same Appendix includes the 'refusal to obey a manager's reasonable instruction' and 'wilful neglect of duties' as manifestations of ordinary misconduct. This is in line with the law, ACAS, and the case law which has sedimented that misconduct is the by-product of wilful

---

<sup>1</sup> The principles and requirements of natural justice are explicitly mentioned in Statute 24 and Ordinance 20.

<sup>2</sup> In addition, the University of Warwick has also recently adopted a set of guiding principles in an attempt to tackle bullying, harassment and victimisation at work. The textbook definition of bullying and victimisation refers to contrived, misrepresented and/or fabricated allegations designed to cause injury to an employee. These allegations more often than not involve conjured, trivial and spurious issues. Research by the Workplace Bullying Institute suggests that 'falsely accusing someone of errors not actually made' is the most common of all bullying tactics experienced. In 71% of cases the bully blames problems on the target's poor attitude or performance or his/her alleged character flaws.

disobedience of reasonable and lawful instructions (- the Appendix has omitted the word 'lawful') and wilful neglect of one's responsibilities.

All managers of the University (- including the members of the executive team and HR) are required to act in conformity with these rules. In very simple terms, they have a corresponding duty to follow them, to conduct themselves with dignity, honesty and integrity (provision 12.1.1, Disciplinary Policy) and to act in accordance with them.

Furthermore, provision 13.1 states that all individuals are responsible for ensuring that University policies and procedures are adhered to and implemented in a consistent and fair way.

The University's above mentioned legal and regulatory framework gives no delegating power to the Vice-Chancellor, Pro-Vice Chancellor, Professor Ennew, and to Heads of Department to unilaterally change the rules at any time and to reframe, mischaracterise or reverse the existing definitions of misconduct or gross misconduct under the rules.

In other words, no person within the University of Warwick is, or should believe to be, above those rules and the law.

### **THE INCIDENT I AM REPORTING**

On 13 December 2019, I received Professor Ennew's letter of 10 December 2019 informing me about 'information' she received relating to allegations relating to my 'failure to comply with reasonable management requests, non-attendance at 5 separate meetings' with the HoD and 'not fulfilling my responsibilities in good faith'. On the same day, I replied to Professor Ennew requesting the written complaint about me and evidence of my alleged refusal to attend five meetings and specification of, and evidence for, which responsibility I am not fulfilling in good faith and of my alleged bad faith.

To date, that is, 20 days since my receipt of Professor Ennew's letter, no such information and substantiation have been provided, despite the fact that I wrote an alarming email to her to tell her about my physical and mental injuries caused by her letter (- all correspondence is enclosed) [File 1].

As the Provost of the University of Warwick, Professor Ennew is aware that she cannot activate the disciplinary policy of the University without a written and signed complaint against a professor. She is prohibited from taking any steps which harm a professor's career and reputation on the basis of unsubstantiated information, whispers, rumours, hearsay and so on. In addition, according to ACAS's Code of Practice, the written complaint must provide sufficient factual details and time and place related information as appropriate which show that a prima facie case of misconduct, as specified by the rules of the University (- and not the whims of any manager), has taken place.

Such a written complaint must also be accompanied by supporting evidence so that the manager of the University who decides to activate the disciplinary process, that is, Professor Ennew, can base his/her initial assessment and decision on objective grounds.

This is a very important procedural requirement. Arbitrary decision-making is a misuse of power and provides a fertile ground for unacceptable discrimination, bullying and victimisation – practices which expose the University to legal liabilities and to significant reputational damage.

I am confident you know that ACAS has provided detailed written guidance on the need for written complaints and their contents, including sample letters which could be sent to individuals, for more than two decades. I have in my possession an ACAS guide from mid-1990s which attests the above.

Should the Council of the University of Warwick and I, therefore, assume that Professor Ennew has not been aware of the requirements of procedural legality? I do not believe so. After all, an HR adviser, Ms Ashford, has been advising Professor Ennew and Professor Sanders for some time and must have provided guidance to them.

But even if the Provost of the University of Warwick were ignorant about the requirements of natural justice and procedural legality, the facts that I kept writing to her seeking the written and signed complaint and information on, evidence of and specification of the allegations should have alerted her about the injustice and distress she was inflicting upon me. In addition, the fact that she could not provide immediately the information and evidence I was requesting should have made it clear to her that she was complicit in a process of false and unsubstantiated allegations designed to harm an individual and thus that she was acting in breach of standard ethical principles and the policies of the University.

Please let me note, here, that this is not a case of false allegations based on Professor Ennew's or Professor Sanders' misinterpretation of facts and/or the rules of the University and of Appendix 1 of the University's Disciplinary Policy. It is a case of malevolent claims made about me (a case of malicious falsehood) and fabricated situations in order to harm me and to cause a deterioration of my physical and mental health and well-being.

### **FACTS AND EVIDENCE FOR THE MALICIOUS FALSEHOOD**

Given that rules of the University require wilful disobedience of a manager's reasonable instruction, that is, in this case, a refusal to attend a meeting with Professor Sanders, neither Professor Sanders nor Professor Ennew have the power to pronounce my communication of my unavailability to attend owing to external examining at Southampton University (2 and 3 December 2019), travelling to Holland and a lecture at Amsterdam University (12-13 November 2019) and pre-arranged urgent research commitments at Keele University (7 November 2019) and my suggested seven (7) alternative dates for such a meeting as misconduct.

Quite simply, given that:

- a) Professor Sanders was informed about my unavailability,
- b) and he was provided with a number of alternative dates for a possible meeting (18 November, 19 November, 21 November (please see my email communication to Professor Sanders on 17 November 2019 at 8.19 am), 6 January, 7 January, 8 January and 9 January (please see my email communication on 1 December 2019 at 15.41 pm),

his decision to proceed with disciplinary action against me for not meeting with him demonstrates ill will, a victimisation motive, dishonesty and lack of integrity and, obviously, disregard for natural justice and the University's policies.

Please find enclosed my letter to the Vice Chancellor of Southampton University which sheds light onto this issue. It includes a detailed description of facts and the evidence (please see Southampton University's invitation and the rail tickets and their dates) [File 2].

Please also notice the language used by Professor Sanders in setting out unilaterally a specific date for a meeting and the threats in his email communications, which caused me distress, since

early November 2019. Although it is a reasonable expectation and good practice for HoDs to provide a number of possible dates for a meeting with an employee and to arrange meetings on mutually agreed dates, Professor Sanders preferred to summon a female senior professor to his office on a unilaterally specified date, often using language designed to create fear and distress, without any concern about her pre-arranged commitments, work, and unavailability – a course of action which is contrary to the Dignity at Work Policy of the University which requires ‘professional, friendly and courteous treatment’. It is also doubly problematic and contrary to the Dignity at Work for Professor Sanders to threaten disciplinary action, and to proceed with disciplinary action, because the female professor happened to have pre-arranged and important duties on the day Professor Sanders summoned her.

Any reasonable person cannot but ask the following question:

‘How is it possible for a HoD, who is obliged under the legislation, ACAS and the Dignity at Work Policy to:

- act in a professional, friendly and courteous manner and
- to organise meetings at mutually convenient dates and
- who is instructed by the ACAS guidelines and the common law principle of natural justice, which must always be observed, to organise and reschedule meetings at a time and place that is reasonably convenient to both parties,
- and having accepted the employee’s declared unavailability on a date he chose unilaterally to proceed subsequently to instigate disciplinary action for the employee’s ‘failure to attend the meeting’?’

This cannot but signal targeted malice; conduct in bad faith specifically intended to injure a person who had a legal case of victimisation before the UK Court of Appeal. But victimisation is unlawful and in breach of the University’s rules and policies.

I would like to believe that the Council of the University shares my view that the rule of law and the rules and policies of the University of Warwick do not confer upon Professor Ennew and Professor Sanders the power to change those rules, to invent new definitions of misconduct ex post facto and to act unreasonably in order to harm an innocent employee. This applies also with respect to the second false and unsubstantiated allegation of ‘failing to fulfil my responsibilities in good faith’.

Who has made this allegation? When? Where is the written and signed complaint? Which responsibility I am not fulfilling in good faith? When? Towards whom or against whom? What is the prima facie case? Where is the supporting substantive evidence?

I have been under a veil of ignorance about all the above since 13 December 2019 and, as a result, my health and well-being have been affected. My research writing has also been severely disrupted. Professor Ennew and Professor Sanders were able to foresee that their actions would cause me a personal injury.

Surely, neither Professor Sanders no Professor Ennew could seriously claim that I have failed to make contact with my personal tutees because at a click of a button at the time of making their allegation and at the time of deciding to instigate disciplinary action, they could retrieve the University's TEBULA record (please see File 3) and thus they would be able to see my scheduled arrangements with tutees.

**READILY AVAILABLE OBJECTIVE EVIDENCE WITHIN SECONDS:** Column 1, which indicates the meetings with tutees, was updated when we returned from the Reading Week (week 6), on Monday 11 November 2019. It was further updated in week 8 following the meetings with Tutees and other students on 18 and 19 November, and, finally, on Tuesday 3 December after 6 pm. When I finished the updating, I took the screenshot which is inserted below.

The many envelopes next to the names of tutees include the notes I wrote on Monday 11 November stating, 'several email exchanges have taken place, meeting arranged for week 8'. These email exchanges took place in October 2019 and early November 2019 (4 November 2019).

**FURTHER EVIDENCE:** Please see also the email communication I sent to the remaining students who had not seen me in week 8 [File 4].

**FURTHER EVIDENCE:** Please see also the memo submitted to the Director of Undergraduate Studies and to Professor Sanders on 3 December 2019 [File 5].

**FURTHER EVIDENCE:** Please see my email communication to Professor Sanders on 17 November 2019 at 14.09 pm ('... I would urge you to view Tabula and my notes on these issues') [File 6].

Evidently, if one supposes that by stating ‘I am failing to fulfil my responsibilities in good faith’, Professor Ennew and Professor Sanders referred to meetings with tutees, then both of them knew<sup>3</sup> that this allegation was libellous and a malicious falsehood at the very moment of making it.

All related duties have been fulfilled. They have also been fulfilled admirably because:

- 1) I have provided the highest number of advice and feedback hours in the Law School (- please see my email communication to Professor Sanders on 21 November at 14.27 pm);
- 2) I supervised in Term 1 the highest number of students within the Law School; 7 Undergraduates who have had several meetings with me about their dissertations throughout Term 1 and 4 PhD students;
- 3) I have received compliments from Tutees, which colleagues could verify;
- 4) No Tutee has lodged a formal or informal complaint about me. Nor has any tutee expressed any concerns to me in any of our one on one meetings.

Professor Ennew had to exercise due diligence in verifying that whoever made this allegation was not acting maliciously and with an intention to further a pre-determined agenda of victimisation.

### **RESOLUTION SOUGHT**

Given the gross injustice inflicted upon me, I believe I am entitled to request the Council of the University to instruct Professors Ennew and Sanders to act in accordance with the law and the policies of the University and to pronounce their decision to instigate disciplinary action as ultra vires, a misuse of power by persons in official capacity and a serious act of victimisation which must cease without delay.

It damages the reputation of the University of Warwick significantly and weakens the effectiveness of, and trust in, its policies, if its managers, who have specific duties to ensure their effective and fair implementation, believe that their position endows them with a licence

---

<sup>3</sup> If Professor Ennew did not know, she had to display due diligence in verifying that was Professor Sanders was saying was both accurate and truthful.

to make false and unsubstantiated allegations, to fabricate issues and to engage in (unnecessary and unproductive) conflict entrepreneurship with the intention to victimise, harm an innocent employee and to destroy her health, career and reputation.

Please let me note that this is not the first time that Professor Ennew unnecessarily and unjustly harmed me. In 2017 she upheld outrageously false allegations for which there was no evidence and imposed a final written warning on an innocent person for two years following a unlawful and protracted disciplinary process lasting 8 months thereby seeking to damage my whole life's work and career. Please see the enclosed documentation [File 7]. As you know, my legal case is before the UK courts for unlawful victimisation and human rights violations. Her previous involvement and dishonest conduct (i.e., she upheld allegations raised through a severely flawed procedural process and for which there is no factual evidence, no written complaint and, more importantly, no conduct on my part), disqualifies her from any involvement and judgment in the present case and I hereby request her removal.

The same applies to Ms Adele Ashford, HR Adviser, who having witnessed all the email communications with Professor Sanders since early November and having read my repeated pleas relating to targeting, victimisation and false allegations he was making about me, acted with indifference. She ignored and exacerbated my victimisation. In this respect, Ms Ashford cannot be considered to be unbiased and impartial. Under the University's policies, including Health and Safety, she had an obligation to act to stop it, to provide advice to Professor Sanders and to alleviate my distress. After all, both Ms Ashford and I are aware of provision 13.1 of the Disciplinary Policy of Warwick University which urges all employees to 'assist in the removal of any unlawful discriminatory practices that may exist in the university by bringing matters to the attention of the VC'.

Acts injurious to others require the Council's effective response. Breach of the University's policies, falsehood and duplicity also require its urgent response. Victimisation and false allegations specifically intended to injure a person are not only unlawful and unacceptable acts of gross misconduct under the disciplinary policies of all Universities in the United Kingdom, but also reprehensible acts of violence and injustice which can never be accepted, irrespective of who is involved and who is the target.

I look forward to hearing from you.

Yours sincerely,

Professor Dr Dora Kostakopoulou