

STRICTLY CONFIDENTIAL

For footnotes: 151, 152, 160, 161, 172
338, 341

NOTES OF DISCIPLINARY HEARING (DR THORNTON) HELD ON FRIDAY 6 NOVEMBER 2009

Present: Professor Sarah O'Hara (chair) (SoH)
Dr Sara Speight (SS)
Dr Rod Thornton (RT)
[REDACTED] (UCU rep) (MB)
[REDACTED] (secretary)

SoH Intro. Follows DH Briefing Note. Confirms Mike Byrne UCU rep and that all papers received. Restates allegations. Explains format of proceedings. Acknowledges receipt of document submitted by RT on Wednesday afternoon as additional information not seen by others.

SS: presents case – sought to establish facts and had 5 concerns. Requested further info and conducted 4 interviews which took place over 1 month – August/September. Collected other info from these colleagues which gave background to School and not focus of investigation but for contextual information. 5 aspects were identified by Dean in her letter of 16 July to SS. Tried to provide context and conclusion – not judgemental. Copy of agreed meeting notes in bundle.
Her letter of 25 September aimed at establishing facts around

1. potential misuse of email. At interview asked all same questions.
Evidence that there was distress in School among 'lots' of colleagues with many emails to HoS. Conclusion therefore that sufficient evidence that there was a breach of Code of Practice but no strong awareness of contents of code in 4 colleagues interviewed.

2. Emails to HoS.
3 emails provided. SS picked out aspects to ask colleagues about. Trying to avoid making judgements – just investigating chain of events.
Reasonable person would consider content and tone
8/5 disputing – disrespectful of snr mgt – inappropriate tone – strong email
24/5 disputing advice HoS – pattern of exchanges whereby PH responds to RT only but RT circulates email to all staff – problematic area.
7/7 RT not accepted decision of Committee on module review – feels there is a lack of honesty in these proceedings.
SS aware of extent to which appropriate consultation took place, therefore inappropriate for RT to refuse decision.

3. 7 July email
Very strong accusations against HoS – defaming staff – disputing 'honesty/integrity' of HoS – gives some examples – mentions colleague and PhD student by name.
Strong views about vote at the School Committee meeting.
Contextual information – seemed evident that emails inappropriate and should not have been circulated to all staff. Proper process of consultation in School had been set aside.
Specific issue – decision not to comply with instructions – to desist from sending emails on sensitive matter. Request issued to RT in first email (copied to senior colleagues); and second in broader email to ask for moratorium to all staff.
RT acknowledged email receipt of both emails – made decision not to comply with request not to send emails.
Contextual: RT had strong feelings that email 4.31 on 18/6 did contain material defamatory of him. His name not mentioned, but felt comments were aimed at him. Looked up word 'refrain' and made decision that he could send further email.

Fact Established: he chose to refuse reasonable written request from HoS.

4. No longer subject of this Hearing following conversations – no evidence that RT supplied copy of minutes to external group – so ruled out.

5. 4th issue to consider today – personal data of [REDACTED] breached her confidentiality SS interviewed VP but not raised issue with Paul Heywood or [REDACTED]. RT confirmed he did not ask permission from VP to refer to her. Yes – did breach confidentiality.

SS asked VP whether he had sought her permission and she said – No. Also stated that she would have preferred not to have been mentioned. *– So why was I changed with it?*
She felt that there had not been a breach of confidentiality in respect of knowledge. Lots of issues were being circulated within the School. Although she hadn't been asked and not given permission, there was no new information in public domain that wasn't there already.

Did RT breach confidentiality? Yes – may need to be considered further.

Kept focus on these items to establish facts – information provided to Dean for her to make decision to take matter further.

QUESTIONS?

RT: 1. 'lots' of email – asked RuB (HR) – decided to pursue this would cause too much unpleasantness so have left this for now.

2. tone – I provided further evidence – go into the reason why I adopted peremptory tone. Harassment by PH, particularly stress and strain. Yes, peremptory – initially I used a civil tone, only later forced to adopt different tone. Also after staff meeting – I was not allowed to say my piece in staff meetings.

Emails – there were implications for all staff marking essays – needed to know what staff were allowed to do. I asked PH for advice, not given answer expected so concerned all staff marking essays aware. Email on back of lack of honesty and integrity exposed by PH. Defamation – I was identifiable in email sent by PH – reference to 'disgraceful behaviour'.

Semantics around refrain, restrain, curb – not an implicit order. PH didn't use word 'desist' (used earlier by SS).

How long does a moratorium last? – several weeks had gone past – was a suitable period – all semantics. Felt certain things had to be said.

Consultation in staff meetings: difficult to raise objections in staff meetings – clamped down on by individuals especially PH. Lack of expression allowed at Committee meetings. *Proved by no "Clear the Air" meeting*

Dr [REDACTED] – didn't know her issue was confidential. How would I know? How was I supposed to know? I have given further additional evidence to SoH and RuB. I felt hurt to be treated this way – why should I agree to be the first person vetted by an ethics committee. I fell out with PH at this time. His behaviour wrong. Thereafter I sought medical help. Tried to complain to various people – but didn't get far.
PH's attitude at staff meetings. I felt humiliated by HoS. In my view vote counting was wrong at staff meeting. Module Review process meant that all departmental reading lists would be looked at. However, what cause me most 'angst' was how HoS handled my wish to speak at staff meeting when I was humiliated I front of whole School.

These additional things not in original information I gave to Sarah Speight- however there is enough context and evidence to do what I did.

SS – Dr [REDACTED] and confidentiality – VP can make her own choice in what is disclosed. No one else has the right to put her into the public domain. You mentioned she was subject to disciplinary action – people talk privately – but not your place to discuss her issues publicly.

MB - issues is around common knowledge. RT was simply repeating that, so would question if it was a breach of confidentiality. RT not adding to knowledge - so do not understand that there is any substance left in this charge. VP preferred not to have been raised, but common knowledge a crucial issue.

SoH what evidence it was common knowledge?

RT - [REDACTED] for 5 months so people ask. Common knowledge when she raised matter at Student Affairs committee.

MB issue is out in the open, so don't see as breach of confidentiality.

SoH but she preferred not to be named

SS there was lots of contextual material and emails around. I didn't look in detail at the information. There was an email from VP - she talked to Student Affairs committee in general about complaints committee.

RT also common knowledge outside the University.

SS professional behaviour requires that we don't compromise other people's data. If there is any doubt we shouldn't cite in email. Need to gain their permission first, not given in this case. (Didn't stop Ovi. giving out Hicham Reza's details.)

MB Already know - **important factor to consider and should be noted.**

SoH Module Review process - was a full review undertaken Sarah?

SS Rod felt it was not a good process.

[REDACTED] was away - attended first school meeting and last but missed two in the middle. She said there was a tense atmosphere - some folks felt that they couldn't make comments. There was some debate but some felt uncomfortable.

Wyn Rees said that there was lots of opportunity to give their views. He was trying to engage staff so working group set up.

SoH RT you would have had opportunity to join this working group.

RT would have been same as other committee meetings - I feel clamped down. No point in getting involved. My views are ignored.

SoH there are channels to go through - you have the right to be part. Not speaking out { means you'll never be heard.

RT Need to put this in context. I'd offered to put a disclaimer on my reading lists - trying to help PH. But then thought - why mine? I received no proper answer. I felt it wasn't about Module Review. I asked and saw senior people.

SoH We talked about this when we met. I gave assurances to School that there was nothing in the reading lists that we need be worried about.

RT refused to consider ethic committee - [REDACTED] are not competent to check another person's reading list.

SS Committee decided to broaden away from reading lists and develop module review - so now looking at broader issue of process development. There was a change before final acceptance. Three committee meetings held, December 2008 February 2009 and May 2009. There was some contestation to original proposal, so decision made to broaden out process.

why is she pushing departmental line?

Plus 151

Wyn set up a working group, fed in views of others and school teaching committee discussed as well.

RT They never came to see me at any time for any input.

SoH you attended school meetings where there was an opportunity to comment at these.

RT tried to raise other issues but shouted down.

SOH refers to module review at 2*1 (addn info from RT) - light touch review of reading lists in late September... Supportive advice to module convenors'.

RT last one is contentious - subjective - See contextual in additional information - this is the nub. The committee does not know about terrorism - but I can't be trusted to set up a reading list.

SoH Wyn put in as a result of consultation 'violence'?

RT I made consistent objections to this line but it was not removed.

SS This is a key aspect of your emails - there is evidence of due process of Module Review. You may not like it, but there was lots of consultation in the School at the time.

RT I've presented additional information in context.

SoH Having looked at the module review [REDACTED] are you happy that a consultative process took place?

SS Yes

RT there was no consultation about my reading list - PH decided to check my reading list by the ethics committee.

1PM - PROFESSOR PAUL HEYWOOD ASKED TO JOIN THE HEARING AS A WITNESS

PH last September went to see RT to discuss potential reading list going before ethics committee - I will outline process and my thinking.

Last September 2008 I became HoS for the third time having had research leave and been Dean of the Graduate School so not connected with events in the School. I was aware of unrest on the campus and [REDACTED] discussed issues around this. Conscious about issues, divisions and tensions around events and the way that the University was dealing with matters. Knew that it was being said that Politics requires its own procedures in ensuring that we were aware of what we were doing.

The School Manager (April Stevens) was concerned that reading list was related to terrorism and in the light of everything asked me whether we should be concerned. Not about reading list, but about how things were being dealt with in the School. There was a need to reassure others that we were not simply allowing everyone to do as they liked - need for a control mechanism within the School. So felt that if we looked at reading list within School through our ethics committee this would be an easy way of organising this. I went to speak to RT beforehand on 18 September in his office. Meeting was lengthy - 45 minute conversation. We talked through the plans and why we needed to look at terrorism. I made it clear to RT that this had nothing to do with questioning his ability to teach. It was simply a mechanism so that if we were challenged about reckless teaching or exposed to danger awareness, we had a procedure to ensure that this was not the case. I had in mind that in putting the reading list to our ethics committee I was not expecting anything other than agreement - it was a mechanism to protect RT and students and relax the potential of any questioning. I noted that RT was exercised by other things happening in the University. He told me that no one had spoken to him before. I was the first senior person to speak with him - he had felt

isolated from the University's public pronouncements. I told him my role was to look after his role and the School. I explained the reason for my plans and felt the meeting had been constructive. However, I did make a file note immediately afterwards since I was aware of RT's unhappiness about the University's actions. I was myself not happy about some aspects of the way the University had handled things.

Be tone complaint
Having made the file note I told the School Manager that she could send RT's reading list to the ethics committee for their comments and with the expectation that all would be fine. On 18 September April sent the reading list to three members of the ethics committee - [REDACTED] sent their responses immediately; the third member did not come back with a reply until 26 September. Felt that this was an attack on academic freedom. Dr Pupavac had felt that there were a number of issues and thought this went beyond the remit of the committee. The other two responses saw it enabling teaching, and afforded student and staff protection.

MB Is this usual business by Committee if matter is seen by only three members? RT's module the only one being considered.

PH Yes - strategy was to identify all sensitive modules.

MB why RT's and no one else?

PH His reading list was brought to my attention by the School Manager - who expressed some concerns. I was a new HoS and admit that I didn't look at any others - I was simply responded to an issue raised by our Manager. I may have been remiss in not looking for another procedure but I wanted to be in a position to protect School against any adverse criticism and the ethics committee existed, was easy and convenient and could act in a short time.

RT the Russell Group advice is that an ethics committee is purely limited to issues where research involves 'human' participants and is not intended to check people's reading lists.

PH As I explained, it was simply a mechanism to allow the school to say it had formal procedures in place. It as an ad hoc committee to provide assurance. Purely my own idea.

RT what reason was there for the module review being checked.

PH it was brought to my attention that comments were being made about the School. There was a suggestion that the School had behaved wrongly in how it had managed its affairs. Greater attention was being paid to the teaching of terrorism and to what was happening to that module. My only concern was that everyone was protected.

RT why vet my reading list if you were saying that there was nothing remiss. I have to assume that there was something remiss.

SoH Calm down

PH I spoke at the time about why I was doing this - to provide protection for you and the School. Seemed an obvious and sensible way to go.

SoH The Register sent a letter to Sabir dated 4 August 2008. Have you seen this letter PH?

PH No - no idea what Registrar said.

RT You were copied into the email correspondence with the Registrar of 17 July.

PH I didn't pay much attention to it since I was simply copied in and it was not sent to me direct.

*I included way?
"in that module"
-yes,
by REGISTRAR*

RT This illustrates lack of honesty – of which you are accusing me. The Registrar told me in his email that the matter should be referred to School's Research Ethics Committee.

MB Professor Heywood was copied into emails but the issue referred to by the Registrar in July would suggest it related to another – different – issue and that there may be two separate events.

SoH Registrar's email not about reading list but about student. A research track student and Registrar assumes that he is taking a course in the department. MA in Politics – research project referred to not reading list. Would be appropriate for Research Ethics Committee to consider issues raised in July email.

RT I saw the student and checked everything.

(short adjournment for Sarah Speight to leave room and for RuB to check availability of room after 2pm)

PH The Registrar's email arrived in July and was sent to me before I was aware that I was to be the Head of School. I had a busy research agenda and since it was not sent to me I did not pay it much attention then.

RT Registrar made reference to 'the' issues – the issue of reading lists was in the national press and Registrar had told Simon Tormey.

PH Not aware of Registrar's earlier suggestion. I can assure you that my decision was autonomous.

RT Remarkable that both of you mandated the School's research ethics committee.

SoH Registrar makes no mention of reading lists – this email relates to an MA student.

MB It would seem that Rod has seen previous papers and made a connection (not unremarkable) with the Registrar's email of July 2008. Whether correct or not it is not unreasonable that Rod made that connection.

PH I had no communication with the Registrar on these issues. It was my own idea with no instruction. It may be circumstantial but I had no guidance – it was my own autonomous decision to use the ethics committee. It was simply a mechanism to go through a procedure. It never met and discussed the reading lists, but enabled me to tick a box. Nothing came back from the ethics committee.

RT So you used the ethics committee as a system with no due authority and ignored any guidelines

PH It was appropriate use in the circumstances.

RT I offered a compromise to put a disclaimer on the front of future reading lists. Why was my compromise not accepted?

PH I explained on 18 September why I was doing this and you appeared to accept the rationale – I left with the clear impression that we had reached an agreement. We did not need to explore the disclaimer compromise. When I received Rod's email of 23 September 2008 in which he indicated he planned to change his module on terrorism to avoid his reading lists going before the Ethics Committee the lists had already been sent to members of the committee. I went to see Rod and talked again about what we had been doing, that it had nothing to do with quality of teaching and that I was not seeking to prevent you, in fact the contrary. I advised you that you should not amend your reading lists or module. You told me that you felt stress and had been subjected to personal attacks. I suggested you discuss your concerns with more senior managers and offered to arrange a meeting for you. You emailed

me after that meeting to decline offer. You then changed your mind and asked for meeting – You then sent me an email dated 26 September in which you copied an email which you were planning to send to the Registrar in which you indicated to me that you had 'promised' to let me see it first. This was not correct. I drew your attention to the fact that the Registrar was unaware about the issue of your reading lists (reads out email dated 26 September).

|| So
why was he mentioning it in notes he was making in October?

RT 'solely' to protect me – not true Registrar said 'the University'.

SoH We have noted your concerns but highlighted that the Registrar was not referring to reading lists. He was referring to MA/PhD student.

RT He was referring to something in the past by using 'again'.

SoH emails are not linked.

PH Registrar had nothing to do with my decision.

|| Says: "As a head of school I have authority to do this"

RT both use the ethic committee – both have the same idea. Coincidence remarkable.

SoH any other questions for HoS?

RT marking of dissertation. Did you tell Pauline Eadie to read the dissertation before it was marked.

PH I had no idea that she had.

RT why would she need to read before sending to external examiner

PH I deny asking Pauline to read the dissertation.

Says: "I deny absolutely"

SoH why this line of questioning?

Why hadn't she read my defence documents?

RT The marking was a farce as mentioned in my email dated 7 July. Two internal examiners (myself and Malika Rahal) agree 75% mark but when I gave it to administrator to send to external she said Pauline needed to see it first. We were then told by Pauline that mark dropped by external to 62%. Pauline confirmed that external was expecting a methodology section. Not usual for this to be included and for such a huge drop in marks. Dissertation then sent to second external, which is very unusual. Pauline came to tell us both. When I asked her if she had read the dissertation she initially denied this. Then she admitted that she had. My suspicions were raised since I thought the department had something 'in' for Sabir. The marking criteria for both staff and students don't mention methodology or literature section.

SoH who authorises that dissertation goes to External?

PH was originally tutors but we had problems about 10 years ago, so now Examinations Officer (Dr Eadie).

~~It would~~

SoH Exams Officer can look at any aspect of work. Must often read work submitted. Please explain process.

Says: "The Exams officer will often read work. It's what you'd expect"

(Chair asks for terms of reference of Exams Officer to be sent to her)

PH I first became aware of existence of dissertation when Pauline came to see me after the first external had sent in his comments. Pauline identified a problem in that the two internal examiners had 75% and external low 60%. She told me of the situation. I was aware that we needed to be clear how we handled things properly and sought advice from three senior colleagues. Wyn Morgan as Director of Teaching and Learning, the Registrar and David Riley as Pro Vice Chancellor for Learning. The Registrar suggested that Wyn and David would be able to give advice.

↑
S. Registrar involved.

The PVC advised me that Robert Dowling had a precedent in such situations. He was able to identify another school with a similar issue and they had used a second external adviser. PVC advised that we should do so in this case. The second external came back also with a low 60% mark. I had not seen dissertation or external adviser's comments but just followed procedure.

RT Using different criteria

PH criteria is set out in the Postgraduate Handbook for 2007-08 and identifies methodology. MA dissertations include methods.

This is not 'procedure'

No!

No, it doesn't.

RT why staff not aware. I asked Sue Pryce and Gail Evans about marking criteria. They didn't know about these.

PH These are generic criteria and not specific.

SoH clear marking criteria handed to students and staff get copy each year.

SS Helpful to have fresh eyes (2nd external) look at dissertation.

MB New guy?

No!

SoH school sought advice and followed precedent set. Was second external very experienced?

PH Yes - very experienced. We followed procedures used previously. *No!*

RT process not handled correctly. If as EA suggested we had discussed marking with him we could have put our point of view. We were missed out because School went to second external and never allowed us to talk to first external.

PH we followed precedent set. We don't normally ask external advisers to talk to our internal examiners.

But it says you should do that in Staff Handbook!

RT Why was the dissertation read initially. Why did Pauline burst into tears after she was found lying?

PH unacceptable - she is not here to be able to corroborate.

Exactly, she refused to turn up at hearing

SoH How is this relevant?

Says: "She's not here to answer that question."

RT Not handled correctly.

PH Handled very carefully to ensure process correct.

RT Why did Pauline lie. She denied initially that she had read dissertation.

SoH Not sure how this will help us.

MB Issue is not to pursue the facts, but really to illustrate why Rod concluded as he did.

PH At no point did Rod or Maika come to talk to me. This is the first time I've ever heard of these issues.

RT I was too scared to come and talk to you.

SoH There are other people to go and talk with. Who you could have approached about your concerns.

RT No where - when I came before no resolution.

PH this sits uneasy

RT you said 'disgraceful behaviour' and I was lacking in 'honesty and integrity'.

PH I said 'behaviour short of..' and I did not have you in mind when I wrote the email.

RT identify in that case who? Thought this was directed at me.

PH I can't identify whose behaviour I had in mind - that would break confidentiality. !
Bit missing here.

SoH Entitled to have good behaviour

RT comments shouldn't be made like that by HoS.

(SoH asked whether Professor Heywood wished to make statement at this point. HoS present as a witness, so comments struck out)

SOH asks RT if he wants to make statement:

RT HoS behaviour not appropriate. I got angry as a result and have right to be angry:
Procedure not followed

Irregularities

Marking of dissertation had its problems. Pauline Eadie's denial.

When responding in two emails before major email I was defamed by Steven Fielding and Paul Heywood regarding my behaviour

Accusations should be evidence based. I agree I have been sometimes wrong but I don't accuse without evidence

In discussing why I did it - it was provocation. I was not the first to start.

SoH I have received your second document and read through it. The information it contains will form part of your mitigation statement and will be read closely and considered. Any more points of clarification?

RT Marking criteria (refers to page 28 of Staff taught courses and appendices p 73) there is nothing about methodology. If I am confused by Staff Handbook then so too would be students looking for marking criteria. No where mention in Student Handbook.

SS I've heard nothing today in this hearing to change my recommendations contained in my letter of 25 September 2009.

RT actions came after months of provocation and bad atmosphere within School. I've put my head above the parapet and will take my punishment.

SoH I will now adjourn Hearing. I will need to take a break to look at all the information and chase up certain information including marking guidelines. I will therefore be unable to reach a decision today and Rod I believe you are due to teach at 3pm.

(after discussion with UCU rep)

I will write to you with my decision as soon as possible but Monday at the earliest.

RT Ethics committee should not have been used the way it was. HoS has wrong ways of managing School.

All adjourn.

I was also charged with issues that were not even raised in this hearing.