



EMPLOYMENT TRIBUNALS

Claimant: DR MANAL HELAL

Respondent: UNIVERSITY OF HERTFORDSHIRE

Heard at: Watford in person **On:** 14 July 2026

Before: Employment Judge Skehan

Appearances

For the claimant: In Person

For the respondent: Mr Hignett, counsel

RESERVED JUDGMENT

1. The respondent's application to strike out the claimant's claims as an abuse of process is successful to the extent set out below.
2. This claim proceeds to the extent set out below within the attached list of issues.

REASONS

1. This Judgment relates to the question:
 - a. Whether the claimant's claims should be struck out because they are an abuse of process on the basis Employment Tribunal already ruled on them following the claimant's application to amend in case number 3302533/2024.
2. At the commencement of the hearing, time was taken to check that all relevant documentation was before me. The respondent had prepared a bundle stretching to 313 pages alongside a written note. Both parties confirmed that this was the entirety of the documentation and page numbers within these reasons are references to that bundle unless stated otherwise.

Background

3. The claimant presented claim number 3302533/2024 on 23 February 2024 (the First Claim).
4. The claimant made an application to amend this claim on 5 August 2024 and sought to add approximately 45 new allegations. This application was determined by EJ Cowen on 15 November 2024. It can be seen that EJ Cowen considered the 45

separate amendments. Some were successful, some were dismissed. Her detailed reasoning is set out within pages 104 to 108 of the bundle.

5. The claimant presented a second ET1 on 15 May 2025, claim number 6018120/2025 (the Second Claim). This claim was accompanied by an 18 page narrative that is difficult to decipher [page 129-169].
6. The parties had helpfully prepared a document entitled 'draft list of issues' at page 250 of the bundle. This document was agreed to include the entirety of the matters said by the claimant to be within the second claim. The respondent highlighted the issue set out below as an alleged abuse of process. For the sake of completeness, I note that:
 - a. Some issues were accepted by the respondent as properly included within the Second Claim and
 - b. the draft list of issues also included various issues acknowledged by the claimant not to be part of the Second Claim and said to be requested amendments to her Second Claim.
7. The tribunal considered the allegations said by the respondent to be an abuse of process issue by issue and submissions were heard from the parties on each issue. Further, both parties had an additional opportunity to make submissions at the conclusion. My decision was reserved to allow me to revisit the documentation.
8. The respondent's position in general terms that the claimant has sought to include the claims rejected by EJ Cowen within her second claim. Further, some of the claims within the second claim appeared to be allegations covered within the First Claim. The respondent submits that the claimant is seeking to circumvent the tribunal's earlier determination, subject to the respondent to repeated litigation and her actions amount to an abuse of process.
9. In considering this matter I note that employment is ongoing and this is not a scenario where the respondent submits that successive actions should not be brought. The respondent accepts the Second Claim to the extent that it is not seeking to reintroduce matters excluded by EJ Cowen. There are issues in relation to the Second Claim, such as an alleged lack of clarity in respect of the claims and the proposed amendments however it is common ground that those matters will need to be dealt with by way of case management in the normal way.

The law

10. The relevant law is the rule articulated in the case of Henderson v Henderson 1843 3 Hare 100, ChD, as 'where a given matter becomes the subject of litigation in, and of adjudication by, a court of competent jurisdiction, the court requires the parties to that litigation to bring forward their whole case, and will not (except under special circumstances) permit the same parties to open the same subject of litigation in

respect of matter which might have been brought forward as part of the subject in contest, but which was not brought forward, only because they have, from negligence, inadvertence, or even accident, omitted part of their case'. I note the modern understanding of the Henderson rule in that it should be invoked only where there is a need 'to protect the process of the court from abuse and the defendant from oppression' — per Johnson v Gore Wood and Co 2002 2 AC 1, HL. There is no presumption that successive actions should not be brought. I note the case of Divine-Bortey v Brent London Borough Council 1998 ICR 886, CA and the EAT guidance in Parker v Northumbrian Water Ltd 2011 ICR 1172, EAT advised that employment tribunals should consider the Henderson abuse of process point from the perspective identified in Johnson.

Claimant submissions

11. While I address each individual claim below, I note some general matters from the claimant's submissions. The claimant's submissions were in general terms, difficult to follow. They appeared confused and tended to relate to the substantive detail of the individual allegations rather than addressing the abuse of process question that the tribunal was obliged to determine.
12. The claimant made repeated submissions that EJ Cowen said or strongly hinted/suggested that the unsuccessful amendment claims could or should be pursued by the claimant within a second claim, hence she has raised a second claim. In looking at this submission, I note:
 - a. The comment by EJ Cowen [page 124] within the case management order of 15 May 2025 that, '*... The claimant agreed that the list and schedule reflected the decision of the tribunal. Although she noted that there were continued allegations, which she suggested would be the subject of a further claim. It was explained that they needed to be some finality and limits to this litigation and therefore orders would be made to progress this claim*'. I consider that this comment simply acknowledges that the claimant is not prevented from raising successive claims. This cannot be reasonably read as a hint or suggestion that the claimant should issue a second claim containing the unsuccessful amendment claims.
 - b. The references to 'new claims' by EJ Cowen. For example:
 - i. page 106 para 17, '*This is a new claim against Simon Tainis which has not been referred to in the ET1. The Claimant gave no explanation of why she did not include this in her original ET1. This would involve new allegation with new witnesses and therefore it would not be proportionate to add it now. This amendment is not allowed*'. I conclude that this comment relates to a claim that the claimant was aware of but omitted from her First ET1. This could and should have been included within the First ET1. The application to amend the claim was dealt with appropriately by EJ Cowen. This cannot be reasonably read as a hint or suggestion that the claimant should issue a second claim containing this allegation.

- ii. page 107 Para 29 to 34, '29. – 34. *The allegation in relation to the delay of stage 2 could not have been set out in the original ET1. This would introduce a different type of claim. It was out of time when the application was made and was months out of time by the hearing of this application. The Claimant gave no specific reason as to why she did not issue a separate claim, although I took into account the fact that the Claimant was a litigant in person. The balance of prejudice favours the Respondent, as this would lead to a new type of claim which would lead to further witnesses and does not preclude the Claimant from bringing any of her existing claims. These amendments are not allowed.*' This relates to a claim that arose between the presentation of the first ET1 and the application to amend. It was acknowledged that the claimant could have brought an in time second claim, prior to the application to amend. The claimant did not do so at that time. The claimant chose to bring a later application to amend the First Claim. This was dealt with appropriately by EJ Cowen. This cannot be reasonably read as a hint or suggestion that the claimant should issue a second claim after the amendment application has been determined.

- c. The claimant's email to the tribunal on 14 March 2025, '...I respectfully request the court's decision on whether I should initiate a new claim for the rejected allegations of continuous acts of discrimination, which extend up to and include the ongoing disciplinary procedure as detailed in my amendment letter and other documents submitted earlier including the draft of issues. Alternatively, I ask that these matters be merged with the current claim to ensure a fair and comprehensive resolution...' There was no response to this email.

13. When considering this submission I note that neither party is suggesting that the claimant is prohibited from raising successive claims against her employer. This is a scenario where employment is ongoing and the respondent accepts in principle that a second claim may arise. There are certain aspects within the claimant's second claim that are not subject to the respondent's abuse of process argument. While there may well be other alleged inadequacies in respect of those claims, it is common ground that they should proceed in the normal way. The existence of this letter casts doubt upon the claimant's submissions that she was encouraged to bring a second claim repeating the unsuccessful amendment matters..

14. All of the documentation indicates that the claimant's First Claim is exhaustively defined by Judge Cowen as it stood as of 15 November 2024. The need for finality within that litigation is stressed to the claimant. There is nothing within any of the documentation that I have seen that leads me to conclude that there was any comment or suggestion by EJ Cowen that matters excluded within the amendment

application could or should be pursued by presenting a second claim. I consider that the claimant's email to the Tribunal 14 March 2025 demonstrates that the claimant also considered that no such comment or suggestion was made by EJ Cowen.

15. The claimant made repeated unclear submissions along the lines that discriminatory decisions/acts that form the basis of the amendment application and the Second Claim may have happened a considerable time ago, however they have been recorded in her HR file. As they remain recorded within her HR file, this amounts to ongoing/new allegations of unlawful discrimination. The claimant says that she made no discreet allegations tied to a particular date as the record-keeping of such allegations meant that discrimination allegations could be properly included within the Second Claim. For example, the claimant refers to (allegation 6 within the direct discrimination allegations) letters written by Daniel McCluskey in November 2024 that remain on her HR file. The claimant submits that the continued existence of these letters constitutes a continuing act capable of being litigated within the Second Claim. These submissions are not accepted. I do not consider that the references within the claimant's HR file or elsewhere to historic allegations transform that historic allegations into a new or continuing acts of discrimination that may be properly included within a Second Claim.
16. The claimant made submissions that her original application for an adjournment was only necessary because she, as a litigant in person, made a mistake on the initial ET1 in her First Claim believing she was subject to a word limit and did not appreciate that she could submit an additional form. She should not be penalised for such a mistake. This submission was expressly dealt with by EJ Cowen within the amendment application. It is recorded [on page 104], *'the claimant alleged that she did not include this in her ET1 as there was a word limit on the form.... The claimant's reasons for not filing it with the ET1 did not withstand scrutiny, as the claimant did not fill the box on the form to its capacity and sent an additional page with her form. She could therefore have expanded her additional paperwork to include this claim at the time of issue.'* This is not an appeal or application for a reconsideration of EJ Cowen's decision. This matter has been dealt with and EJ Cowen's determination is my starting point. There is no information before me that would lead me to deviate from it. The claimant submissions in relation to her mistake in respect of submitting her first ET1 are not accepted as credible for the reasons highlighted by EJ Cowen.
17. The claimant made repeated submissions along the lines that EJ Cowen did not determine the substance of her claims when determining the amendment application. The proposed amendment raises serious issues that should be substantively determined and there has been no finding that the alleged actions of the respondent are 'normal and legal'. The claimant is correct in that none of the rejected amendments have been substantively determined. The proposed amendments have been rejected for various reasons set out in writing by EJ

Cowen. The prejudice caused to the claimant in not having these matters substantively determined has been previously carefully weighed by EJ Cowen as part of the amendment application. This prejudice has been considered and I conclude that the claimant's argument that the claims have not been substantially determined does not advance her defence of the abuse of process application.

18. The claimant made repeated submissions that the matters that were within her unsuccessful amendment application and included within the Second Claim should be allowed as they are 'foundational evidence'. Within her written submissions [page 221] the claimant says , '...The Respondent argues that matters rejected from Case 1 should not be re-litigated. I agree they are not new standalone claims. However, they are **admissible background evidence** under the principle in *Hendricks...*'. The claimant's argument appears confused and I have difficulty in following it. The claimant seeks to bring the below listed matters, rejected within the amendment application, as claims within her Second Claim, hence the application to strike out for abuse of process. She does not refer to them as background information.
19. The claimant says that the below allegations within the Second Claim should be allowed to proceed because, while she did raise them in her First Claim via the amendment application the tribunal explicitly refused to admit them for case management reasons (proportionality and hearing length). The claimant submits that it is an abuse of process for the respondent to argue that she cannot amend her First Claim and simultaneously argue that she cannot bring those matters within her Second Claim. I do not accept the submissions on the claimant's part. The claimant appears to have misunderstood the amendment process. I have addressed and cross referenced each of the claims below. In general terms, the majority of the claims common to the amendment application and the Second Claim are claims that could and should have been brought by the claimant within her First Claim. Had the claimant included these matters within her First Claim form, they would have been within the First Claim. The claimant did not do this. Her reasons were considered within the application to amend and the claimant was not permitted to include these claims.

Deliberation and Decision

20. In examining this matter I have considered the public interest. In particular I considered the legitimate requirement that there be finality in litigation, that the respondent should not be twice vexed in the same matter and that the employment tribunal should not permit oppression by subjecting the respondent to successive actions. While I have set out my reasoning in detail below, in summary, I have found that EJ Cowen exhaustively set out the issues between the parties up to 15 November 2024. The claimant could and should have brought all the complaints against the respondent existing at that date to the attention of the tribunal within the application to amend the First Claim. While large parts of the claimant's proposed amendments were not allowed, these have been properly considered and

disallowed within that litigation. I consider that allegations that were, or could and should reasonably have been, advanced either within the First ET1 or before EJ Cowen during the amendment proceedings constitute an attempt by the claimant to circumvent the decision of EJ Cowen. I consider this to be an attempt by the claimant to twice vex the respondent within the same matter. I conclude that it is necessary to protect the process of the tribunal from abuse and the defendant from oppression. These matters are therefore struck out as they constitute an abuse of the tribunal's process.

Direct Discrimination

21. I have carefully considered the entirety of the agreed list of issues within the Second Claim issue by issue. The claimant accepted that the respondent had correctly identified where the issues within the Second Claim repeated or materially overlapped with proposed amendments considered by EJ Cowen.

	<u>Numbered Alleged Act or Omission</u>	<u>Where it is contained within the claimant's previous application to amend and EJ Cowen's previous determination.</u>	<u>Determination</u>
1	False allegations by Farshid (images of children) to defame me as an Iranian with a mechanical engineering background, endorsing the Claimant replacement by a personal colleague of his (Abo El Fazl) from Iran and a mechanical engineering background, as well as career shift in computer science. This incident contributed to major defamation and allegations of policy violations that justified the dismissal of the Claimant.	This was allegation 35 within the previous application to amend. The application to amend was unsuccessful and detailed reasons were given on page 107	As previously found, this allegation arose in 2023 before the First Claim was issued. It could and should have been included within the First Claim. It was properly considered as an amendment and disallowed. I conclude that to allow the claimant to bring this claim within the Second Claim amounts to an abuse of process and subjects the respondent to oppression.
2	Denying probation, line-management history and falsifying records	This was allegation 17 within the previous application to amend. The application to amend was unsuccessful and detailed reasons given on page 106	As above
3	Endorsing false claims about new hires' AI/Robotics expertise and that the Claimant did not have the qualifications to continue her work, and approving her replacement without any redress or alternatives of equal value respecting equality and work allocation policies.	This was allegation 18 within the previous application to amend. The application to amend was unsuccessful and detailed reasons were given a page 106.	As above

4	Undertaking a biased grievance investigation, rejecting evidence, omitting witness statements, not asking legal questions, focusing on supporting Olga Tvertetina, planning and approving the dismissal and replacement of the Claimant, and pressuring the Claimant to sign a distorted grievance statement. Although this might be discussed in case 1, it is very foundational to all the damage caused in case 2. At least it needs to be referenced here.	This claim significantly overlaps with allegations 20 to 24 of the application to amend. Previous allegation 23 was found to be an explanation of a claim raised in the ET1 and was allowed. This forms part of the first claim. The remaining elements were all said to be matters that predates the ET 1 and could and should have been brought within that first ET1	As above
5	Daniel McCluskey endorsed the biased Kerry McKay report and refused to accept all the Claimant's evidence. This grievance report contained damaging lies that would lead to the claimant's dismissal.	This claim was raised as issue 25 on page 86 of the application to amend. This allegation introduced a new witness. It was found that the claimant would have been aware of allegation against this individual prior to starting her claim and there was no reason for the omission. This amendment was not allowed [page 107]	As above
6	Daniel McCluskey, in his grievance outcome letters, gaslighted the Claimant about her qualifications and trivialised her contributions.	It is common ground that this claim was raised as issue 27 on page 87 of the application to amend. EJ Cowen notes that paragraphs 26, 27, and 28 introduce stage 2 of the grievance process to the first claim. This is not mentioned in the ET1.	As above

7	Requesting an invalid update to a paper submission to ruin the paper or rejecting the false update, disrespecting the Claimant's computer science qualification and experience when they insisted on their false remarks and refused scientific arguments and references the Claimant provided, labelling her a "novice" in her discipline, while PhD students and other disciplines are addressed with respect attributing to them computer science qualifications and experiences they do not have.	This allegation appears to be raised during the application to amend as points 38 or a combination of .38 and 39. EJ Cowen deals with this at page 107/ 108. EJ Cowen notes that this claim arose very close to the time when the ET1 in the First Claim was issued. This claim was known to the claimant and the claimant chose not to include it. The application to amend was not allowed.	As above
8	Blocking PhD supervision, sabotaging research students from matching research interests with properly qualified and experienced supervisors, and making equal opportunity between even PhD students to supervise other PhD students based on fake qualifications, while denying that the Claimant has experiences and qualifications more specialised than many of those preferred to take these opportunities.	It is common ground that this allegation appears during the application to amend as point 36. EJ Cowen deals with this at page 107. She notes that the claimant acknowledges that this claim occurred prior to the first ET1 being issued. There is no reason why it is not in the First Claim form. The application to amend was not allowed	As above
9	Falsifying meeting minutes of the meeting on 10 November 2023	The background in respect of falsifying meeting notes of 10 November 2023 is referred to in point 31 of the application to amend. EJ Cowen deals with with 29 to 34 of the application page 107. It is acknowledged that these are claims that could not have been brought by the claimant within her original claim form. EJ Cowen noted that they could have been the subject of a further claim. The claimant did not issue a new claim within the applicable limitation period. This claim was out of time when the claimant's application to amend was made. The amendments were not allowed.	While this allegation does not predate the first ET1, it predates the application to amend. It was properly considered as an amendment and disallowed. That it could but was not brought as an in time earlier separate claim rather than an application to amend is part of the history to the claim. The claimant chose to apply to amend her claim. At the conclusion of the amendment application the claimant's claim, as it stands in November 2024, was exhaustively set out by the tribunal. I conclude that to allow the claimant to bring this claim within the Second Claim amounts to an abuse of process and subjects the respondent to oppression.

10	The appeal panel adjourned unlawfully and rejected evidence. The first outcome letter was adjourned and returned to stage 2, unlawfully requesting evidence supporting Olga's claims against the Claimant, and then denying that the first letter explicitly asked for evidence, not just another meeting with Olga without a substantiated outcome of that meeting.	This appears to be allegation 32 of the application to amend. It is dealt with by EJ Cowen at page 107. EJ Cowen deals with with 29 to 34 of the application page 107. It is acknowledged that these are claims that could not have been brought by the claimant within her original claim form. EJ Cowen noted that they could have been the subject of a further claim. The claimant did not issue a new claim within the applicable limitation period. This claim was out of time when the claimant's application to amend was made. The amendments were not allowed.	While this allegation does not predate the first ET1, it predates the application to amend. It was properly considered as an amendment and disallowed. That it could but was not brought as an in time earlier separate claim rather than an application to amend is part of the history to the claim. The claimant chose to apply to amend her claim. At the conclusion of the amendment application the claimant's claim as it stands in November 2024 was exhaustively set out by the tribunal. I conclude that to allow the claimant to bring this claim within the Second Claim amounts to an abuse of process and subjects the respondent to oppression
11	Excluding the Claimant from outreach activities that were successfully done before she was hired and promoted to send rejections. After reporting to management, the Claimant was approved to participate, but deliberate sabotage of the event caused it to fail and no further participations allowed.	It is common ground that this issue was raised as allegation 41 within the application to amend. This is dealt with by EJ Cowen at page 108. It was noted that the proposed amendments were 'not clear as to the claims which the claimant would add to her existing claims. The tribunal considered it inappropriate to are claims that are not clearly pleaded or show a clear cause of action.	While this allegation does not predate the first ET1, it predates the application to amend. It could and should have been set out clearly at that time. It was properly considered as an amendment and disallowed. That it could have been, but was not, brought as an in time earlier separate claim rather than an application to amend is part of the history to the claim. The claimant chose to apply to amend her claim. At the conclusion of the amendment application, the claimant's claim as it stands in November 2024 was exhaustively set out by the tribunal. I conclude that to allow the claimant to bring this claim within the Second Claim amounts to an abuse of process and subjects the respondent to oppression

12	Claiming that the Claimant should retrieve exam papers and discuss marks with students before board meetings and formal grade announcements, against policies preventing this.	This allegation appears to have been mentioned by the claimant within her previous application to amend [page 41] but did not appear within the 45 identified amendment proposals. This is therefore not dealt with expressly by EJ Cowen	In considering this matter, I conclude that this is a matter which, should the claimant have wished to pursue it, could and should have been raised by the claimant clearly as a specific issue within the amendment application. The onus is upon the claimant to set out her claims clearly. At the conclusion of the amendment application, the claimant's claim as it stands in November 2024 was exhaustively set out by the tribunal. I conclude that to allow the claimant to bring this claim within the Second Claim amounts to an abuse of process and subjects the respondent to oppression
13	Claiming the Claimant had a 100% failure rate on one module, even though all documents prove otherwise. Ignoring pre-board emails and delaying corrections until after the board, using chair-actions.	The respondent submitted that it did not understand this allegation. It was common ground that this allegation was not in the first claim, nor was it referred to in the 2nd claim. This matter was not considered by Judge Cowen.	Time was taken by the tribunal to seek to locate this allegation. The claimant conceded that this allegation was in neither claim. The claimant said that she had forgotten to add it to her Second Claim. This is therefore not an abuse of process as it has not been included within a claim. I consider this as part of the claimant's outstanding application to amend her 2nd claim.

14	A disciplinary procedure based on false allegations escalated to the formal stage, with the timing of the lengthy procedure coordinated with the court to pressure the Claimant into withdrawing from the court.	This allegation appears within the application to amend as issue 44 This is dealt with by EJ Cowen at page 108. It was noted that the proposed amendments were 'not clear as to the claims which the claimant would add to her existing claims. The tribunal considered it inappropriate to are claims that are not clearly pleaded or show a clear cause of action.	The allegation within the application to amend spans the period from March 2023 and refers to a period over 13 months. This takes the allegation considered within the application to amend to June 2024. I refer to my findings in respect of the whistleblowing detriment allegations set out below. I conclude that the at the conclusion of the amendment application, the claimant's claim as it stands in November 2024 was exhaustively set out by the tribunal. To the extent that these allegations arise on or before 15 November 2024, I consider that they either were considered as amendments or could and should have been raised by the claimant as amendments. That the claimant did not set out the claim sufficiently clearly to be properly included within the litigation is a fault on the claimant's side. This matter has been previously considered and determined by EJ Cowen . However I consider that the allegations within this heading that postdates 15 November 2024 are not included within the previous litigation and therefore their inclusion within the Second Claim is not an abuse of process. For the avoidance of doubt, as the claimant is litigants in person, I note that the claim face significant hurdles in that: • they are not clearly pleaded • there may be significant limitation issues relating to such claims presented on 15 May 2025. • claims identified as occurring after 15 May 2025 will need to be identified and form part of an amendment application if they are to be included.
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15	Olga Tveretina reported a physical interaction between her and the Claimant, but the disciplinary investigator did not ask what types of physical interactions occurred or why this could be labelled as something Olga Tveretina should have raised issues about, insinuating defamation on the Claimant's behaviour that can be used to further build on.	This is not in the previous claim nor was it in the application to amend. The respondent accepts that this allegation is not subject to the abuse of process application.	
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22. Allegation 16 to 23 with the schedule of alleged acts of discrimination within the list of issues all postdate the Second ET1. The claimant applies to amend her claim to include these allegations which date up to June 2026. The application to amend the Second Claim will need to be dealt with separately.

Whistleblowing detriment

23. The claimant makes two allegations of detriment on the grounds that she had made a protected disclosure. These were set out at paragraphs 4.3.1 and 4.3.2 of the agreed list of issues.

24. Paragraph 4.3.1 currently reads '*Conducting a disciplinary investigation and formal disciplinary procedure against the Claimant*'. There was some dispute in respect of the exact dates however the respondent submitted that an invitation to the disciplinary hearing was sent to the claimant in May 2025 and this allegation of detriment, to the extent that it relates to the disciplinary process (not the investigation) is properly included within the 2nd claim. The respondent disputes that the disciplinary investigation is properly included and submits that this is an abuse of process as it was raised at the application to amend.

25. I note that the same factual circumstances relating to conducting the disciplinary process said to be a detriment for raising a protected disclosure in the Second Claim was relied upon as direct discrimination allegation 14 within the application to amend. I consider that all allegations that predate 15 November 2024 either could or should be within the First Claim. It is an abuse of process for the claimant to seek to introduce such matters within the Second Claim. This claim is struck out on the basis that it is an abuse of process. I conclude that the claim relating to conducting a disciplinary investigation from 15 November 2024 is not an abuse of process. For the sake of completeness I note that there are issues with this claim that will need to be addressed. The claimant does give any dates for this allegation. I do not know whether there are claims relating to 'conducting a disciplinary investigation' that postdates 15 November 2024. The claimant will need to clarify her claim. Depending on the date of any specific allegations, there may be jurisdiction/time limitation points that will need to be addressed. While these are all matters that will need to be dealt with within the Second Claim, I do not consider

that they give rise to reasonable abuse of process arguments.

26. Paragraph 4.3.2 sets out the detriment claim as, 'Excluding the Claimant from the following modules [AIRA, Level 5 AI and Level 6 Artificial Life, later renamed to Intelligent Adaptive Systems] in [June 2023]'. The respondent submits that the active exclusion is said by the claimant to have happened in June 2023, the claimant knew the exclusion prior to presenting the First Claim and these are matters that could and should be brought within the First Claim. In response, the claimant said that she had brought these matters within the First Claim and referred to the agreed list of issues for the First Claim at paragraphs 4 and 6 of the schedule of alleged direct discrimination. The respondent questioned whether these allegations overlapped.
27. In considering this matter I note that allegations 4 and 6 from the schedule relates to the claimant's work allocation being unfair, not full-time and reallocating her work to new hires. I can see a potential overlap with the detriment allegation relating to excluding the claimant from specified modules. In any event, it is obvious from the claimant's submissions that she was aware of the background to this claim prior to issuing her First ET1. At that time the claimant chose not to pursue it. This is a claim that the claimant could and should have brought within the First Claim. The First Claim will consider the factual background said to give rise to this allegation. I conclude that the claimant's inclusion of this matter within the Second Claim is an abuse of the tribunal's process and this claim is struck out.

Victimisation

28. The claimant raises victimisation claims relying upon her grievance of 7 August 2023 as a protected act.
29. The claimant relies, paragraph 6.3.1 of the list of issues, upon the commencement of the formal disciplinary proceedings as an act of detriment. This postdates the amendment application, it is not part of the First Claim and there is no abuse of process argument in respect of its inclusion.
30. The claimant relies, paragraphs 6.3.2, on an allegation against Mr Daniel McCluskey 'endorsing false claims against the claimant' as a detriment. The respondent submits that this is the same factual background relied upon by the claimant as an allegation of direct discrimination within paragraph 5 of her application to amend. The claimant accepted that this was the case. The claimant had not sought to bring a victimisation claim previously. This is a claim that obviously could and should have been included within the First Claim. This inclusion within the Second Claim amounts to an abuse of process and oppression of the respondent.
31. It is common ground that paragraph 6.3.3 as an allegation that postdates the

Second Claim and forms part of the claimant's application to amend that will be addressed separately.

Harassment

32. The claimant brings claims for harassment currently particularised as, *'Being verbally bullied when told the following by [several people: Olga Tveretina, PhD students and my replacements, anonymous people across campus] on [since Summer 2022 until recently]: "racial markers elimination and reduced payoffs for different races, racism cannot be challenged, we dismiss people without explaining why, no one will investigate, the court will take forever, and we waste 17 years of people's lives when they go to court."'*. The respondent submitted that this allegation was unclear they did not know who were said to have made the comment or when. I consider that this is an obvious issue within the allegation. I assume, from the wording that this comment was first made in summer 2022. Therefore this was within the claimant's knowledge when she issued her first ET1 and any such claim could and should have been included within it. Further, any repetition of this comment up to November 2024 could and should have been within the amendment application. I conclude for the same reasons set out above that any alleged comment prior to 15 November 2024 is struck out as an abuse of process.
33. For the sake of completeness I note that, this claim will need to be clarified by the claimant. Depending on when such a comment was said to be repeated, there may be jurisdictional/time limit issues to be addressed by the claimant however these are not matters that result in the claim, to the extent it exists post 15 November 2024, being struck out for abuse of process.
34. The claims proceeding within the Second Claim by those set out within the attached list of issues. The highlighted claims identify the claimant's identified outstanding application to amend her claim.

Approved by:

Employment Judge Skehan

16 July 2026

Sent to the parties on:

12 August 2026

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For the Tribunal:

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LIST OF ISSUES

1 The Claimant's claims

1.1 The Claimant looks to bring a complaint of whistle-blowing detriment and also complaints of discrimination under the Equality Act 2010 ("**EqA**") on the grounds of:

1.1.1 Age – the Claimant's date of birth is 16 July 1974.

1.1.2 Religion and belief – she is Muslim.

1.1.3 Race – she is Arab/Egyptian.

1.1.4 Sex – she is female.

1.2 All the claims are denied by the Respondent.

2 Jurisdiction – time limits

2.1 In respect of each of the specific allegations, were the Claimant's complaints presented within the time limits set out in section 123 EqA? The Tribunal will decide:

2.1.1 Was the claim made to the Tribunal within three months (plus Acas early conciliation extension) of the act or omission complained of?

2.1.2 In relation to any complaints which are out of time, do they form part of a continuing act extending over a period of time?

2.1.3 If so, was the claim made to the Tribunal within three months (plus early conciliation extension) of the end of that period?

2.1.4 If not, were the claims made within a further period that the Tribunal thinks is just and equitable? The Tribunal will decide:

(i) Why the complaints were not made to the Tribunal in time;

(ii) In any event, whether it would be just and equitable in all the circumstances to extend time.

Acas early conciliation dates are 22 January 2024 to 22 February 2024. The ET1 was submitted 15 May 2025. It is the Respondent's position that all claims related to alleged acts or omissions occurring on or before 16 February 2025 are out of time.

3 **Jurisdiction – abuse of process**

3.1 Should any of the Claimant's allegations be struck out based on the principle of res judicata or otherwise as an abuse of process, for example, because:

3.1.1 The cause of action or issue has already come before the Employment Tribunal and has already been dealt with in earlier proceedings involving the same parties (in case number 3302533/2024); or

3.1.2 The cause of action or issue could have been raised in the Claimant's First Claim (case number 3302533/2024) but was not.

4 **Whistle-blowing detriment**

4.1 Did the Claimant make one or more qualifying disclosures as defined in section 43B Employment Rights Act 1996 ("ERA")? The Claimant relies upon the following:

4.1.1 Raising concerns about financial malpractice (hiring unqualified staff to replace the Claimant and paying them a higher salary scale for doing minimal work, while admitting prior personal and family connection and racial ranking as something cannot be challenged), academic misconduct (plagiarising the Claimant's teaching materials – awarding hours allocation to others and not to the original author/the Claimant; this restructuring of the inherited teaching contents made them out-of-context and out-dated non-computer science pedagogy and assessment styles), and breaches of the Equality Act 2010 and other employment laws in her formal grievance dated 7 August 2023 and in emails to HR and Kerry McKay between March and November 2023.

4.2 Was any such qualifying disclosure protected? The Tribunal will decide:

4.2.1 Was information disclosed?

4.2.2 Did the Claimant believe the disclosure of information was made in the public interest?

4.2.3 Was that belief reasonable?

4.2.4 Did the Claimant believe that the disclosure tended to show that [insert by reference to sections 43B(1)(a) to (f) of the ERA]?

4.2.5 Was that belief reasonable?

4.3 If so, did the Respondent do the following things:

4.3.1 Conducting a disciplinary investigation and formal disciplinary procedure against the Claimant.

4.3.2 Excluding the Claimant from the following modules AIRA, Level 5 AI and Level 6 Artificial Life, later renamed to Intelligent Adaptive Systems in June 2023.

4.4 By doing so, was the Claimant subjected to a detriment?

4.5 If so, was it done on the ground that they had made a protected disclosure?

5 **Direct discrimination (section 13 EqA)**

5.1 In respect of each allegation in Schedule 1:

5.1.1 Did the act occur?

5.1.2 If so, does it amount to less favourable treatment against the Claimant compared to how the Respondent treated or would treat others? *The Claimant relies on the following actual comparators, Abolfazl Zaraki and Silvia Moros, and/or a hypothetical comparator.*

5.1.3 If so, has the Claimant proved primary facts from which the Tribunal could properly and fairly conclude, in the absence of any other explanation that the difference in treatment was because of her identified protected characteristic?

5.1.4 If so, what is the Respondent's explanation? Does it prove a non-discriminatory reason for any proven treatment?

6 **Victimisation**

6.1 Did the Claimant do something that constituted a protected act?

6.2 The Claimant relies upon her raising a grievance on 7 August 2023 as constituting a protected act. [Also requesting from HR that the grievance be handled as a whistleblowing case and that internal and external audits be contacted.]

6.3 Did the Respondent do the following things:

6.3.1 Commencing disciplinary proceedings against the Claimant in April 2024.

6.3.2 The disciplinary appeal panel refused to review the evidence or take any steps in respect of the appeal, and also refused to submit the referenced evidence in the investigation reports conducted against the Claimant.

6.4 If so, does this amount to a detriment?

- 6.5 If so, was the Claimant subjected to the alleged detriment(s) because the Claimant did a protected act?

7 **Harassment**

- 7.1 The Claimant alleges that she was subjected to harassment related to the protected characteristic of race and religious belief. The Claimant relies on the following alleged conduct:

7.1.1 Being verbally bullied when told the following by [several people: Olga Tveretina, PhD students and my replacements, anonymous people across campus] on [from 15 November 2024 until recently]: *“racial markers elimination and reduced payoffs for different races, racism cannot be challenged, we dismiss people without explaining why, no one will investigate, the court will take forever, and we waste 17 years of people's lives when they go to court.”*

- 7.2 Did the conduct set out at paragraph 7.1 occur?

- 7.3 If so, did that conduct amount to unwanted conduct that had the purpose or effect of:

7.3.1 violating the Claimant's dignity? or

7.3.2 creating an intimidating, hostile, degrading, humiliating or offensive environment for the Claimant?

- 7.4 If so, was such conduct related to the protected characteristic of race and/or religious belief?

- 7.5 In deciding whether the conduct had the relevant purpose or effect, account should be taken of:

7.5.1 the Claimant's perception;

7.5.2 the other circumstances of the case;

7.5.3 whether or not it was reasonable for the conduct to have that effect.

8 **Remedy for EqA claims**

- 8.1 What declarations, if any, as to the rights of the Claimant would be appropriate?

- 8.2 What recommendations, if any, would be appropriate?

- 8.3 What compensation, if any, should the Respondent be ordered to pay to the Claimant? In particular:

8.3.1 What financial losses has the discrimination caused the Claimant?

- 8.3.2 What injury to feelings has the discrimination caused the Claimant and how much compensation should be awarded for that?
- 8.3.3 Did the ACAS Code of Practice on Discipline and Grievance Procedures apply? Did the Respondent or the Claimant unreasonably fail to comply with it? If so, is it just and equitable to increase or decrease any award payable to the Claimant?

Schedule: alleged acts of discrimination

	<u>Alleged Act or Omission</u>	<u>Date alleged to have occurred</u>	<u>Alleged perpetrator</u>	<u>Claim of age ("A"); sex ("S"); religion and belief ("RB"); and/or race ("R") discrimination</u>
1	Claiming the Claimant had a 100% failure rate on one module, even though all documents prove otherwise. Ignoring pre-board emails and delaying corrections until after the board, using chair-actions. [previously claim 13 within the schedule to the list of issues]	February 2025	Mariana Lilli (Associate Dean (Education and Student Success)) ,Wei Ji Principal Lecturer (Computer Science) PHYSICS ENGINEERING AND CO	A, RB, R, S
2	From 15 November 2024, A disciplinary procedure from based on false allegations escalated to the formal stage, with the timing of the lengthy procedure coordinated with the court to pressure the Claimant into withdrawing from the court. [Claimant to confirm if this postdates the Second ET1 and forms part of her application to amend] [Previously claim 14 within the schedule to the list of issues]	From 15 November 2024–July 2025	Daniel McCluskey, Barbara Henry, HR	RB, R, S
3	Olga Tveretina reported a physical interaction between her and the Claimant, but the disciplinary investigator did not ask what types of physical interactions occurred or why this could be labelled as something Olga Tveretina should have raised issues about, insinuating defamation on the Claimant's behaviour that can be used to further build on. [Previously claim 15 within the schedule to the list of issues]	May 2025	Olga Tveretina Barabra Henry	A, S, RB, R

16	Olga Tveretina claimed a new interpretation in the Disciplinary procedure investigation report in 2025, following her rejection of the claimant's annual leave request in March 2023, falsely claiming the student's exam papers access in violation of GDPR, saying that the claimant told Olga in March 2023 that she wanted to scan the student's exam papers. This claim is made by Abouelfazl Zaraki, and the claimant never requested anything of the kind. If this had happened, it would have been worth noting as a major justification in Olga's statement in the Grievance investigation report in November 2023, following the incident. Olga is always aware of major violations by the career shifters in the computer science department, and their constant access to exam papers and remarking in violation of all laws, not only GDPR, and to cover up for Abouel Fazl asking the claimant to join their illegal practices and the claimant's rejection in 2024 made Olga add this new accusation in 2025, without being challenged by Barbara Henry asking for the delay in declaring this justification and any evidence to support this damaging claim to the claimant reputation and job stability and continuation.	May 2025	Olga Tveretina Barabra Henry	A, S, RB, R
17	Appeal to disciplinary procedure not upheld, and a first warning was issued without specifying the wrongdoing that can be avoided in the future, while I can practice my job and report academic misconduct without being subjected to punishments.	July 2025	Professor Damian Ward Dean (Business School), Laura Bignell, HR Business Partner, and Elizabeth Kirkbride, Deputy Dean for the Schools of Law and Education	A, S, RB, R
18	Challenging my project evaluations with mark reductions without providing any feedback to students, in contempt of UH policies, academic established procedures and students' legal rights to proper feedback.	Multiple Incidents in May/June 2025 and May/June 2026	Bente Riegler in 2025, Felix Riegler in 2026	A, S, RB, R

19	45 minutes of demeaning insults about the claimant's lack of experience as module leader, and falsely claiming that not strongly rejecting a deferral recommendation made by the business school (that could have been rejected by the SPECS board since it is against the fit-to-sit policy) is considered an admission of fault by the claimant, against all evidence that supports the opposite. The incident revealed various deliberate administrative failures, such as failing to invite the claimant to the appropriate board to finalise the marks and the referrals/deferrals, ignoring emails, and picking on the claimant's sickness as if it justifies backward administrative problems, which caused delays in students receiving their marks and losing opportunities. This occurred against the very next day, the Claimant received a Vice-Chancellor's Award (VCA) nomination from a student on that exact module. Several emails from students expressing continued praise for my computer science pedagogy and for the grounding in current topics that enable industrial placements and postgraduate studies.	Feb/March 2026	Deepthi Ratnayake Principal Lecturer (Cybersecurity)	A, S, RB, R
	Felix refused to participate in all IAS practicals, insisting on taking a 4-week block of lectures and practicals. During these weeks, he mocked the claimant's choice of textbook and slides, and did not present them in the correct order, with examples and details intended by the claimant as the module leader and curriculum designer for this module. This initiated a complaint from one student that was fabricated and unlawfully escalated.	February – March 2026	Felix Riegler, Senior lecturer (he has no declared BSc specialisation, MSc in software engineering and some acoustics and no PhD or public track record of any publication)	A, S, RB, R

21	Fabricated claim that 20/54 students complained against my new curriculum in the IAS module, developed appropriately to address the improper use of my previous AI curriculum developed in 21:23 academic years (first time to teach deep learning and AI appropriately in UH at that time), which was distributed across 4 other modules, in which the IAS module required new algorithms that no one ever covered before in the department. I prepared all the required work as usual, but I once again faced false claims that those who inherited my past work and diluted it inappropriately have presented it in a better way, and I should learn from them to address a fabricated complaint. The 20 students turned out to be only one student, instructed by a personal tutor, who made various non-factual and non-academic claims. Asking all students what to address, no one asked to change anything, and the module is very successful in grounding in computer science pedagogy and assessment style compared to other social science approaches to AI by career shifters, replacing the claimant on topics they never studied academically and diluting to an offensive level.	February 2026	Julia Goncharenko Lecturer (Computer Science) acting as personal tutor, but from a Physics background, and PhD from UH (in-groups) without publications. No known experiences and qualifications to be entitled to direct the claimant to change the curriculum to please 1 student claiming to be 20 students without any evidence.	A, S, RB, R
22	Felix is sabotaging the moderation process, attempting to stop the claimant Level 5 AI test by making impossible, unprecedented requests in academic contexts (9 question banks/already split by topic difficulty to be further split without providing any objective or validated difficulty scale, making them academically unjustifiable and never having happened in any institution worldwide). Despite Felix receiving proper moderation from the claimant academically, identifying strengths (as a complement, not a genuine evaluation) and weaknesses to address in future offerings, Felix, on the contrary, attempted to discredit the claimant offensively, reporting to management in offensive language not suitable for academic evaluations, even to a failing student.	March-June 2026	Felix Riegler	A, S, RB, R

23	Olga said in a board meeting in June 2026 that management wants her to replace the claimant in post-marketing moderation on Felix Riegler in level 5 AI, who had been in level 5 AI for 4 years, which is usually a position an authority in the field would take for this long for a stable work allocation. Felix has a reputation for teaching in a broad social science context, offering minimal or no computing pedagogy, and administering very difficult exams on mostly topics from the 50s and 60s, with nothing contemporary, which causes student complaints that are suppressed by a complicit personal tutor, Julia. Again, Olga's intervention covered up these problems so that the claimant would not see these exam papers and witness another policy sabotage. Please note the double standards: the Claimant moderated Felix's module professionally and constructively, yet was blocked from post-moderation, while Felix's hostile moderation of her module was permitted to continue unchallenged, both Felix and Abol-El-fazl are career shifters like their line manager, all replaced the claimant in her prior work allocations, diluted the contents to non-computer science pedagogy and assessments, and both have reputation of exams not matched by their irrelevant teaching contents and both covering up by editing marks illegally, and both covered up by Olga claiming all their proven shortcomings as my faults without any evidence.	Level 7 AI marking from 21 to 24 academic years, and Level 5 AI moderation in June 2026	Abou-El-Fazl Zaraki, Felix Riegler, Olga Tveretina, CS and SPECS management	A, S, RB, R
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