



10 November 2009

Professor was constructively dismissed, tribunal finds

23 July 2009

By [Melanie Newman](#)

Imperial ordered to pay £63K to academic who made fraud accusations, says Melanie Newman

A clash between senior academics that led to the resignation of a professor has resulted in Imperial College London being forced to make a £63,500 payout.

An employment tribunal found that Manuel Graeber was constructively dismissed from his job as a professor of neuropathology after he complained about changes to research costing and authorisation forms that were made without his knowledge.

The professor's relationship with his colleagues subsequently broke down. After being subjected to maladministered disciplinary procedures, he resigned. The university admitted that it had not followed the correct procedures, but said this was because the professor's conduct was putting colleagues' health at risk.

The tribunal did not accept this argument. It ruled that there had been constructive dismissal even though it agreed that the professor's conduct "gave rise to legitimate concern".

Professor Graeber complained when he discovered that forms used to indicate **how work had been divided** between different researchers on a project had been amended after he had signed them off. The revised documents gave his colleagues more credit.

However, the tribunal heard that at around the time he made the complaint in 2004, he was involved in disputes with a number of colleagues, as well as with his human resources department. The judge in the tribunal noted that Professor Graeber "believed it was for him to choose the people to work in his department" and that "HR should be there to facilitate him doing this, rather than imposing practices such as open recruitment".

One academic described the situation in the department as an "ongoing boom-bust, boom-bust saga".

Professor Graeber also made repeated allegations of fraud against his colleagues and his line manager during the row over the amended forms. In 2006, he was charged with disciplinary offences, including bullying and harassment.

The tribunal said that what followed was an "unsatisfactory state of affairs" in which the veracity of his allegations of fraud were not to be considered even though the manner in which he made the claims formed the basis of the harassment case against him.

The judgment in 2008 also said that Imperial had given the tribunal no "real explanation" for the changes to the forms, and noted that other academics in the department were "highly critical" of what had happened, although they considered the professor's fraud allegations to be excessive.

The panel said that had the correct disciplinary procedures been followed, Professor Graeber would have been likely to have received a warning requiring him to accept management authority, but added that he may well have refused to accept this and resigned.

"It has become clear that Professor Graeber does not accept that he is at fault to the slightest degree," the judgment said.

"He has shown himself incapable of seeing the situation from any perspective other than his own."

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Readers' comments

- **Concerned with apparent anti-Claimant bias** 23 July, 2009

Closing the story of a Professor's Tribunal vindication with the out of context quoted sentences, "It has become clear that Professor Graeber does not accept that he is at fault to the slightest degree," the judgment said. "He has shown himself incapable of seeing the situation from any perspective other than his own." suggests a biased position on the part of the author of this article. After all, why would the Tribunal have found in favor of Professor Graeber, had, as implied here, he been at fault for his own constructive dismissal? Specifically, the article fails to indicate whether or not the Tribunal reached any legal finding of "contributory fault" in its ruling, instead leaving it to the reader to surmise that such a finding either was or ought to have been reached.