

THE CIRCUIT COURT

DUBLIN CIRCUIT

COUNTY OF DUBLIN

NOTICE OF MOTION

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

BETWEEN

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

AFFIDAVIT OF PATRICK KELLY

I, Patrick Kelly, of 11 Deansrath Avenue, Clondalkin, Dublin 22, a qualified teacher aged 28,

Affirm and say as follows:

1. I am the Plaintiff in the above entitled appeal under Section 28 of the Equal Status Act 2000 and I make this affidavit from facts within my own knowledge save where otherwise appears and, where so appearing, I believe the same to be true.
2. The purpose of this affidavit is to ground my appeal to the Circuit Court under Section 28 of the Equal Status Act 2000.
3. The Decision against which I am appealing to the Circuit Court is Decision DEC-S2006-076 of the Director of the Equality Tribunal ('the Tribunal'). Decision DEC-S2006-076 is dated

November 2, 2006; it is a “decision” under Section 25(4) of the Equal Status Act 2000. A copy of Decision DEC-S2006-076 is included as Exhibit PK1.

4. Decision S2006-076 is the Tribunal’s decision on a gender discrimination complaint I referred to the Director of the Equality Tribunal in April 2002 under Section 21(1) of the Equal Status Act 2000.
5. In my complaint I identified the National University of Ireland, Dublin AKA University College Dublin (UCD) (‘the Defendant’) as the “respondent”. Section 20 of the Equal Status Act 2000 (‘the Act’) defines a “respondent” as “a person who is alleged by a complainant in a case under *section 21(1)* [of the Act] to have engaged in prohibited conduct”. The Act defines “prohibited conduct” as, *inter alia*, “discrimination against...a person in contravention of this Act”.
6. On December 23, 2001 I completed my application form for the Masters in Social Science (Social Work) (Mode A) course (‘the postgraduate social work course’) at UCD and sent the completed application form to UCD. Exhibit PK2 is a copy of the completed application form.
7. In January 2002 I received a letter from Valerie Richardson, the then “Course Director” for the postgraduate social work course, inviting me to a selection interview on February 11, 2002. Exhibit PK3 is a copy of that letter.
8. Course applicants were interviewed individually. Each applicant was interviewed by a “staff member” and a “qualified social work practitioner”. I was interviewed by Gabriel Kiely (“staff member”) and Elaine Purcell (“qualified social work practitioner”). Exhibit PK4 is a list of the members of staff and the “qualified social work practitioners” involved in the interviews for the postgraduate social work course in 2002.
9. University College Dublin provided the interviewers with “guidelines” to “assist” them “in conducting interviews with candidates for the M.Soc.Sc. (Social Work) and the Higher Diploma in Social Work”. The “Guidelines for Interviewers” were “intended to assist in the standardisation of criteria for assessment in the *Selection Interview Guide*”. The “Guidelines for Interviewers” specifies that applicants “must score 50 percent of the possible total marks on Section C and Section D [of the “Selection Interview Guide”], to be offered a place on the course”. Exhibit PK5 is a copy of the “Guidelines for Interviewers”.
10. The “Selection Interview Guide” is a form that interviewers had to complete on each applicant following his or her interview; it is described in the “Guidelines for Interviewers” as a “scoring sheet”. The “Guidelines for Interviewers” states (p.1): “Any comments written on the Interview Guide must be based on evidence obtained through the interview or from the

documentation. Reasons for decisions must be recorded". Exhibit PK6 is a copy of the "Selection Interview Guide" completed by Gabriel Kiely and Elaine Purcell on me.

11. Section C of the "Selection Interview Guide" relates to "Integration of theory/practice" and has 4 subsections: 1. "Knowledge/Application of General Social Sciences"; 2. "Knowledge/Application of Social Work Theory to Inform Practice"; 3. "Acceptance and understanding of core values of social work"; and, 4. "Discussion of case illustrating practice". A maximum of "34 points" were available under Section C. I was awarded 11 points. As the "Guidelines for Interviewers" specifically stated that applicants "must score 50 percent of the possible total marks on Section C and Section D to be offered a place on the course", by awarding me 11 points (out of 34) for Section C, the interviewers knew I would consequently not "be offered a place on the course". For Section D I was given 6 points out of a possible 10. Considered together, Section C and D provide 44 available points. Of the 44 points available for Section C and Section D, I was given 17. As I had not "score[d] 50 percent of the possible total marks on Section C and Section D" I was, according to the "Guidelines for Interviewers", not going to be "offered a place on the course". The interviewers, by giving me less than "50 percent of the possible total marks on Section C and Section D" were ipso facto deciding that I should not be "offered a place on the course". In Section C, the written comments of the interviewers were: "Was not able to discuss any social work theory in context of practice. Did attempt to look at theory in relation to nursing experience"; "Unclear about what the core values of social work are", "Lack of social work experience meant that candidate was unable to illustrate a social work case. Did speak about nursing experience". They did at least concede: "Very strong social policy background."
12. There were 5 "categories" that interviewers were to use in assessing applicants against each of the subsections of the Selection Interview Guide". The 5 categories are: "Excellent", "Very good", "Good", "Fair" and "Poor".
13. My "Knowledge/Application of General Social Sciences" was rated as "Good". My "Knowledge/Application of Social Work Theory to Inform Practice" was rated as "Poor". My "Acceptance and understanding of core values of social work" was rated as "Poor". "Discussion of case illustrating practice" was rated as "Fair".
14. The category of "Poor" is defined in the "Guidelines to Interviewers" as signifying "Evidence of considerable deficit in knowledge/ability in this area".
15. The category of "Fair" is defined in the "Guidelines to Interviewers" as denoting "evidence of some deficits of knowledge/ability in the area".

16. I was not rated as “Excellent” in relation to any of the subsections in the “Selection Interview Guide”.
17. Of the 9 subsections where I could have been deemed “Very good” I was considered “Very good” only in relation to 1 of these: “Preparation for interview for professional course”.
18. In the 9 subsections for which the Excellent/Very good/Good/Fair/Poor categories apply in the “Selection Interview Guide” I was rated as “Very good” in 1, “Good” in 4, “Fair” in 2 and “Poor” in 2.
19. Amazingly, in Section B, which relates to “practice experience” the interviewers left the subsection “Placement Experience” blank – awarding me no points whatsoever for this subsection – despite the fact that my application form and supporting documentation showed that I had had 3 years of “Placement Experience” as a Student Nurse. This should, according to the “Selection Interview Guide”, have automatically earned me 6 very valuable and needed ‘points’. By leaving this subsection mysteriously blank, the interviewers deprived me of these 6 points. This was an intentional omission. The interviewers also failed to properly record my relevant paid employment experience as a Care Assistant, which would have entitled me to additional ‘points’.
20. Section B1 was left blank and Section B2 was completed incorrectly.
21. None of the negative comments – and they were almost all negative – written on the scoring sheet (“Selection Interview Guide”) are true.
22. My “communication skills” were, in Section E, rated as “Poor”. The interviewers remarked: “Most answers were addressed to one interview only”.
23. The total “points” available in the “Selection Interview Guide” was 100. I was given a “Total Score” of 46. In other words, I had been given 46 points out of 100 points available.
24. The “Selection Interview Guide” includes a section that allows interviewers to provide “feedback” to an applicant. My interviewers left this “feedback” section blank.
25. In a letter dated March 15, 2002 I was informed by University College Dublin that it was “unable to offer” me a place on the Masters in Social Science (Social Work) course. Exhibit PK7 is a copy of that letter.
26. In a letter dated March 20, 2002 Patrick Clancy, the Dean of the Faculty of Philosophy & Sociology at University College Dublin admitted the following:

- A. That 98 applicants had been “eligible”. Of these 98 applicants, 5 “withdrew” prior to interview. The remaining 93 applicants “were interviewed”.
 - B. That 50 places were “available in 2002”.
 - C. That only 5 of the 98 “eligible” applicants were men.
27. Exhibit PK8 is a copy of Professor Clancy’s letter of March 20, 2002.
28. Even if every man considered “eligible” had been offered a place on the course, men would have occupied only 1 in 10 of the “available” places. Of course, the 5 “eligible” men were not all offered a place on the course.
29. On March 22, 2002 I wrote to Professor Clancy to inform him “as required by Section 21(2) of the [Equal Status] Act, of the nature of the allegation...and of my intention to refer the matter to the Director of the Equality Investigations...” if I was not satisfied with the response to the allegation. I enclosed Form ODEI 5. I said: “I have suffered discriminatory treatment due to my gender”. Exhibit PK9 is a copy of that letter.
30. In a letter dated April 10, 2002 Professor Clancy revealed that a “selection meeting” had been held on March 7, 2002. This meeting lasted for 3 hours and “was attended by the interviewers and chaired by the Acting Director of the M.Soc.Sc.(Social Work) course”. The “documentation available at that meeting” consisted of “the score sheets for each candidate interviewed” [i.e. the “Selection Interview Guide”], together with a summary matrix of marks [i.e. points awarded at interview] for all the candidates in rank order”. Exhibit PK10 is a copy of that letter.
31. Thus, the decisions on applications were reached solely with reference to “the score sheets” from the interviews and the “marks” (points) awarded by the interviewers.
32. In a further letter dated April 22, 2002 Professor Clancy informed me that 6 men had, in fact, been “interviewed”. The “figure” given in his letter of March 20, 2002, he said, “which indicated five, did not include yourself and should have indicated six”. Exhibit PK11 is a copy of that letter.
33. In a letter dated April 24, 2002 Professor Clancy said: “The reasons for the decision not to select you in the first instance are apparent from the document entitled ‘Selection Interview Guide’ ”.
34. This establishes that the “Selection Interview Guide” had been the sole basis for selection or non-selection.

35. Professor Clancy, in this letter, also revealed that only the applicants who had “scored a mark of 54 or over were selected at that initial stage”.
36. Exhibit PK12 is a copy of Professor Clancy’s letter of April 24, 2002.
37. On April 25, 2002 Professor Clancy sent me the College’s “reply to questions submitted in respect of [my] allegation against UCD”. The “reply” consisted of two handwritten sentences. I had asked why I was treated in the manner alleged. The “reply” was unyielding: “We deny this claim”. I asked UCD how it normally treats or has treated other people in similar circumstances. The “reply” was curt: “All applicants are treated in exactly the same way”. Exhibit PK13 is a copy of this “reply”.
38. When I received this “reply” I felt that I had been left with no option but to refer the complaint to the Director of Equality Investigations (now known as the Director of the Equality Tribunal).
39. On April 29, 2002 I completed Form ODEI 2 and, in an attached letter, outlined my complaint. Exhibit PK14 is a copy of the completed Form ODEI 2 and attached letter.
40. On May 14, 2002 the Equality Tribunal wrote to UCD informing it that my complaint had been “referred to this office” and that the “case will proceed by way of investigation and decision”. Exhibit PK15 is a copy of that letter.
41. In a letter dated August 19, 2002 I was informed that I was now being “offered a place” on the course. I was told that this offer was “provisional, as [my] application [would] have to be processed by the Faculty of Arts”. I was asked to “confirm, as soon as possible, but not later than 28th August, that [I am] accepting the place”. If I was not “accept[ing] this offer”, I was asked to “let us [UCD] know in writing by return”. Exhibit PK16 is a copy of that letter.
42. As I pointed out in a letter to the Equality Tribunal dated October 4, 2002, although the letter “offer[ing] a place” – albeit a “provisional” offer – was dated August 19, 2002 it was “not received until early September”: “UCD provisionally offered me a place on its Masters in Social Science (Social Work) course; their earlier rejection of my application is, of course, what precipitated my complaint of discrimination to the Equality Tribunal. As I was only being given, in effect, two weeks notice before the commencement of the course, was told to supply a non-refundable deposit of €100, followed by fees of some €5000 to secure my place on the course, and I was given no time to prepare or find the money to enable me to do the course, I refused to accept the offer. It was also my firm opinion that the offer had only been made for the purposes of either ‘buying me off’ or sabotaging my complaint to the ODEI

[Office of the Director of Equality Investigations, now known as the Equality Tribunal]”. Exhibit PK17 is a copy of that letter.

43. Another reason for my refusing the August “offer” was that in April 2002 (i.e. 4 months earlier) I was offered and accepted a place on the equivalent postgraduate social work course at Trinity College. Trinity College, in its selection interview, ‘scored’ applicants using grades, e.g. A, B, C, etc. At Trinity College I was interviewed on April 23, 2002 by two social work lecturers (Marguerite Woods and Gloria Kirwan). ‘Selection Assessment Sheets’ were used by the Trinity College interviewers. The lecturers who interviewed me on April 23, 2002 for a place on the postgraduate social work course at Trinity College gave me the following ‘scores’:

A. Academic Record	“A+”	“Outstanding”
B. Experience of Social Work	“A+”	“Outstanding”
C. Self-Awareness	“A+”	“Outstanding”
D. Maturity	“A+”	“Outstanding”
E. Interpersonal Skills	“A+”	“Outstanding”

44. Exhibit PK18 is a copy of the completed scoring sheet (‘Selection Assessment Sheet’) from the April 2002 Trinity College interview.

45. The Trinity College ‘grades’ I received are in stark contrast to the UCD ‘points’ I received.

46. In my October 4, 2002 letter (Exhibit PK17) I cited the decision referred to in the Legal Review section of the 2001 Annual Report of the ODEI, *Riney v. Donegal VEC* (DEC-E2001-030). In that case the Equality Officer found: “...that the female claimant was clearly better qualified for the job than the successful male appointee, that the interview marking failed to reflect her higher qualifications and experience, and that this was due to gender-based discrimination”. My case, I said, “rests upon the same propositions”. I stated the crucial “question”: “...in objective terms, was I more qualified to be on that course than the least qualified female applicant who was offered a place on that course in March [2002]?”

47. I believed – and still believe – that I was more qualified than the least qualified female applicant who was offered a place on the course in March 2002.

48. In a letter dated November 8, 2002 University College Dublin sent the Equality Tribunal “the University’s submission in this matter”, i.e. my complaint. Exhibit PK19 is a copy of the letter and the “submission”.

49. The Equality Tribunal, in a letter dated November 12, 2002, “acknowledge[d] receipt” of the UCD “submission”. Exhibit PK20 is a copy of that letter.
50. In a letter to the Equality Tribunal on November 14, 2002 I “acknowledge[d] receipt of the UCD “submission” and responded, in detail, to that “submission”. Exhibit PK21 is a copy of that letter.
51. On November 18, 2002 the Equality Tribunal sent UCD a copy of my response to the UCD “submission”. UCD was asked to “forward any comments/observations” that it “may wish to make thereon at an early date”. Exhibit PK22 is a copy of that letter.
52. UCD chose not to “forward any comments/observations” on my response to its “submission”.
53. On March 20, 2005 I wrote to the then Legal Advisor of the Director of the Equality Tribunal commenting on the delay in hearing the case. Exhibit PK23 is a copy of that letter.
54. On March 30, 2005 Mr John Hurley, Head of Equal Status at the Equality Tribunal, responded by expressing regret at the “delay in proceeding with the investigation”. Exhibit PK24 is a copy of that letter.
55. On April 2, 2005 I replied to Mr Hurley’s letter. Exhibit PK25 is a copy of that letter.
56. In an e-mail to the Equality Officer on April 24, 2005 I cited *Deines v. Texas Dept. of Protective and Regulatory Services*, 164 F.3d 277 (5th Cir. 1999). In that case the U.S. Court of Appeals for the Fifth Circuit held that “differences in qualifications between job candidates are generally not probative evidence of discrimination unless those differences are so favourable to the plaintiff that there can be no dispute among reasonable persons of impartial judgement that the plaintiff was clearly better qualified for the position at issue”. If the plaintiff was “clearly better qualified for the position”, this is “probative evidence of discrimination”. Exhibit PK26 is a copy of that letter.
57. I submit that I was “clearly better qualified” than at least the least qualified female applicant who was offered a place in March 2002 for the Masters in Social Science (Social Work) at UCD.
58. In a letter to Mr Hurley dated July 26, 2005 I requested, *inter alia*, a copy of the “counsel’s opinion” he had referred to in his letter of March 30, 2005. Exhibit PK27 is a copy of that letter.

59. In a letter dated August 31, 2005 Mr Hurley replied to my letter of July 26, 2005 by giving me a copy of the “counsel’s opinion” (dated July 3, 2005) and the “Brief to counsel” (dated May 20, 2005). Mr Hurley requested my “observations...on this opinion”. Exhibit PK28 is a copy of that letter and the enclosed “counsel’s opinion” and “Brief to counsel”.
60. On September 7, 2005 I sent the Equality Tribunal my “observations” on the “opinion” of their counsel. Exhibit PK29 is a copy of that letter.
61. On September 9, 2005 the Equality Tribunal “acknowledge[d] receipt” of my “observations”. Exhibit PK30 is a copy of that letter.
62. I sent a letter to Mr Hurley on September 18, 2005. In that letter I asked for a copy of the respondent’s “observations”, if any, on the “opinion” of the counsel for the Tribunal. Exhibit PK31 is a copy of that letter.
63. On September 19, 2005 I sent a further letter to Mr Hurley. I told Mr Hurley that I wanted the Equality Tribunal: “...to obtain from University College Dublin copies of the application forms of all the applicants for the Masters in Social Science (Social Work) Mode A in 2002 and I request a copy of each of those application forms. You may delete the names and addresses of the applicants from the copies of the application forms that I receive but the gender of the applicant should be clearly identified on the copies I receive. In respect of each applicant, University College Dublin should be instructed to indicate whether or not that applicant was offered a place on the Masters in Social Science (Social Work) Mode A in March 2002 and, for this purpose each application form should be numbered”. I said that UCD would obviously oppose this and claim that the application forms are ‘confidential’. I cited *Haughey v. Moriarty* [1999] IR 1, in which the Irish Supreme Court ruled: “...there is a public interest in defeating wrongdoing and where the publication of confidential information may be of assistance in defeating wrongdoing then the public interest in such publication may outweigh the public interest in the maintenance of confidentiality”. I also cited *Fraser v. Evans* [1969] 1 All ER 8, in which Lord Denning held: “There are some things which may be required to be disclosed in the public interest, in which event no confidence can be prayed in aid to keep them secret”. I told Mr Hurley that there is a public interest in the publication of the application forms and that the public interest in their publication outweighs “the public interest in the maintenance of confidentiality”. Exhibit PK32 is a copy of that letter.
64. On September 21, 2005 I wrote to Mr Hurley “to comment further” on the UCD “submission”. I pointed out that only 5.6 percent of the applicants interviewed for the course were men: “Not even 6 percent”. (At the hearing on September 22, 2006 I pointed out, in my evidence to the Tribunal, that this severe ‘imbalance’ is a “historical feature” of this course.) In my letter to Mr Hurley I pointed out that the “score” I was given by the 2 interviewers “was the only

factor considered at the 'selection meeting'": "This 'selection procedure' gives free rein to the prejudices of the interviewers". I told Mr Hurley that "the selection procedure was flawed and provided the interviewers with almost absolute discretion to discriminate". I pointed out that in March 2002 only 3 of the 6 men considered "eligible" were "offered places". This represented 2.8 percent of applicants interviewed: "I was not one of the supposedly fortunate 2.8 percent". I explained: "I...became, to quote the submission, 'successful' five months after I referred the complaint to the Director of the Equality Tribunal". I clarified: "The discrimination I am complaining about relates to the 'selection procedure' and to the 'selection meeting' in March 2002. I was notified in March 2002 that my application was 'unsuccessful' ". I continued: "I believe that female applicants less qualified than I were given higher 'scores' at interview and thus offered a place on the course in March 2002, i.e. when I was notified that my application was 'unsuccessful' ". I requested, in this letter to Mr Hurley: "...copies of the 'score sheets' [i.e. "Selection Interview Guides"] for the candidates interviewed in February 2002 for the Masters in Social Science (Social Work) Mode A at University College Dublin. I consent to the names of the candidates being deleted from the copies I receive but I want the gender of the candidate to be indicated on each 'score sheet' and I request that the score sheets be individually numbered in a way that corresponds to the numbering of the application forms that I have requested copies of. I want it to be possible to place each score sheet with the correct application form. I will then be able to see if, and to what degree, the 'scores' reflected the qualifications of the candidates". Exhibit PK33 is a copy of that letter.

65. On September 26, 2005 Mr Hurley responded to my "letters of 7, 18, 19 and 21 September [2005]". Exhibit PK34 is a copy of that letter.
66. I sent a replying letter to Mr Hurley on September 27, 2005. Exhibit PK35 is a copy of that letter.
67. I wrote to Mr Hurley again on September 28, 2005. Exhibit PK36 is a copy of that letter.
68. On October 7, 2005 Mr Hurley replied to my "letters of 27 and 28 September". Exhibit PK37 is a copy of that letter.
69. I responded on October 10, 2005. Exhibit PK38 is a copy of that letter.
70. I sent Mr Hurley another letter on October 16, 2005. Exhibit PK39 is a copy of that letter.
71. Mr Hurley replied on October 21, 2005 to my "recent letters". Exhibit PK40 is a copy of that letter.

72. I responded, on October 24, 2005, to Mr Hurley's letter of October 21, 2005. Exhibit PK41 is a copy of that letter.
73. Mr Hurley replied on November 9, 2005 to my letter of October 24, 2005. Exhibit PK42 is a copy of that letter and the enclosures.
74. On November 10, 2005 I wrote to the Director of the Equality Tribunal regarding Mr Hurley's decision "to cease to investigate" my complaint against University College Dublin. Exhibit PK43 is a copy of that letter.
75. I wrote again to the Director of the Equality Tribunal on December 20, 2005. Exhibit PK44 is a copy of that letter.
76. On December 23, 2005 the Director of the Equality Tribunal wrote to confirm that, following the letter UCD sent to the Tribunal dated 11, 2005, there had been "no further communication from UCD". She also said that the case would be "reassign[ed] to another Equality Officer on 9 January 2006, for the resumption of the investigation". Exhibit PK45 is a copy of that letter.
77. I wrote to the Director of the Equality Tribunal on January 11, 2006. Exhibit PK46 is a copy of that letter.
78. I sent numerous additional letters to the Director of the Equality Tribunal regarding the inordinate delay in hearing the case. On 7 March 2006, for instance, the Equality Tribunal "acknowledge[d] receipt of a letter I sent to the Director on March 5, 2005 concerning the delay. Exhibit PK47 is a copy of that acknowledgement.
79. Finally, in a letter dated August 16, 2006 the Director of the Equality Tribunal notified me that "a hearing will take place...on Friday 22 September 2006". She said nothing about the case being "reassign[ed] to another Equality Officer". Exhibit PK48 is a copy of that notification.
80. I replied to this notification on August 18, 2006. Exhibit PK49 is a copy of that letter.
81. On August 25, 2006 I sent the Tribunal and the Defendant copies of what I termed the 'Exposition of Complaint' ("...essentially the 'script' I intend to follow at the hearing in terms of presenting my case"). The 'Exposition of Complaint' later appeared as Appendix 1 to Decision DEC-S2006-076 (Exhibit PK1). I also sent the Tribunal and the Defendant copies of 'Documentary Evidence'; in my letters of August 25, 2006 I described as "...in a collated form, the supporting written evidence and material I will be referring to as I present my case".

82. In a letter dated August 26, 2006 to the Tribunal (which I copied to the Defendant) I “refer[red] the Tribunal to the Universities Act 1997 and, in particular, Section 12 of that Act”. I wrote: “Section 12 of the Universities Act 1997 states that one of the ‘objects’ of ‘a university’ is ‘to promote gender balance and equality of opportunity among students and employees of the university’”. I continued: “...the educational establishment commonly referred to (and which I refer to) as UCD has, as one of its ‘objects’, ‘to promote gender balance and equality of opportunity among students and employees of the university’. This ‘object’ is a statutory ‘object’ of UCD. An ‘object’ is defined in the Concise Oxford English Dictionary (11th edition) as ‘a goal or purpose’. It is a ‘goal or purpose’ of UCD ‘to promote gender balance and equality of opportunity among students and employees of the university’. UCD has done nothing ‘to promote gender balance’ among its social work students. And, indeed, among students on qualifying courses for other segregated occupations. UCD perpetuates and contributes to occupational segregation. In presenting my case at the hearing, I will be referring to the statutory ‘object’ of UCD ‘to promote gender balance and equality of opportunity among students and employees of the university’. I am sending you this letter by way of advance notice”. Exhibit PK50 is a copy of that letter.
83. In a letter dated August 27, 2006 to the Tribunal (which I copied to the Defendant) I referred to the “the Trinity College interview ‘grade’ I received”. I said: “I was interviewed for the postgraduate social work course at UCD on February 11, 2002. I was interviewed for the postgraduate social work course at Trinity College on April 23, 2002. Both courses are equivalent: both lead to a Masters degree and to the National Qualification in Social Work (NQS^W). The ‘scoring sheet’ used by the UCD interviewers was termed ‘Selection Interview Guide’. The ‘scoring sheet’ used by the Trinity College interviewers was termed ‘Selection Assessment Sheet’. The UCD interviewers gave me an overall points ‘score’ of 46 out of 100. The Trinity College interviewers, on the other hand, gave me an overall grade ‘score’ of ‘A+’, ‘Outstanding’. In my letter of August 25, 2006 enclosing my ‘Exposition of Complaint’ I described [the] ‘Selection Interview Guide’ used by the UCD interviewers and the component point ‘scores’ I was given. In this letter I will describe the ‘Selection Assessment Sheet’ used by the Trinity College interviewers and the component grade scores I received. It is important to note that the Trinity College interview was held only two months after the UCD interview. If, as UCD claims, the interview ‘score’ is ‘objective’ and the UCD interview was conducted in an ‘objective’ manner, the UCD interview ‘score’ ought not to differ significantly from the ‘score’ I received at my Trinity College interview two months later for the equivalent course. And yet there is a significant difference. A very significant difference, in fact. My interview at Trinity College interview was conducted by two lecturers at the social work department of Trinity College: Marguerite Woods and Gloria Kirwan. The ‘Selection Assessment Sheet’ used by the Trinity College interviewers employed the following ‘Rating Scale’: A+ = Outstanding; A = Very good; A- = Good; B+ = Promising; B = OK; B- = Weak; C = Not good enough. The ‘Selection Assessment Sheet’ was divided into 5 sections: 1. Academic Record; 2.

Experience of Social Work; 3. Self-Awareness; 4. Maturity; and, 5. Interpersonal Skills. I was given the following 'ratings' by the Trinity College interviewers: Academic Record A+ ("Outstanding"); Experience of Social Work A+ ("Outstanding"); Self-Awareness A+ ("Outstanding"); Maturity A+ ("Outstanding"); Interpersonal Skills A+ ("Outstanding"). The 'overall rating' I was given was 'A+', 'Outstanding'. It is impossible to reconcile the A+ 'overall rating' I received from the Trinity College interviewers with the 'score' of 46 (out of 100) I was given by the UCD interviewers. Contrary to what UCD claims, the UCD interview was not conducted on an 'objective' basis and the 'score' I was given was not in any way fair or accurate. I enclose, for your attention, a photocopy of the 'Selection Assessment' the Trinity College interviewers completed on me on April 23, 2002. The purpose of this letter is to provide you with advance notice that what I have termed the 'score' discrepancy is one of the points I will be making when I present my case at the hearing". Exhibit PK51 is a copy of that letter and the enclosure.

84. In a letter dated September 5, 2006 to the Tribunal (which I copied to the Defendant) I asked the following questions:

- A. "Will UCD be sending a solicitor or solicitors to the hearing? If so, please identify the solicitor or solicitors UCD will be sending to the hearing?"
- B. "Will UCD be sending a barrister or barristers to the hearing? If so, please identify the barrister or barristers UCD will be sending to the hearing?"
- C. "Will UCD be sending any other person or persons to the hearing? If so, please identify them".
- D. "Does UCD intend to use any witnesses at the hearing?"
- E. "Will UCD be providing the Equality Tribunal with a further written submission or further documentary evidence? If so, I would like to be provided with a copy of any such submission or documentary evidence sufficiently in advance of the hearing to enable me to read and consider that submission or documentary evidence".
- F. "Has there been any correspondence between UCD and the Equality Tribunal (whether by telephone, e-mail, letter or by any other means) about which I am unaware? If so, I would like to be provided with a copy of each item of communication or a description of each communication".
- G. "At the hearing, will I be permitted to question the representatives of UCD?"

- H. “At the hearing will the lawyers and/or other persons appearing for UCD be permitted to question me? If so, what limits will be placed on the scope, extent and manner of their questioning?”
- I. At the hearing will I be permitted to ask questions of the Tribunal?”
- J. What is to be the format for this hearing?
- K. Will the Tribunal be permitting UCD employees “to shelter behind [their] controverted documentary evidence”? I would remind the Tribunal of the ruling of the Supreme Court in *Kiely v. Minister for Social Welfare* [1977] IR 267. Did not Henchy J condemn “the lack of mutuality and the potential for an unjust determination inherent in such a procedure”? Ought not the UCD employees concerned either appear as witnesses or have their “controverted documentary evidence” automatically discounted by the Tribunal?”
- L. How soon after the date of the hearing will I be notified of the decision on my complaint?

- 85. Exhibit PK52 is a copy of my letter of September 5, 2006.
- 86. The Tribunal replied to my letter of September 5, 2006 on September 8, 2006. Exhibit PK53 is a copy of that reply.
- 87. In relations to questions A-E in my letter of September 5, 2006 the Tribunal, in its reply dated September 8, 2006 said that it had not been “informed” as to whether the Defendant was “sending a solicitor, one or more barristers, witnesses or other persons to the hearing”.
- 88. In fact the Defendant ‘sent’ a “solicitor” (Eugene O’Sullivan of John J. McDonald & Co. Solicitors), a “witness” (Valerie Richardson, Head of the School of Applied Social Sciences at UCD) and one “other person” (Mary Hogan, Records Manager at UCD) to the hearing.
- 89. The Tribunal never “informed” me that the Defendant was “sending” these people “to the hearing”.
- 90. The Defendant did not inform me that it was “sending” these people “to the hearing”.
- 91. In the Tribunal’s letter of September 8, 2006 the Director of the Equality Tribunal said that had “assigned the case to Hugh O’Neill, Solicitor, who has recently been assigned to the Tribunal in a temporary capacity and whom I have appointed as an Equality Officer”.

92. In a letter dated September 8, 2006 to the Tribunal (which I copied to the Defendant) I referred to the Final Report of the Admissions to Higher Education Steering Group to the Education and Skills Secretary for England, *Fair Admissions to Higher Education: Recommendations for Good Practice*, which was published in 2004. I said: According to the report: ‘The Admissions to Higher Education Steering Group was asked to make recommendations on fair admissions’. Section D of the report is titled ‘Principles Underpinning Fair Admissions’ and identifies 5 ‘admissions principles’. Principle 1 is that ‘a fair admissions system should be transparent’. Under Principle 1 the Admissions to Higher Education Steering Group said that the information universities and colleges should ‘consistently and efficiently’ provide to applicants should include (Admissions to Higher Education Steering Group, 2004, p.33): ‘...detailed criteria for admission to courses, with an explanation of admission processes. This should indicate the likely weight given to prior academic achievement and potential demonstrated by other means, how applications may demonstrate potential and relevant capability, whether such potential and relevant capability will be considered on top of a set level of examination results or is a means of earning credit alongside a flexible level of examination results’. Applicants should also be provided with ‘clearly signposted procedures for complaints and appeals’. The Admissions to Higher Education said it believed that ‘universities and colleges should provide feedback on request to unsuccessful applicants. In the first instance, ‘feedback’ means explaining why an applicant was unsuccessful’ ”.
93. I then identified “the orders I am requesting” under Section 27(1)(a) and Section 27(1)(b) of the Equal Status Act 2000: “As previously indicated, I am requesting an ‘order for compensation’ under Section 27(1)(a) of the Equal Status Act 2000 equivalent to ‘the maximum amount that could be awarded by the District Court in civil cases in contract’. I am, however, also requesting a number of orders under Section 27(1)(b) of the Equal Status Act 2000; these orders will require UCD to ‘take the course of action...specified’ in each order. The orders I am requesting under Section 27(1)(b) are as follows: (1.) An order requiring UCD to provide all applicants with ‘...detailed criteria for admission to courses, with an explanation of admission processes. This should indicate the likely weight given to prior academic achievement and potential demonstrated by other means, how applications may demonstrate potential and relevant capability, whether such potential and relevant capability will be considered on top of a set level of examination results or is a means of earning credit alongside a flexible level of examination results’; (2.) An order requiring UCD to provide all applicants with ‘clearly signposted procedures for complaints and appeals’; (3.) An order requiring UCD to ‘provide feedback on request to unsuccessful applicants. In the first instance, ‘feedback’ means explaining why an applicant was unsuccessful’; (4.) An order requiring UCD to review and reform its admission processes and practices; (5.) An order requiring the chief executive officer of UCD to write to Patrick Kelly formally acknowledging the discrimination and apologizing for the discrimination; (6.) An order requiring the chief

executive officer of UCD to write to the chief executive officer of Trinity College confirming that UCD discriminated against Patrick Kelly in contravention of the Equal Status Act 2000. This order is necessary because my Course Director at Trinity College, Patricia ('Trish') Walsh became aware in 2002 of my complaint against UCD and informed other employees of Trinity College of my complaint against UCD under the Equal Status Act 2000. The 'fact' that I had made the complaint against UCD thus became common knowledge at Trinity College. I was questioned on the UCD complaint under cross-examination during my Circuit Court case against Trinity College (Circuit Court Record Number 2004/13265, *Patrick Kelly v. The Provost, Fellows and Scholars of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin*). The senior counsel for Trinity College, in fact, went so far as to assert in court that UCD did *not* discriminate against me".

94. Exhibit PK54 is a copy of my letter of September 8, 2006.
95. On September 12, 2006 I wrote to Hugh O'Neill, the Equality Officer to whom the Director of the Equality Tribunal had "assigned the case". I copied that letter to the Defendant. I said: "...the Director of the Equality Tribunal, in a letter dated September 8, 2006 informed me that she has 'assigned the case' to you. 'If [I] have any further questions about the hearing' she said, in her letter, that I should write to you because she is 'precluded from any further function in the hearing of, or decision in, the case'. When exactly were you 'assigned the case', Mr O'Neill? At what date and by what means were you 'assigned the case'? I wish to refer to the judgement of the Supreme Court in *Kiely v. Minister for Social Welfare* [1977] IR 267. In that judgement of the Supreme Court, delivered by Henchy J, the Court held: 'Tribunals exercising quasi-judicial functions...may not act in such a way as to imperil a fair hearing or a fair result'. Henchy J continued: 'Of one thing I feel certain, that natural justice is not observed if the scales of justice are tilted against one side all through the proceedings. *Audi alteram partem* means that both sides must be fairly heard. That is not done if one party is allowed to send in his evidence in writing, free from the truth-eliciting processes of a confrontation which are inherent in an oral hearing, while his opponent is compelled to run the gauntlet of oral examination and cross-examination. The dispensation of justice, in order to achieve its ends, must be even-handed in form as well as in content. Any lawyer of experience could readily recall cases where injustice would certainly have been done if a party or a witness who had committed his evidence to writing had been allowed to stay away from the hearing, and the opposing party had been confined to controverting him simply by adducing his own evidence. In such cases it would be cold comfort to the party who had been thus unjustly vanquished to be told that the tribunal's conduct was beyond review because it had acted on logically probative evidence and had not stooped to the level of spinning a coin or consulting an astrologer. Where essential facts are in controversy, a hearing which is required to be oral and confrontational for one side but which is allowed to be based on written and, therefore, effectively unquestionable evidence on the other side has neither the

semblance nor the substance of a fair hearing. It is contrary to natural justice'. As you know, UCD based its response to my complaint on claims and denials made at various times by various employees of UCD. UCD cannot be allowed to 'send in...evidence in writing' from its employees/witnesses. These employees/witnesses cannot be allowed to 'send in [their] evidence in writing, free from the truth-eliciting processes of a confrontation which are inherent in an oral hearing'. UCD cannot use or rely on purported 'evidence' from these employees unless they attend the hearing so that they can be cross-examined on their 'evidence'. I have to attend the hearing. If I did not attend the hearing the Tribunal would dismiss the complaint. I refer you to Annex 4 to the *Guide to Procedures in Equal Status Cases* (Revised July 2005), which states: 'Written material sent to the Equality Tribunal is not a sufficient basis for establishing a case: the complainant must also appear to give their evidence, unless the facts are agreed'. Annex 4, interestingly, also states that 'the respondent should also appear to give their evidence'. As the respondent in this case is an educational establishment any 'evidence' for or on behalf of the respondent in this case can only be given by the employees directly or [indirectly] involved with my application. If those employees do not 'appear' at the hearing 'to give their evidence' the Tribunal must ignore any 'evidence in writing' from those employees or purported 'evidence' derived from claims or denials by those employees. The legal representatives of UCD cannot introduce 'evidence'. Only those employees with whom I came into contact at the time of my application to UCD can introduce 'evidence' on behalf of UCD. And even they can only introduce 'evidence' if they come to the hearing. Any UCD employees who 'send in...evidence in writing' but do not 'appear' at the hearing should have their 'evidence' discounted. The legal representatives of UCD cannot use 'evidence' derived from UCD employees who are not going to 'appear' at the hearing. Any such 'evidence' should be discounted. I am 'compelled to run the gauntlet of oral examination and cross-examination'. The UCD employees/witnesses cannot, then, send in 'evidence...in writing, free from the truth-eliciting processes of a confrontation which are inherent in an oral hearing'. If UCD expects the 'evidence' of these employees/witnesses to be taken into account, those employees are going to have to 'run the gauntlet of oral examination and cross-examination'. The UCD employees cannot be 'allowed to stay away from the hearing' and yet have their 'evidence' accepted by the Tribunal. As the Supreme Court said: 'Where essential facts are in controversy, a hearing which is required to be oral and confrontational for one side but which is allowed to be based on written and, therefore, effectively unquestionable evidence on the other side has neither the semblance nor the substance of a fair hearing. It is contrary to natural justice'. I have enclosed, for your convenience, a copy of the judgement of the Supreme Court in *Kiely v. Minister for Social Welfare* [1977] IR 267. I have also enclosed a CD-R containing all the material relating to this complaint – excluding, however, the documentary evidence. The documentary evidence has already been supplied to the Tribunal and to UCD. I would also like to ask you about 'the maximum amount that could be awarded by the District Court in civil cases in contract'. According to Section 27(2) of the Equal Status Act 2000: 'The maximum amount which may

be ordered by the Director by way of compensation under *subsection (1)(a)* shall be the maximum amount that could be awarded by the District Court in civil cases in contract'. My understanding is that that 'maximum amount' is currently €6,350 (six thousand three hundred and fifty euro). Is that correct? I have copied this letter and the enclosures to UCD and to the Tribunal's Legal Advisor. I look forward to hearing from you". Exhibit PK55 is a copy of that letter.

96. Mr O'Neill replied in a letter dated September 15, 2006. He remarked that he was "aware of the judgement of the Supreme Court in *Kiely v. The Minister of Social Welfare*". He claimed that "the CD furnished by [me] is not capable of being read". He insisted that "the weight to be attached" to the "evidence" is "for [him] as the Equality Officer hearing the case". Exhibit PK56 is a copy of Mr O'Neill's letter of September 15, 2006.

97. I replied to Mr O'Neill's letter on September 18, 2006. I copied my reply to the Defendant. In my reply I wrote: "I received today your letter dated September 15, 2006. In your letter you 'point out' that the CD-R I sent you 'is not capable of being read'. This is not so. The CD-R is 'capable of being read', Mr O'Neill. I personally checked it before sending it to you. It is, then, 'capable of being read'. Perhaps what you should have written is that it 'is not capable of being read' by the hardware or software you were/are using. I compiled the CD-R and verified, before sending it to you, that it is 'capable of being read'. I wrote 5 files in .pdf format, 12 in Word format, and 2 in .rtf format onto the CD-R. I will be bringing additional copies of the CD-R to the hearing on September 22. Perhaps we could check those additional copies together, to see if they are 'capable of being read'? I am curious about the hardware and software you are using. We should, at least, ascertain whether or not the problem is due to the CD-R being 'not capable of being read'. I consider that to be an improbable explanation. You then referred to 'the evidence to be advanced at the hearing', stating that 'it is for the Claimant [i.e. me] to establish facts from which that [*sic*] it may be inferred that discrimination has occurred'. These facts have already been 'establish[ed]', Mr O'Neill. These facts were established in the documentary evidence and other material already supplied to the Tribunal. At the hearing I intend to simply read aloud what I have already sent you – if you insist on an 'oral' presentation of my case, that is. Any questions I am asked under cross-examination will be answered with reference to the documentary evidence and other written material. You say that the 'weight to be attached' to the 'evidence' is for you to decide. This implies that you possess an unqualified discretion. Actually, your discretion is subject to my constitutional rights and therefore – and to that extent – circumscribed. You go on to state that 'it would be improper for [you] to enter into correspondence with any one party without advising the other' and that you are copying to UCD my letter of September 12. This could be interpreted as insinuating that I have or have attempted to 'enter into correspondence' with you without the knowledge of the respondent. That, as you know, would be an incorrect and unfair interpretation. As you know, the letter I sent you on September 12 was copied to UCD.

The concluding sentence of the letter confirms that it was copied to UCD. I do not appreciate the contrary being insinuated, Mr O'Neill. Nor did I appreciate the rather haughty tone of your letter, sir. It ill-becomes an Equality Officer investigating a complaint of discrimination and is inappropriate and discourteous. Let us understand each other: I do not expect the Equality Officer investigating my complaint to be anything other than courteous, dignified and absolutely fair at all times. Hostility and surliness, I am sure you agree, are unwelcome and counterproductive. You declared that you 'do not propose to enter into any further correspondence' with me 'prior to the hearing'. Forgive me, sir, but when you make a misstatement concerning me I will correct you. And there were several misstatements in your letter. I am looking forward to meeting you on Friday. As usual, Mr O'Neill, I have copied this letter to UCD – and to the Tribunal's Legal Advisor". Exhibit PK57 is a copy of that letter.

98. The Director of the Equality Tribunal ('the Director') wrote to me on September 18, 2006. In that letter she said that "on 8 September 2006" she "delegated" to Mr O'Neill "the function of hearing and deciding [my] case...". Exhibit PK58 is a copy of that letter.

99. I replied to the Director, Ms Pine, on September 19, 2006. I wrote: "I received today your letter dated September 18, 2006 regarding Mr O'Neill's 'appointment'. Although you confirm that he was 'assigned to [your] staff' you do not disclose *when* he was 'assigned to [your] staff'. *When* was he 'assigned to [your] staff', Ms Pine? Nor do you reveal *when* you appointed him an Equality Officer? *When* did you appoint him an Equality Officer, Ms Pine?" Exhibit PK59 is a copy of that letter.

100. The Director chose not to reply to my letter of September 19, 2006.

101. The hearing pursuant to Section 25 of the Equal Status Act 2000 took place on Friday, September 22, 2006 at the Equality Tribunal, 3 Clonmel Street, Dublin 2.

102. Those in attendance at the hearing were:

- A. Hugh O'Neill, Equality Officer;
- B. Raymond Fitzpatrick, whom Mr O'Neill identified as the "Tribunal Registrar";
- C. Eugene O'Sullivan (of John J. McDonald & Co. Solicitors, 13 Priory Hall, Stillorgan, County Dublin), solicitor for respondent/Defendant;
- D. Valerie Richardson, Head of the School of Applied Social Sciences at UCD and formerly "Course Director" for the postgraduate social work course at UCD. She attended as a witness for the respondent/Defendant;

- E. Mary Hogan, Records Manager at UCD and formerly Legal Executive at UCD. She was not a witness but was permitted to be present at the hearing by the Equality Officer;
- F. Patrick Kelly, complainant/Plaintiff; and,
- G. Josephine Nolan, the complainant/Plaintiff's mother. She attended as a "support person". (The Tribunal's *Guide to Procedures in Equal Status Cases* (Revised July 2005) states that "support persons" may be "present" at the hearing "for a range of reasons, for example, to take notes or provide moral emotional support". These were the "reasons" why I wanted my mother "present" at the hearing as a "support person").

103. Both prior to and during the hearing I drew the Tribunal's attention to the judgement of the Employment Appeal Tribunal for England in *Barton v. Investec Henderson Crosthwaite Securities Ltd* [2003] IRLR 332 EAT. I provided both the Tribunal and the Defendant with copies of this judgement. In the section of the judgement entitled 'Proof of discrimination – burden of proof', the Employment Appeal Tribunal observed, at paragraph 17: 'The Courts have always acknowledged that it was rare for an applicant complaining of discrimination to have evidence of overtly discriminatory words or actions, therefore the affirmative evidence of discrimination will normally consist of inferences to be drawn from the primary facts'. At paragraph 25 the Employment Appeal Tribunal held: '...it is for the Applicant who complains of sex discrimination to prove on the balance of probabilities facts from which the Tribunal could conclude, in the absence of an adequate explanation, that the Respondents have committed an act of discrimination against the Applicant which is unlawful...' [emphasis added]. The Employment Appeal Tribunal emphasized: 'It is important to note the word is 'could'. At this stage the Tribunal does not have to reach a definitive determination that such facts would lead it to the conclusion that there was an act of unlawful discrimination. At this stage a Tribunal is looking at the primary facts proved by the Applicant to see what inferences of secondary fact could be drawn from them'. 'Where the applicant has proved facts from which inferences could be drawn that the Respondents have treated the Applicant less favourably on the grounds of sex, then the burden of proof moves to the respondent. It is then for the respondent to prove that he did not commit, or as the case may be, is not to be treated as having committed that act'. 'To discharge that burden it is necessary for the respondent to prove, on the balance of probabilities, that the treatment was in no sense whatsoever on the grounds of sex, since 'no discrimination whatsoever' is compatible with the Burden of Proof Directive'. 'That requires a Tribunal to assess not merely whether the respondent has proved an explanation for the facts from which such inferences can be drawn, but further that it is adequate to discharge the burden of proof on the balance of probabilities that sex was not any part of the reasons for the treatment in question. Since the facts necessary to prove an

explanation would normally be in the possession of the respondent, a Tribunal would normally expect cogent evidence to discharge that burden of proof.

104. Both before and during the hearing I also referred the Tribunal to a report on occupational segregation published in 2004 by the Equal Opportunities Commission for England (Miller, L., Neathey, F., Pollard, E. and Hill, D. (2004) *Occupational segregation, gender gaps and skills gaps*. London: Equal Opportunities Commission). I provided the Tribunal and the Defendant with copies of the EOC report. The EOC report defines 'occupational segregation' as being 'concerned with the measurement of the extent to which jobs actually are performed by one particular gender' (Miller et al, 2004, p.27). The EOC report examines what are referred to 'segregated occupations' (Miller et al, 2004, p.28). Social work in the Republic of Ireland, I told the Tribunal, is a segregated occupation. It is an overwhelmingly female occupation. The Tribunal accepted that social work in the Republic of Ireland is a segregated occupation. The Defendant made no attempt to deny that social work in the Republic of Ireland is a segregated occupation. Regarding 'explanations [for occupational segregation] based on discrimination by employers', the EOC report said: 'This group of theories is based on the principle that occupational segregation derives from the beliefs held by employers that differences exist between the sexes that make one sex less suitable for employment. The suggestion is that because engineers as a group, for example, remain predominantly male and therefore most engineers are male, then employers and other individuals believe that women must therefore be less suited to engineering' (Miller et al, 2004, p.31). Replace 'employer' with 'college or university', I argued, and it is possible to discern discrimination on the part of the Defendant in relation to its actions and decisions on applications, 'suitability' and selection for what are segregated occupations. The Defendant controls entry into many of these segregated occupations by controlling the training and/or qualifying courses for those segregated occupations. The Defendant is one of the largest tertiary education providers in the Republic of Ireland – if not, in fact, the largest.

105. The people who stayed away from the hearing (i.e. who did not attend and did not excuse or explain their non-attendance) but who should have been at the hearing in order for the Defendant to 'succeed' were:

- A. Gabriel Kiely, one of the two people who interviewed me in February 2002 for a place on the postgraduate social work course at UCD;
- B. Elaine Purcell, the other person who interviewed me in February 2002;
- C. Patrick Clancy, who was in 2002 the Dean of the Faculty of Philosophy & Sociology at UCD and who wrote several letters to me which were introduced by me as evidence at the hearing;

D. Suzanne Quin, a social work lecturer at UCD who was involved with the processing of my UCD application.

106. The Tribunal refused to make any finding in fact as to the failure of these employees of the Defendant to attend the hearing and refused to draw any inferences from their unexplained non-attendance.

107. At the hearing on September 22, 2006 I asked Valerie Richardson ('Dr Richardson') if Gabriel Kiely and Elaine Purcell had interviewed any of the other men who applied in 2002 to join the postgraduate social work course at UCD. "I don't know", she responded.

108. Dr Richardson, in her evidence to the Tribunal, confirmed that the Defendant has "never advertised the course", i.e. the postgraduate social work course at UCD.

109. Dr Richardson, in her evidence to the Tribunal, asserted that "the complete files" on the applicants were "available" at the selection meeting on March 7, 2002. This contradicts what Professor Clancy said in his letter of April 10, 2002 (Exhibit PK10). Professor Clancy, in his letter of April 10, 2002 said that the "documentation available at that meeting" consisted of "the score sheets for each candidate interviewed" [i.e. the 'Selection Interview Guide'], together with a summary matrix of marks [i.e. points awarded at interview] for all the candidates in rank order". The "complete files" included the applicants' completed application forms and supporting material provided by the applicants with their applications. According to Professor Clancy, the "complete files" were not "available" at the selection meeting on March 7, 2002.

110. When confronted with this contradiction Dr Richardson was unable to offer any explanation.

111. Dr Richardson, in her evidence to the Tribunal, claimed that "no notes were made" at the selection meeting". However, when I questioned her on this Dr Richardson said: "If any notes were made, they have been destroyed".

112. When confronted with this contradiction Dr Richardson was unable to offer any explanation.

113. Dr Richardson, in her evidence to the Tribunal, said that there were 14 pairs of interviewers in 2002, i.e. 28 interviewers working in pairs.

114. When I asked her about the persistent and overwhelming gender imbalance on the postgraduate social work course Dr Richardson exclaimed excitedly: "We can't drag men in off the street! We can't bring in recalcitrant and unwilling men!"

115. Dr Richardson, in her evidence to the Tribunal, described sections A and B of the scoring sheet ('Selection Interview Guide') used on applicants as "the objective sections" of the scoring sheet.

116. At the hearing on September 22, 2006 the Equality Officer, Mr O'Neill 'helpfully' suggested that "the preliminary issue" was "whether or not the case should have been brought under the Equal Status Act 2000 or the Employment Equality Act 1998". "This matter falls solely within the Employment Equality Act of 1998", the solicitor for the Defendant suddenly and opportunistically declared. Mr O'Neill then allowed the solicitor for the Defendant to argue that my complaint was brought under the "wrong" Act and should have been brought under the Employment Equality Act 1998. The solicitor for the Defendant, warming to this decidedly unoriginal idea, proceeded to ask Dr Richardson to 'interpret' the definition of vocational training in Section 12 of the Employment Equality Act 1998. I immediately and strongly objected to this. "Dr Richardson is an expert!", the solicitor for the Defendant insisted. I asked: "An expert in what?" "I'm not under cross-examination here", he retorted. Addressing myself to the Equality Officer, I said: "She's may be an expert in social work but she is not an expert in statutory interpretation". Only then did the Equality Officer intervene and stop Dr Richardson's 'interpreting' of Section 12 of the Employment Equality Act 1998.

117. At the hearing on September 22, 2006 the Equality Officer asked me if I making a "general" complaint about the Respondent or complaining about a specific act of discrimination. He asked this particular question on 4 separate occasions. My answer, however, remained the same: I was complaining about a specific act of discrimination.

118. My complaint, I repeatedly emphasized, related to discrimination in the selection process, of which the interview on February 11, 2002 was a part. The discrimination at the interview contaminated the selection process because the 'points' awarded by the interviewers were not checked against my application at the selection meeting on March 7, 2002.

119. "UCD has a Director of Access – with a staff of 6!", the solicitor for the Defendant declaimed when cross-examining me. He asked, excitably: "UCD has an Access Policy – do you know that?" I said that I knew about the Respondent's Access Policy. I referred to the "special programmes" under the Access Policy and, quoting the Policy, I said that while there are "special programmes" for "applicants with physical, sensory or learning disabilities", "special programmes" for "mature applicants" and "special programmes" for applicants who are "socially or educationally disadvantaged", there are no "special programmes" to "promote gender balance...among students...of the university" (which is a statutory "object" of the Respondent under Section 12 of the Universities Act 1997). The Respondent's Access Policy states that "in selecting applicants for admission to its courses" it "will avoid unfair discrimination on the basis of gender" but goes no further. The Respondent's Access Policy is

described on pages 4 and 5 of the Respondent's Equal Opportunities Policy in the UCD Staff Manual. Exhibit PK60 is a copy of the Respondent's Equal Opportunities Policy. At the hearing on September 22, 2006 the Respondent admitted, however, that this Equal Opportunities Policy. It is included as Exhibit PK60 only because it contains a description of the Respondent's Access Policy.

120. There was a different Equal Opportunities Policy in effect in 2002. That Policy is entitled 'Equal Employment Opportunities Policy' [emphasis added] and is dated November 1999. The Respondent "assured" the Tribunal that the 'Equal Employment Opportunities Policy' did not only apply to the employees of the Respondent but, in fact, also applied to students and those applying to become students. Exhibit PK61 is a copy of the Respondent's 'Equal Employment Opportunities Policy'.

121. Paragraph 1.3 of the Respondent's 'Equal Employment Opportunities Policy' states: "The College pledges itself to the development of a positive action programme which will seek to redress the imbalance within the system and will promote equality of opportunity in all the College's activities" [emphasis added].

122. I will return to the concept of 'Positive Action' later in this affidavit. At this stage it is sufficient to note that the Respondent had, in 1999, promised to develop a "positive action programme" for the purposes of "redress[ing] the imbalance within the system and...promot[ing] equality of opportunity in all the College's activities".

123. I asked Dr Richardson about the "positive action programme" to which the 'Equal Employment Opportunities Policy' refers. She equated "positive action" with "positive discrimination" and said that the Respondent does not "positively discriminate". She said that she had never heard of a "positive action programme" at UCD and was unable to explain what such a "programme" might entail. She again conflated "positive action" with "positive discrimination" and could not distinguish between the two concepts.

124. At Paragraph 2.1 of Decision DEC-S2006-076 the Tribunal stated: "The core of Mr Kelly's complaint is that he was discriminated against at interview because the University had an inherent gender bias against men when selecting people for its Social Science Courses...". That is false. I did not claim that the University "had an inherent gender bias against men when selecting people for its Social Science Courses".

125. At Paragraph 5.1 of Decision DEC-S2006-076 the Tribunal stated: "In his submission Mr Kelly stated that his treatment must not be looked at in isolation but must be looked at in the overall context of an attitude towards men in relation to their admission to the Social Sciences Courses in The University [*sic*]". That is false. I did not state that my "treatment...must be

looked at in the overall context of an attitude towards men in relation to their admission to the Social Science Courses” at the University.

126. At Paragraph 5.5 of Decision DEC-S2006-076 the Tribunal stated: “Mr Kelly submitted that [the]...lack of transparency [regarding the admissions process] was on the face of it evidence of a gender bias”. That is false. I did not ‘submit’ that this “lack of transparency...was on the face of it evidence of a gender bias”.

127. At Paragraph 5.16 of Decision DEC-S2006-076 the Tribunal stated: “In his direct evidence, Mr Kelly...stated that...on more than one occasion [during the interview] he was told that he was not interesting”. That is false. I did not state that I was told that I “was not interesting”. I said that at several points during the interview Gabriel Kiely interrupted me and said that he was “not interested”.

128. At Paragraph 5.20 of Decision DEC-S2006-076 the Tribunal stated: “Mr Kelly was asked...if he was aware of open days held by the University. He stated that he was but that these promoted a variety of courses and could not be said to constitute positive discrimination on the part of the University”. That is a misrepresentation of what I said. I said that the University’s ‘open days’ were ‘open days’ for the hundreds of courses on offer at UCD and were used to ‘promote’ hundreds of courses and not the postgraduate social work course in particular or especially. I did not advocate “positive discrimination”. Positive discrimination is unlawful. I advocated Positive Action – which is an entirely different concept.

129. At Paragraph 5.21 of Decision DEC-S2006-076 the Tribunal stated: “Mr Kelly was asked whether he was aware that there was [*sic*] a Director of Access whose sole function was to promote the widest possible ingress of students into the University. He [Mr Kelly] stated that he was but that in his view the Directors [*sic*] main function was to attract students from the lower income groups rather than to promote gender equality”. That is not what I said.

130. At Paragraph 6.12 of Decision DEC-S2006-076 the Tribunal stated: “In his final statement Mr Kelly stated that the University’s failure to positively promote the Social Science course...showed gender bias”. I did not use the phrase “gender bias”. I did not refer to “the Social Science course”; I referred to the postgraduate social work course at the University. “Social Science” is a category and not a “course”.

131. At Paragraph 7.7 of Decision DEC-S2006-076 the Tribunal stated: “The core of Mr Kelly’s case is that he was less favourably treated at interview than a woman in a similar position would have been and this was because the University was inherently biased against men in its [*sic*] School of Social Sciences. As evidence for this proposition he put forward an alleged failure on the part of the University in not doing enough to ensure gender balance in those

applying for their undergraduate social science courses”. I did not “put forward” anything about the “undergraduate social science courses”. What the Tribunal presented as being the “core” of my “case” is not, in fact, the “core” of my “case”. What the Tribunal presented as being the “core” of my case is, in fact, a gross misrepresentation of my “case”.

132. At the hearing on September 22, 2006 I had to continually object to the Respondent’s obstinate and aggressive attempts to introduce ‘evidence’ *by proxy*. Dr Richardson, I argued, should not be permitted to ‘relay’ purported ‘evidence’ to the Tribunal from the employees who refused to submit to cross-examination or give their ‘evidence’ in person. My “general objection”, I told the Tribunal, was an objection to taking any such ‘evidence’ into account.

133. At the hearing on September 22, 2006 I made the point that “treating people equally does not mean treating people the same”: “Sometimes treating people equally means treating people differently”.

134. In England NHS Employers, a part of the NHS Confederation, published in 2005 a report on Positive Action in the NHS. Exhibit PK62 is comprised of the relevant pages of the report. NHS Employers adopted the following definition of Positive Action:

“Positive action is a range of lawful actions which seek to address an imbalance in employment opportunities among targeted groups which have previously experienced disadvantage, or which have been subject to discriminatory policies and practices, or which are underrepresented in the workforce”.

135. For purposes of comparison, the report on Positive Action in the NHS then defined “positive discrimination”:

“Typically, positive discrimination consists of redressing the balance of representation of previously disadvantaged groups in the workforce by preferential recruitment or promotion, *largely regardless of competencies, skills and experience*. In other words, the strongest candidate does not necessarily get the job. Such practices are illegal in the United Kingdom”.

136. The report on Positive Action in the NHS describes the key success factors, i.e. the factors considered “key to achieving success in taking positive action”. The report emphasized “that all of these [factors] need to be in place to ensure a successful positive action project”: leadership (“By far the most often cited ‘success factors’ were connected with strong leadership. They included: a dedicated resource, in the form of a designated individual, preferably with a sound knowledge of equality and diversity issues; passion, i.e. understanding and enthusiasm, drive and perseverance; commitment from the top of the organisation, and

across the organisation...; an emphasis on team working...”); strategic management approach (“Many organisations pointed to the value of undertaking positive action initiatives within a strong strategic framework. In other words, ensure that the decision to implement positive action emerged from a sound, appropriately funded, long-term strategy for the organisation. Not surprisingly, sound planning and project management were regularly cited as instrumental in achieving success. This involves robust evaluation which demonstrates that the positive action implemented has the required effect”.); communication (Communicating with the right people, in the right way, at the right time is a major success factor and should be considered carefully. Three main issues emerge in connection with positive action: 1. Communicating with target groups – awareness of the local community and target groups, and effectively publicising the trust or specific initiative to them in ways which will make an impact. 2. Communicating within the organisation – making clear what the positive action initiative is and what it is trying to achieve, managing expectations, why it is not ‘unfair’ to other groups, duration etc. 3. Sharing good practice – ...reinventing the wheel is wasteful and time-consuming, whereas networking and shared learning can offer shortcuts and earlier results.); organizational culture (A less tangible factor is the culture of the organisation. For example, the ability to be flexible and adaptable, and even to take calculated risks... Celebrating success was also seen as an important feature of cultural change, fostering a sense of achievement, improving morale and laying the foundations for more successful action in the future.); and, resources (“Adequate resources are seen as fundamental to success. However, many of the other success factors can help to bolster resources: sharing good practice can save needless repetition of work; careful targeting and evaluation can highlight the value of each initiative; sound planning and project management can help to ensure that resources are used effectively.”).

137. According to the Equal Opportunities Commission for England (Exhibit PK63):

“The term ‘positive action’ refers to a variety of measures designed to counteract the effects of past discrimination and to help eliminate sex stereotyping”.

“Positive Action is frequently confused with positive discrimination. Positive discrimination, which generally means employing someone because they come from a disadvantaged group regardless of whether they have the relevant skills and qualifications, is unlawful”.

138. Positive Action is not an alien concept in the Republic of Ireland or a concept that does not and cannot apply to tertiary education providers. The Equal Opportunities Policy of the University of Limerick, for example, states that Limerick University “recognizes that positive action is necessary to promote equality” (Exhibit PK64). Dublin City University, for example,

“recognizes that, where imbalances exist, a policy of positive action is necessary to actively promote equality” (Exhibit PK65).

139. Ironically, “positive action” is listed as one of the “staff research interests” at the Respondent’s School of Applied Social Science, i.e. the School responsible for the postgraduate social work course (Exhibit PK66).

140. In the Notice of Motion I refer to the Policy on Positive Action of Nottinghamshire Police in England. Exhibit PK67 is a copy of the Policy on Positive Action of Nottinghamshire Police.

141. I have already mentioned that Professor Clancy, in his letter dated April 10, 2002 said that the “documentation available at that meeting” consisted of “the score sheets for each candidate interviewed” [i.e. the “Selection Interview Guide”], together with a summary matrix of marks [i.e. points awarded at interview] for all the candidates in rank order”. The solicitor for the Defendant produced the “summary matrix of marks” at the hearing on September 22, 2006; Exhibit PK68 is a copy of the “summary matrix of marks”.

142. The Respondent contended that I was “ultimately” offered a place on the postgraduate social work course and that there could not, therefore, have been any “gender discrimination”.

143. I was not “ultimately” offered a place on the course. At the end of August 2002 (the course was to start in September) the Respondent “ultimately” made what was described as a “provisional” offer. The Respondent said that I had to indicate my ‘agreement’ with the offer before it would proceed with its ‘consideration’ of the “provisional” offer and I was asked to pay a deposit.

144. Dr Richardson, in her evidence to the Tribunal, said that a “substantial” number of applicants who were in March 2002 offered places on the course subsequently declined to accept the offers. “As places became available”, she said, “places were offered according to scores achieved”, i.e. “scores achieved at the interviews. The Respondent “worked through the list” (i.e. the “summary matrix of marks”), Dr Richardson said. Even if one accepts at face value this ‘evidence’ from Dr Richardson, her own ‘evidence’ is, essentially, that the “provisional” offer made to me at the end of August 2002 was accidental. The “offer” would never have been made if a “substantial” number of the applicants had not declined the offers made to them in March 2002. If one accepts Dr Richardson’s evidence at face value, I owe the “provisional” offer only to the fact that a lot of people that the Respondent wanted on its course did not, in fact, want to be on the Respondent’s course.

145. I ask that the Court grant the reliefs sought and do so on the grounds specified in the Notice of Motion.

PATRICK KELLY

AFFIRMED by the said Patrick Kelly

This day of November 2006

At

Before me a Practicing Solicitor / Commissioner
for Oaths and I know the deponent

PRACTISING SOLICITOR / COMMISSIONER
FOR OATHS

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK1 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

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EXHIBIT PK2 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

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NOTICE PARTY

EXHIBIT PK3 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

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EXHIBIT PK4 TO AFFIDAVIT OF PATRICK KELLY

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Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

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EXHIBIT PK5 TO AFFIDAVIT OF PATRICK KELLY

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THE CIRCUIT COURT

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EXHIBIT PK6 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK7 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK8 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK9 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

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THE CIRCUIT COURT

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EXHIBIT PK10 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK11 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK12 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK13 TO AFFIDAVIT OF PATRICK KELLY

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THE CIRCUIT COURT

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EXHIBIT PK14 TO AFFIDAVIT OF PATRICK KELLY

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THE CIRCUIT COURT

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EXHIBIT PK16 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK18 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK20 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK21 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK22 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK23 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK24 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK25 TO AFFIDAVIT OF PATRICK KELLY

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NOTICE PARTY

EXHIBIT PK26 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK27 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK28 TO AFFIDAVIT OF PATRICK KELLY

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THE CIRCUIT COURT

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EXHIBIT PK29 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK30 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK31 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK32 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK33 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK34 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK35 TO AFFIDAVIT OF PATRICK KELLY

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NOTICE PARTY

EXHIBIT PK36 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK37 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK38 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK39 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK41 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK42 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK43 TO AFFIDAVIT OF PATRICK KELLY

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THE CIRCUIT COURT

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EXHIBIT PK44 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK45 TO AFFIDAVIT OF PATRICK KELLY

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THE CIRCUIT COURT

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EXHIBIT PK46 TO AFFIDAVIT OF PATRICK KELLY

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THE CIRCUIT COURT

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EXHIBIT PK47 TO AFFIDAVIT OF PATRICK KELLY

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EXHIBIT PK48 TO AFFIDAVIT OF PATRICK KELLY

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AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK49 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK50 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK51 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK52 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK53 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK54 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK55 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK56 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK57 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK58 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK59 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK60 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK61 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK62 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK63 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK64 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK65 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK66 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK67 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor

THE CIRCUIT COURT

IN THE MATTER OF SECTION 28 OF THE EQUAL STATUS ACT 2000

PATRICK KELLY

PLAINTIFF

AND

NATIONAL UNIVERSITY OF IRELAND, DUBLIN
AKA UNIVERSITY COLLEGE DUBLIN (UCD)

DEFENDANT

AND

THE DIRECTOR OF THE EQUALITY TRIBUNAL

NOTICE PARTY

EXHIBIT PK68 TO AFFIDAVIT OF PATRICK KELLY

Patrick Kelly

Commissioner for Oaths /
Practicing Solicitor