

Executive Summary

A.1 Summary Findings

Dr. Brett Fleisch's right to tenure under Standing Order of the Regents 103.9 has been violated because his appointment was terminated without good cause. The Administration's claim of good cause based on a valid resignation is rejected because the document it cited, an email dated 11/15/09, is deemed not a resignation but an expression of *nonspecific* intent to resign, subsequently qualified as *contingent* and *noncommittal* as well. Dean Abbaschian erred in interpreting and acting on this vague and informal communication as a resignation.

A.2 Recommendations

1. Dr. Fleisch should be reinstated to his tenured position as it was prior to termination; be granted an unpaid Leave of Absence for F'09¹; and be made whole as to salary, benefit costs and reasonable attorney's fees.
2. The Administration should work, preferably in concert with the Academic Senate as regards Senate members, to develop and announce a clear policy defining 'resignation', possibly taking section C.1 below into consideration.