

7/7/17

Re:Regents vs Prof Brett Fleisch

I would encourage you to protest the UCOP civil case referenced in the subject line. This case that has turned its attention to an incorrect understanding of the faculty mission in citing precedent cases to the Court. The UCOP lawyer improperly characterized the faculty as “mere teachers” without a need for a public web site. It appears, the UCOP lawyer was unfamiliar with the mission of the University and its faculty.

In yesterday's presentation, the UCOP lawyer was requesting that a personal web site be disallowed because of a precedent case at UCB that found janitors should not have web sites. This analogy is frivolous and unwarranted denial of rights for faculty. The arguments went further to suggest faculty should not have web sites due to us being “mere teachers” akin to janitors in the precedent case; this is significantly disruptive to current faculty and emeritus faculty in both research and outreach activities.

Another problem left undiscussed is the outcome of not placing tenured/emeritus faculty on the UC web site. This appears to be foresaken by Chancellors not properly conferring emeritus rights specified in the Bylaws. The faculty could lose emeritus rights because UCOP considers the faculty not a sports “coach” that should have a web site. This logic flies in the face of Bylaws and intuition. Nonetheless, the result of precedent civil cases is they can be used to besmirch the entire faculty. The janitor case is one such example. This could lead to a possible loss of emeritus rights for all faculty by legals simply citing the precedent case, a precedent case that really does not apply, or this case. Consequently, it may be the University could curtail faculty emeritus rights not understood by the UCOP lawyers but supported by the Bylaws. As such, it is not in the interest of the faculty to have its Bylaws attacked in a civil court room possibly leading to unanticipated adverse consequences.

Sincerely,

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