

The reasons for our conclusion are:

1. You failed to provide any examples or instances of specific behaviors or actions that would constitute harassment.
2. You failed to provide any bylaws, rules, or other codified regulations that were violated, so this Committee has no reference on which to base a decision.

In this same grievance you also claim that you were wrongfully terminated. Again, as per bylaw 335.B2, the Committee must make its assessment based only on the written grievance as submitted. In this case we find that *if* the allegations as stated in the written grievance *are true*, we agree that a *prima facie* case has been made.

The reasons for our conclusion are:

1. An involuntary submission of resignation/retirement is not an acceptable source to institute separation action.

In keeping with the process of Bylaw 335, the Committee will move forward with a preliminary review of evidence to determine whether there is sufficient reason to believe that a right or privilege of the grievant may have been violated.

By copy of this memo, we ask that the Administration submit any applicable documentation to justify the separation action. Depending on the administrative response, we may also ask to schedule an in-person meeting with Dean Reza Abbascian, and Department Chair Laxmi Bhuyan.

So that this case can move forward expeditiously, we request that the administration submit its response by the end of business day of October 14, 2011.

cc: Dallas Rabenstein, Executive Vice Chancellor and Provost
David Funder, Vice Provost for Administrative Resolution
Reza Abbaschian, Dean, Bourns College of Engineering
Laxmi Bhuyan, Chair, Department of Computer Science & Engineering
William Kidder, AEVC
Cynthia Vroom, Office of General Counsel
Mike Lane, UCR Chief of Police
Members, Committee on Privilege and Tenure

Committee on Privilege and Tenure

September 28, 2011

To: Professor Brett Fleisch

From: Victor Lippit
Chair, Committee on Privilege and Tenure

Re: Grievance Submittal – Prima Facie Determination

I am hereby notifying you that the Committee on Privilege and Tenure has reviewed the two written grievances submitted by you and received on July 26, 2011.

In the first submittal, you claim that your rights and privileges have been violated by your denial of consideration for an administrative position. Specifically, you claim that you were treated unfairly by not being provided follow up information or by not being invited to be a part of the search (interviewed) for an administrative position.

As per bylaw 335.B2, our determination was limited to a review of the written grievance only and as such, we conclude that there is insufficient reason to believe that your rights and privileges were violated. Further, we conclude that the allegations as stated in the written grievance, if true, would *not* constitute a violation of your rights and privileges (no *prima facie* case is made).

The reasons for our conclusion are:

1. There is no indication of bias or discrimination in your potential candidacy for an administrative position. The simple fact that you submitted an application does not guarantee an interview for the position, nor is anyone *required* to provide "follow-up" information to job candidates.
2. You made mention of an Equal Opportunity law that was violated but failed to provide the specifics, so this Committee has no reference on which to base a decision.

In your second submittal, you claim wrongful termination and wrongful lunacy (harassment). Again, as per bylaw 335.B2, the Committee must make its assessment based only on the written grievance as submitted. Based on this review, we conclude that there is insufficient information to make a prima facie determination of wrongful lunacy (harassment).