

I, Brett D. Fleisch, Ph.D, was mistakenly terminated in 2011 from the University of California, Riverside by a colleague or a staff member that listened to the voice mail I left and terminated my appointment. UC officials, defending the parties involved, said that I could not retract my resignation, which was never tendered. The colleague (or staff member) went to my web site, downloaded paperwork and submitted it administratively. The nonsensical sequence of events includes a resignation never voluntarily tendered and dated in the past.(See exhibit at [brettfleisch.com/Synopsis.pdf](http://brettfleisch.com/Synopsis.pdf))

I sent a brief email indicating the action should promptly be undone upon receipt of the notification I resigned. This retraction was ignored. I could not determine why at the time. In addition, Prof. David Funder, argued I resigned which is wrong in computer security terms and in legal terms. Funder used a zero tolerance policy that he stated I violated in leaving a voicemail message. No threatening behavior from me was involved. This would be the main reason a protection order could be used to terminate an appointment and he had to justify it in a phone call that did not explain himself properly.

Both Prof. Bhuyan and Prof. Funder fired a *tenured* faculty member. Under the University Bylaws this cannot happen administratively in the way that it did; faculty cannot fire other tenured faculty who leave voicemail. Firing a tenured faculty member requires a case through the Committee on Charges. As mentioned earlier, a protection order was used to reclaim office space. Both administrative issues violated Bylaws and Regents orders. Both were handled wrong administratively. It was a firing without cause with a later administrative use of civil law to deny academic rights. The order itself obstructs justice. The construction method involves a lack of disclosure, transparency and document routing disclosure.

The protection order complaint it discussed at [brettfleisch.com](http://brettfleisch.com). In the protection order there was no valid chain of custody on the resignation, nor did I appear, nor did I resign, nor did I sign paperwork by handing it in personally, nor did anyone sign it with others present. No legal paperwork supports the "resignation" statements in the protection order (TPO) nor the exhibits in the various documents. See the comparison document at [brettfleisch.com](http://brettfleisch.com) A procedural safeguards must be signed to alter an employment file; none was obtained from me nor signed-off by me during the resignation that should not have happened.

Professor Funder used incorrect reasoning that I quit. In reality, I was fired and the University didn't resolve the complaint correctly. He was told I did something threatening which was a baseless accusation to secure the incorrect firing decision. There was no threatening behavior on my part. Moreover, the protection order (TPO) had legally incorrect and false statements arguing I resigned. It should be dismissed and vacated. The UCOP investigation did not research the issues and precedent cases in the references in [Synopsis.pdf](http://brettfleisch.com/Synopsis.pdf).

My Bar complaints against the lawyers misusing the protection orders for administrative purposes was "closed" arguing I can't complain about the lawyers malfeasance. They were not my lawyers the Bar said. Nonetheless, protection orders for frivolous reasons leads to a crime.

The District Attorney was informed and took no action for the felony complaint concerning the lawyers who made several protection orders of similar ilk i.e. using protection orders for administrative purposes of reclaiming office space or dealing with non-renewed faculty. Under law and civil code this use would be gratuitous. Please recall many faculty have emeritus rights that allow faculty access to their offices after a resignation. There are other emeritus rights, so the UC APM can be consulted.

Recall non-tenured faculty that are not renewed are often dismissed without “causes”. Employment lawyers would be quick to challenge the issue if engaged to do so. I suspect The EVC denied emeritus rights by signing documents the staff slipped by him. Hoodwinking and fraud may have been used by the staff involved in claims associated with the document exhibits in the Synopsis.

The word "resignation" has a legal meaning as explained in the article in the references at [www.brettfleisch.com/Synopsis.pdf](http://www.brettfleisch.com/Synopsis.pdf). As such, even if a copy of the purported resignation was attached as evidence with the protection order, it would not be notarized. It was also dated in the past. Nor would it be on my UC stationary using my definition of stationary posted at [brettfleisch.com](http://brettfleisch.com). It may as well be a forgery. This was not a legal resignation. See further issues in the Legallyfalse.pdf document. The official article with precedent cases and further information is at my web site. I provided no power of attorney to change the sequence of events. These events were sequenced in a manner to deny my revocation using an obsolete date in the past (denying present dated revocations as late) and then later to attempt to move the date forward to the present w/o a power of attorney.

To summarize, I suspect a staff member gave a colleague the document and claimed I made a personal appearance at the office to resign; that did not happen. All resignations could be required to be on faculty stationary and notarized. Professor Funder’s proof was clueless; later a rumor surfaced a staff member may have written most of the document and called me a non-tenured faculty member. Notarization would assist with forged documents. Or documents tendered by others. I suspect I was probably fired by a staff member; the coverup is frivolous use of zero tolerance policies which I never violated.

I point out errors in the Department's behavior in 2004-2007 and my later promotion concerns note. My statement is on my web site. Be sure to look at the Statement abstract and statement on my web site.

Finally, I should not be charged with additional penalties for being brought to a UC campus for an interrogation about the protection order the detectives couldn’t figure out. Officially, the bringing of me to campus should be without any campus penalties because it was a circumstance out of my control. This is affirmable because they did not charge me with a violation of the order by taking me to the campus for interrogation. See my “pick and choose” complaint where they botched the arrest procedure and blamed me for their negligence.

You would think after inspecting the campus over a decade or so the detectives would eventually figure out that there was a dearth of emeritus offices but faculty had rights to the office after resignations. The detectives never put the two and two together and tied it to the misuse of protection orders in the State of California. The detectives purpose should have been about this protection order being used for

administrative purposes of reclaiming office space (or other purposes). I did nothing threatening. I should not have been the one interrogated; the four people on the order should have been questioned.

As mentioned earlier, the University may also use protection orders to dismiss non-tenured faculty not retained. Recall the University dismissal of non-tenured faculty is without “causes” and can be challenged with employment lawyers who note there are “no causes” to dismiss the faculty member. The “homage” fraud seals the administrative homage in the protection order to give every appearance of something for law enforcement protection of the campus. Frivolous use of zero tolerance policies is coupled with this baseless accusation. In reality, that tactic is a bait-and-switch rationale that makes administrative decisions irrevocable arguing it’s for “law enforcement” needs with zero tolerance. This is further couched by calling the obstruction of justice a “personnel matter”. In my case, Professor Funder wrote an administrative decision. He used a zero tolerance policy and a phone call to me to accuse me of threatening behavior couched in imprecise language. Unfortunately, that accusation is false. There was no threatening behavior on my part. I did leave a voicemail he implied was a practical joke they take seriously and I needed to be terminated for.

Disclosure of the final destination, document routing and transparency are lacking in the document construction. Cross-purposing fraud is a concern during construction of the temporary protection order. Document construction may be hoodwinked by the staff as “for staff awards” but are in fact are constructed to be put in front of a judge without proper disclosure during the signature process. This is a judicial document the staff use to hoodwink the faculty involved in the process.

Sincerely,

Brett D. Fleisch, Ph.D.

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