

University of California, Riverside Violations

Employment Dispute

Tenure Rights

Emeritus Rights

Discrimination Claim

Age Discrimination

Penalty for government service - discrimination

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National Science Foundation 2004-2007

Tenured 1997 UC, Riverside

History

- In 2009-2010 the Dean of Engineering claimed an email I sent constituted a tenured faculty member's resignation
 - Took 6 months to resolve in Promotions in Tenure committee
 - Determination that resignations must be taken seriously and must be voluntarily tendered
 - Promotions and tenure issued a report called the "Ran Report"

Summary of Report and Recommendations

- Resignations must be voluntary
- Resignations must be tendered in person
- Resignations should be notarized to prevent forgery and guarantee authenticity
- Resignations are not meant to contemplate a future which is what the email was talking about
- Guidelines from this report were to be added to Academic Senates guidelines for the future
 - Outcome nothing was done
 - Personal outcome: I did not resign by email from an “airport lounge”

In 2011

- University staff was told I would not teach CS6 and chose to download my resignation off the Internet from my web site as a result of a phone conversation dispute
- A rainy day stored version I kept there was used
- The staff supplemented the resignation with a “protection order”
- It was their choice to tender my resignation, not mine (see my 2 page statement of unresolved complaint)
- The staff of Computer Science and Engineering tendered this resignation, not me

A Specious Protection Order

- Contained 4 sections with 4 signatures
 - Dr. Bhuyan signed a blank page
 - Dr. Payne’s section rambled and made little sense about me being preoccupied
 - Jackie Li complained that I reported my fire alarm broken
 - Does that constitute the need for a protection order?
 - Amy Ricks complained as a disgruntled employee about me showing around results from target practice and blaming me for threatening people with them
- Each section of the order is disparate, none talks about a cohesive item that was a “threat”, no was there a relationship between the four sections that indicate a need for a protection order
- The 4 sections do not reinforce each other with a uniform complaint
- The four sections appear disparate and an unrelated set of nonsense stapled together for a judge to sign

A Specious Protection Order

- Front sections were created to the protection order presumably by the lawyers involved
- As of 5/27/2014 I have not met the lawyers who compiled the hearsay front speculation section consisting of speculation and facts not supported by evidence
- It is not clear this section was read by the four witnesses and this is treated as an “opening statement” or each witness read the section or not
- Lawyers that created front section of the report had no references for their speculation
- A judge is duped and eventually signs the order
- It becomes legal, but specious

A specious protection order

- If the office manager in Computer Science and Engineering complained that I reported my fire alarm broken in/nearby my office does that constitute the need to protection the University for two years from me and me from campus?
- Does Dr. Bhuyan's blank page?
- Does Dr. Payne's ramblings about me being preoccupied?
- Does a disgruntled staff member get to fire a tenured professor thru innuendo, false claims of threats that were never made by me to anyone? It is hearsay that is the basis of disgruntled's employee's complaint?

2011

- I sold my BMW and lived off the proceeds assuming that the protection order would expire after 30 days and I needed income
- After 6 months, Mary Johnson told me after six months went by that if I did not sign into the retirement plan I would lose the retirement annuity
- After 20 years of service about 50% of salary is paid at max
- After 40 years of service about 100% of salary is paid at max
- They are paying me 28.6% of nonpromoted salary for 19 years of service
 - Formula uses an “age factor” which arguably is a form of “age discrimination” for resignation they tendered at that age

Normative Times in Rank

- Assistant Professor – 6 years
- Associate Professor – 6 years
- Fleisch: Assistant Professor 1992-1997
- Fleisch: Associate Professor: 1997 (tenured) -
- Fleisch: 2004 to 2007 (over 36 months) Program Director, National Science Foundation for research area operating systems and distributed systems
 - Was not promoted to Full Professor during government service period (no reasons, just poor judgment, no lateral)
- Upon resumption of duties after NSF in 2007 University argued there were no “teaching evaluations” 2004 to 2007 and UCR delayed promotion 3 more years under the rationale during government service there was no teaching evaluations (penalizing me for government service and becoming a national leader in the research area)

University Promotion Excuses

- Department used being paid to direct the research area in government service as a means to not promote me due to reduced duties while away
- 100 percent of my pay from the National Science Foundation for the entire period vis a vis UCR
- University Excuse: Requesting three more years of teaching evaluations due to government service. This merely delays promotion for directing the research area for the United States while the government paid the bill for me, UCR had no teaching during my NSF service. Penalty for government service by three year delay on teaching.
- Graduated PhD and M.S. student(s) during period of government service (IRD)
- Full list of students supervised and institutional supervision in my vitae www.brettfleisch.com/

Summary

- University staff tendered my resignation
 - University denial of tenure
 - University denied emeritus rights
 - Placed my office in storage
 - Sold off what I didn't pay for picking up
 - Loss of property, books and awards in my office
- Discrimination in retirement formulae uses an age factor which is age discrimination and underpays the annuitant (28.6% instead of approx 50% for ~20 years of service)
- Never promoted to full professor due to penalty for government service work (undeserved)
- Age discrimination used in retirement plan using an “age factor” which is a form of age discrimination

Summary (2)

- Lawyers create non-factual speculation as to the starting narrative of the protection order to deny my rights.
- There are no references and I have never met these people (the lawyers who wrote the front section).
- Factory line uninvestigated material
- There are no references for the speculative front section of the protection order