

May 23, 2015/Updated November 25, 2015 / Updated May 24, 2016

Securing Faculty Rights and Constitutional Rights Due to Inadequate Administrative Policies

The number of emeritus offices in the UC system has always been a source of concern whether as a graduate student 6 years or in the 19 years I was on the faculty at UC, Riverside. Where have they gone? How are they managed?

How could so many faculty disappear from the UC system after tendering resignations? How could they never be seen again and never pay visits to UC campuses? The UC answer we are told when looking for the office: "**its a personnel matter**". In these notes, I will examine this issue. Please see the letter to District Attorney Hestrin July 25, 2015 at www.brettfleisch.com/hestrin.pdf

The real answer(I suspect): The faculty member received paperwork called a "protection order". This effectively means: no office, never come back, never call, never send email, etc. This paperwork of isolation of the emeritus faculty member seems to be how so many emeritus faculty disappear from catalogs and disappear from their emeritus offices¹.

These notes are about securing the emeritus faculty member's office. This is a faculty right after a resignation for tenured faculty. We begin this discussion by asking about the paperwork needed to secure a faculty member's emeritus rights. In particular, where does the "protection order" paperwork come from?

It is my assertion that the paperwork comes from the staff reclaiming space for their units. In my case, one staff member was the Department MSO (Management Service Officer). The MSO is the administrative lead for an academic department. Another staff member participates. In total, two staff members pay homage **to the faculty member resigning** with a short testimonial about something they did.

What is the this homage? Presumably the most stupid thing they ever did; it is a short anecdote. It really doesn't matter what the story concerns. Each of the stories may not be related to each other from the testimonials. So it is not a uniform complaint about a common incident. Nonetheless, it is presumably truthful. No matter what is written, as long as it is truthful, there can be no complaint about staff or faculty behavior. (The whole process may be fraud – but the Judge legalizes it).

The existing faculty are reminded that it's "staff award time". Two other faculty members are asked to add a page to the testimonial. The faculty strongly support the staff mission and usually participate if asked. Both the faculty and or staff assume the paperwork pays homage to the resigning faculty member's service to the University. Would the faculty participate if they knew it was to deprive emeritus offices to their colleagues? The faculty may be told its for a "space reclamation package" or some other euphemism. In the UC system having a euphemism is a key element to diffuse the blame. There are no **watermarks on the paperwork** that suggest it is for a legal document. There is **no attestation line near the signature** that states "under the penalty of perjury".....or "this is for a legal document". A signature is required but an homage goodbye requires no thinking of the faculty. This is a poorly designed form from the State of California. The faculty may not know its for 1) a form from the State 2) a form for a judge to eventually sign or 3) it denies an academic right (and a constitutional right i.e. 2nd ammendment).

Some faculty add a blank page, others write a couple sentences. Its not clear how judges accept blank page homages. The input paperwork 4 pages is put in for a staff award. The output paperwork adds legals attesting the University needs to get rid of the faculty member. Unfortunately, no one knows where the legals who have never met the defendants get the notes claims. See my Brady complaint for what they wrote about me at www.brettfleisch.com/Brady.pdf

The University gives it to a judge that signs it. The Judge may never read the 30 day order. This is called a TPO. These are usually signed by Judges easily due to the short-order nature of the order. The protection order is served to the faculty member by officers. The faculty member is confused by the paperwork and most never determine that it denies a right that otherwise must be denied thru Privilege and Tenure and/or the Charges Committee if there are charges to be brought². The paperwork appears to be nonsense. The judge may not have read it. It expires in 30 days so there is no need for the faculty member to take an action. Yet it is renewed often due to no contest because the hearing which is otherwise to close out the paperwork is to renew the paperwork.

¹There is currently no contract offered to the faculty for rights upon retirement (see the APM for emeritus rights); on the other hand there is a reclamation policy to get the office space for faculty that leave non-tenured perhaps used for both.

² There are usually no charges since it is an "homage"

Yet there is no box that says a renewal is planned³. Note also there are no watermarks on the paperwork so the person preparing the complaint has no idea where it will go in some or many cases. There is also no box indicating the name of the person being written about required. A blank form with a mere signature can be the complaint or homage.

This is how the UC system has few emeritus faculty offices. There is some fraud in policies and procedures the UC system uses; it is with the participation of the staff and faculty. Under academic rules, denial of rights goes through a committee process on campus. What begins as a staff award becomes a “protection order”. It's a form of “paperwork laundering”. Naturally the judges do not understand academic rights, do not have time to read the order and sign the lawyers protection orders as "**trust me**" proposals. Often the judge asks "who signed it before me"? A chain of judges may not have read it. As long as a judge signed it, it is affirmed as legal. The chain of “trust me” becomes the victim's nightmare.

The faculty member and the judges are unable to make sense of the original four pages so the lawyers prose is the only thing that makes the homage document seem reasonable. That part of the document was written by lawyers who apparently think the faculty member was never a faculty member due to signatures obtained (somehow). The judges assume the faculty member committed an offense and was being separated. The lawyers just do not investigate what they are doing carefully; perhaps because previous signatures were on-campus staff or officers. Lawyers appear to not know the academic bylaws and rights on campus to be preserved. As stated earlier, the documents are often independent anecdotes as tribute or stupid story for faculty retirement. Because these stories are not the same, **the homages do not have a common complaint in the four passages.**

The faculty member is being told “get lost” by the lawyers who never met them. The paperwork has more support from the UC system than the rights being denied on campus; lawyers can't figure out why its being done. The academic rights are thrown out in the court room and not considered. Consequently, the faculty member's lawyers lose the case or recuse themselves. When winning it is declared a “paperwork messup”. Many resigning faculty read the paperwork from UC (about protection orders) that says “abusive people will not be tolerated” (paraphrased) understand its for a faculty office, and dont bother with it. They know what is going on. It's fraud for the office space which many will never use. They fail to understand employment checks from UC will fail from the former employer leaving them unemployable as well. **Overall, the mix and match of administrative policies and civil orders attempts to compensate for administrative policy inadequacy. The mix and match is used to satisfy existing administrators need for space reclamation within their units.**

A simple contract would have sufficed. Why spend money to defend emeritus rights? It denied tenure for Assistant Professors (if used) and in other cases improper checking leads to denial of tenure due to the order being a form of irrevocable “Bill of Attainder”.

See also www.brettfleisch.com/Brady.pdf The Brady complaint indicates that the UC lawyers testimony did not meet the legal definition of “resignation” in their protection order against me. See the two quotes from lawyers in the complaint. See www.brettfleisch.com/Resignations-PB.pdf for legal definitions of resignation according to precedent law. Judge J also made this mistake in his courtroom. See transcripts. The UC lawyers in system offices were used to “game” the Judges and use the fraudulent materials to support legal signatures and actions for the office space.

Brett D. Fleisch, Ph.D.
NO FEAR ACT COMPLAINT

To Do: Investigate top 10 University and other AAU University policies. Is there paperwork laundering? Is there a pyramid scheme in the reclamation of the offices?

Why do retired faculty not litigate against this ?

- The University takes the position that “protection orders” enforce the fact, through its lawyers, that violent and threatening people will not be tolerated on campus,
- Most faculty had legitimate excellent careers. They don't want to press against a smear campaign after they resigned, (this means they have no plans to seek employment elsewhere)

³ Please see the document at www.brettfleisch.com/Whosigns.pdf

- Most faculty know the University has more resources to defend their position even if the lawyers themselves dont understand emeritus faculty rights
- Most retired faculty that attempt to seek to protect their rights are not defended because the Office of the Public defender is used on criminal cases, not civil law,
- Retired faculty that see the real purpose may have no objection to losing their office,
- The University may state its philosophical position on protection orders to law firms that plan to represent retired faculty members. The philosophical position may dissuade the law firm to represent the client despite the fact that the protection order is specious. UC philosophy on violence and on-campus harassment implies the case would be otherwise a losing court case to fight the University about. Nonetheless, this form of protection order is fraud for the office space and not the intended legal purpose of the protection order. The reverse is true: the University harasses the faculty member with the “protection order” that is undeserved; it denies a right after retirement using civil law.
- Academic rights may not be protected under [18 USC 242](#) but a “protection order” denies 2nd Amendment rights

----- Forwarded message -----

From: **Brett Fleisch** <bdf951@gmail.com>
 Date: Mon, Nov 3, 2014 at 1:38 AM
 Subject: Fwd:
 To: attorneygeneral <AttorneyGeneral@doj.ca.gov>

Dear Attorney General Harris:

The UC System may be using "protection orders" in the manner I described below to the Riverside DA throughout California in the UC System. I hope you can investigate this issue described more precisely for my case at www.brettfleisch.com/packinglist.pdf the Powerpoints give the case (found in a pdf file).
 Brett D. Fleisch, Ph.D.

----- Forwarded message -----

From: **Brett Fleisch** <bdf951@gmail.com>
 Date: Sun, Nov 2, 2014 at 11:19 PM
 Subject:
 To: inquiries@rivcoda.org

Dear DA Office:

I believe the UC protection order against me is specious. I believe they do not understand my claim of wrongful termination. I also believe they used a protection order against me, willfully, to deprive me of my emeritus rights. This allowed them to reclaim space on campus including my office in Engineering.

A denial of emeritus rights would have to be approved thru Privileges and Tenure and they did not secure the permission. Furthermore, my letter from Privilege/Tenure states in 2011 they would investigate and rectify the case. There was no response.

I believe the DAs office is being misused to enforce the protection order that is fraud to reclaim my office space. My case is explained at www.brettfleisch.com/packinglist.pdf

Thank you.
 Brett D. Fleisch, Ph.D.
