

September 16, 2017

Re: Board decision re "Removal" as Program Advisor  
André Marc Andrus

**My Request that the Board recognize Existing Policy  
(this is not the Appeal)**

Hello BBFI Board members,

I am very disappointed by your actions, not only for myself but for the station. In your haste you over-looked a multitude of things and failed to respect or best represent and speak to the health of KBBF on many fronts. I write this because you ignored your own policies and violated my appeal process Rights, and in fact, you were 30 days ahead of your own process.

Therefore, this is my Request to Recognize Existing Policy. If you choose not to agree with Requests #1 and 2 below, then you will find my formal Second Appeal in a separate document, though coming after your hasty determination. These two documents each have a different place and purpose to the original action.

Since there are many violations and convolutions to the order of procedures, as well as all the things that took place between 8/14 and 8/18, it causes many moving parts to these two letters. I will do my best to clearly reconstruct what should have been the correct order of procedures regarding these issues.

I understand that board decisions are typically final, however in light of these problems within this decision it's difficult to ignore, or to even know where to begin. I began writing this as one document and then decided for the sake of clarity to try to cleave these into two separate documents. I have been laboring over this stuff for well over a week now.

I remind you all that this title and position I created of Program Advisor is a volunteer position and that I receive no compensation for it whatsoever. My motivation has only been to benefit the individual programmers, the programs they run, and ultimately to KBBF itself. To strip me of this title does not harm me in any way, it only hurts the radio station.

It disturbs me that in your quest to supposedly improve the radio station, you trample the needs of KBBF and the community, and perhaps more importantly, on the rights and needs of the very resource this station depends on, the programmers and volunteers. It is not within my character to stand back idly and witness this passing me by, and therefore this is ultimately a fight for ALL the programmers and volunteers. I want to hold the Board to the standards that you are charged with protecting.

I am still unable to understand what policies I may have violated and what, if any, transgressions I may have committed as Program Advisor. No one has provided any details.

I lay out very clear evidence that as the BBFI Board, and in now attempting to respect and honor the KBBF policies, you have very little choice but to void Edgar's action attempting to fire me from my title, and to also void your own action attempting to do the same thing. As much as some of you would like to have the freedom to disregard the KBBF policies, you are actually held to a standard and obligation that falls within these policies, and not outside of them. If you don't follow your own policies, then who will?

I also take a closer look at the many other aspects surrounding this issue, address many of them, and show the violations of policy and some flaws in judgement.

**The Agreement** - Although generally speaking, there are fewer laws in place to protect volunteers, as compared to compensated employees, the Volunteer Manual is in fact an agreed code of conduct between the volunteers and KBBF, as evidenced by the "KBBF Volunteer Agreement Signature Page" on page 14, and the body contains a specific set of obligations and responsibilities for both parties. In other words, it cuts both ways.

**Board Obligations** - The Board is obligated to follow its own policies and to protect the rights of each volunteer. The Board is also obligated to respect and speak to the core mission of KBBF and of Public Radio itself. It should be working only in the best interest of the radio station, and should never tolerate a Board member, particularly the President, from abusing their power by attempting to carry out a personal agenda or vendetta against a volunteer.

Whether adeptly or not, when the Board or a KBBF staff member attempts to hold a volunteer accountable to these rules and policies, you/they are demonstrating an understanding of these rules and policies, as well as its legitimacy, and therefore demonstrate an agreement to follow them.

One of the duties of your Board President is to have a working understanding of the various laws and regulations that the station and the BBFI are held to, in order to follow the requirements necessary to maintain the various business and FCC licenses, the 501c3 status, and other statutes issued by the various regulatory bodies, including the State, the Secretary of State, the Feds, and of course other local laws and ordinances to do with the various aspects of running a radio station, including having volunteers.

It is also the duty of the President to ensure that the Board and staff members follow each of these requirements and particularly in every determination and action. If you would like a better understanding of these, I encourage you to ask Alicia Sanchez, as she should be fully capable of answering your questions and provide you with the relevant details.

However, I am doubtful your President holds this working understanding, let alone knowing how to adeptly navigate through them. The Board's transgressions under her

leadership on just my case alone is a good indicator. I provide you here with further details.

It is clearly out of the question that I would now receive any appointment onto this Board, so instead of waiting to work on these issues and policies when I am on the Board, we will all have an opportunity to look at them now.

**This Letter** - This letter speaks not only to this decision, but also to other decisions made by this Board and staff members, and is not going to be an easy read for some of you because I point out many different types of problems in the way you handled this case. It also speaks in part to a larger and more pervasive problem with Board leadership, and also to an appalling, disturbing, and flagrant disregard for the KBBF policies. The same is true for the BBFI By-Laws, but I will address that separately.

I state four specific Requests in the first half, and then four specific appeals in a separate letter titled, 'My Second Appeal to Edgar's Decision'. The body of these two letters are the points and arguments to support them, followed by a List of Recommendations around KBBF policy in the Appeal.

**Receipt of Your Decision** - I was not actually aware of this decision until more than a week after Caroline sent it from an email address that does not include the term 'KBBF'. I have a Mac 'Smart Email' folder that looks for this term. Alan later informed me of this email and when I looked it wasn't in my Inbox and didn't see it in my spam folder, which discards emails after 7 days. On Sept. 1 I asked Caroline and Santos to re-send this determination and have heard nothing back. Alan forwarded me a copy on Sept. 2 and I was then able to read it for the first time. I believe I have written some letters signed as Program Advisor during that time, so just know that I was unaware of your decision.

**My Request for a Copy of the Manual** - I came to you at the last Board meeting of August 17 after getting assaulted that morning by Will \_\_\_\_\_ and Edgar Avila, and after receiving multiple other accusations and mischaracterizations from Edgar and Alicia Sanchez. I thought that I had made it pretty clear that earlier that morning I was simply exercising my right to request a copy of the latest KBBF Volunteer Manual from Edgar in follow-up to his suspension of Jorge's show, 'Voz del Pueblo'. I have yet to receive any copies.

**The Assault** - I would encourage you all to look up the definitions of 'Assault and Battery' for yourself, and particularly to you Alan keep in mind the requirement is if a behavior matches ANY of the criteria, not all.

**Edgar's original Action to Fire Me** - Only four hours after the assault Edgar then tried to strip me of my title as Program Advisor in an email by making an assumption that my title falls into his department. Later that evening I saw his attempted Notice in an email.

Edgar's notice, dated August 17 (Thursday) 3:23pm: "André, This is to inform you that you are no longer Programming Advisor for KBBF's programming department. -Edgar Avila"

It is nothing more than a single sentence, but most importantly it doesn't provide a single reason or detail. He didn't even bother to sign it with his title.

He was also unable to to correctly state my title. He called it a "Programming" Advisor in the subject line as well. The correct title is Program Advisor. He added four letters to my title, and perhaps did so in order to be a better match to his own title of "Programming" Director.

His motive to fire me was factually baseless, both in his notice and also in his reasoning. He made no attempt to support his rash decision with any policy, nor with any written documents, such as an agreement or a job description, and he provided not a single bit of logic or reasoning. I remind you that all staff members are held to the same policies and standards as all other volunteers, and therefore he needed to cite specific violations of policy and provide a rationale, if any, and he didn't.

Therefore his motives are hidden and not based in fact or policy. He either has a hidden agenda or it's a case of retaliation for serving him with a 'demand for documents' four hours earlier.

**My last Public Comment** - When I spoke at the board meeting that evening, I shared with you some details of the assault and several other concerns, including for my own safety, and asked for your help and assistance. I was unable to mention anything about Edgar's attempt to fire me since I didn't yet know about it. Less than an hour later, in a closed meeting, it appears you responded by confirming his firing me, asked me to stay away from the station, and apparently both Will and Edgar continue to work in the office and studios. Good job in coming to the rescue!

**Summary of That Week** - On the Monday morning of 8/14 I get ahold of Edgar to talk about the show I was helping, 'Voz del Pueblo' and mentioned Evelina Molina, that afternoon Alicia Sanchez, your Board President, begins to spread rumors about me and Evelina to Jorge, then in the evening she makes several implied and unsupported accusations about me, and violates rules of Confidentiality in the process; on Tuesday morning I respond to her accusations, Edgar suspends the show without even conferring with the host, Jorge; on Wednesday Edgar writes a raging and insane character assassination rant about me, none of which I had heard before; on Thursday I try to ask him for the latest copies of the supposedly relevant policies, and instead, I actually get attacked and violated. Then four hours later he tries to get me fired for no apparent reason.

**My Original Sin** - So far, no one has come forward with any reason or indication as to why I was fired. Not Edgar and not you. As well, I have no knowledge of any violations I may have committed either within my own job description, which doesn't exist, or within any particular policies.

Do any of you see a problem or connection here?? It's as BIG as day! The first point is that this is all connected; and secondly, it is coming TO me, not FROM me. I am the recipient and target of these various attacks on my character, my title, and my person.

Many years ago I worked for the Albertson's Grocery chain here in Santa Rosa for eleven years and for several of those years I was their Customer Service Trainer. During this time I learned not only the details of their Employee Manual but also on how to deal with problems. Early-on I was fortunate to learn of one of my biggest lessons, that customer complaints are the best opportunity to learn how to do things better. They see what you can't, and as a company or organization you are given the option to dig your heels in and defend bad policies and actions, OR to learn by them. You have the same options here. Time will tell us how well you do.

**Your Action** - That evening I appealed for your help, and instead of acting in a sage and cautious way you hurriedly and carelessly voted to get me fired. Just like Edgar did, you also provided not a single bit of evidence or policy, nor do you provide a single bit of reasoning.

In retrospect, does this strike you as strange? Then, instead of firing Edgar and Will, you ask me to stay away from the station.

You certainly make it inviting for others to bring their concerns to you!

**Policies or Unilateral Control** - Let's start with the issue of following policy. Either you respect and support Edgar's contention that he has unbridled, and perhaps reckless, power and control over the programmers and some other volunteers, OR you respect and support the existing KBBF policies... but you don't get to do both.

I'm sure you are all aware of the Volunteer Manual, but I can see that many of you are unfamiliar with its content. My apologies to Alan, I have been hammering him over the last few weeks on the multitude of problems with the staff and Board members not following the KBBF policies, plus a multitude of other problems, including weak and missing policies, and about the neglected notification process.

**Getting a copy** - I have heard nothing back from Edgar regarding my request on 8/17 for a copy of these policies, and the same for my request to Caroline and Santos for the same in an email on 8/20. These policies should be readily available to me or any volunteer and it shouldn't be such a big deal to simply get a copy.

If I, or any volunteer, are going to be held accountable to the standards of a set of policies, then it is my/our Right to ask for, and RECEIVE, said copy. When I asked Edgar for this on the morning of 8/17, I was simply exercising my Right. The staff and Board has still failed to provide me with a copy.

You as the Board, appear now to establish yourselves as participating in, and supporting, the prevention of acquiring these policies, as well as their transparency.

I went back into some earlier files in my computer and found a copy of the 2011 version, and have since received a copy from another station volunteer, so unless there is a more recent version I will be referring to these ones.

**Appeals Process** - On page 5 of the Volunteer Manual it states, "Any member or programmer may appeal any disciplinary action using the following procedure:" It then outlines that the appeal process involves a First Appeal and a Second Appeal.

**First Appeal Process** - In the First Appeal it states that one is to "Submit a written appeal to the Programming Director or General Manager within 15 days of the action."

I responded in writing to Edgar's action to fire me on the same day and cc'ed to all the Board members.

The policy then states, "The Programming Director must then investigate the circumstances surrounding the action and provide a written response to the complaint within 15 days of receipt of the appeal."

The appeal process requires his response within 15 days to support his action, and Edgar through today has still not provided me with a written response.

Although the policy does not specifically state the consequence for such a failure to respond back, by way of the requirement it clearly implies that the action is then to be considered void and dismissed. Since this clause does not hinge on any additional action by the person making the complaint, the inaction of the PD alone suffices the requirement, and is therefore sufficient to immediately void the original action.

**REQUEST #1** I ask this Board to recognize and honor the process of the First Appeal and deem the inaction of the Programming Director, to respond in a timely manner in writing to my complaint, as a failure to follow through on his original action attempting to strip me of the title of Program Advisor, therefore rendering that original action as Void.

This is the rightful action that you should take as it comes straight from policy, and should end the need for me to provide any additional arguments, and should then deem your action also as Void.

If for some reason you believe however, that your action is still valid, then please continue reading and see my Requests #2 through 4 below.

**The Second Appeal Process** - On the same page of the Manual it states that:

"If not satisfied, the member or programmer may continue the appeal within the next 15 days by providing a written statement to the Chair of the Programming Committee of KBBF. Following the investigation the committee will recommend any action they deem

appropriate to the full Board of Directors of BBFI who will then, at the next scheduled meeting, vote to accept, modify or reject programming committee chair recommendation.”

As you may know, we have no such Chair, and no such committee, so the question is whether to then go up the chain of command or to go down. To better answer this, one needs to take a look at the purpose of an appeals process. Simply put, it is to get another set of eyes and ears on it. In this case, it states ‘Committee’, which implies several people and not just one. The appeals process recognizes that people can make mistakes, such as conflicts of interest, personality conflicts, over-looking policies, and sometimes just plain old bad judgement. So the answer clearly needs to be that when a title or level is missing, the review process is to GO UP the chain of command, and not slide back down into the same problem. In this case, as there is no real station manager, it is logical that it would go next to the Board.

When this Board decided to review Edgar’s decision to fire me and to then make another determination on it, you precluded me from the Right of my Second Appeal. I was not given the chance to present my case or appeal to you, and hence the Board failed again to follow it’s own KBBF procedural policies, hence, the core reason for the appeal.

Your haste to make a determination came 30 days ahead of your own process. The policies make it clear you needed to wait until the first and the second appeal was already in place and the applicable times exhausted.

The policy does not state a remedy for this type of Board violation and therefore there is no requirement in place that holds the complainant to a following time limit.

The above reasoning should be more than sufficient, but if you still feel a desire to hold me to a time limit then the clock should start on Sept. 2 when I actually received your decision for the first time.

In Caroline’s letter of this Board determination, it appears it was a decision to blindly support Edgar’s action, as compared to an independent investigation and action with the same conclusion. In the event someone wants to interpret this decision as an independent action, and not a simple support, then I ask for the following requests in addition to Request #1:

**REQUEST #2 Since you didn’t wait for the completion of the first two appeals processes, violating your own policies, I ask that you find your hasty decision is therefore Void.**

If you agree with both Requests #1 and 2, then we are done, and there is no need to go further. In the interest of following your own policies, agreeing with these two requests are the only reasonable reaction.

If for some reason you do not agree with one or both of these, then I ask that you agree with the next two:

**REQUEST #3** You then recognize that in failing to honor my second appeal before the premature decision, that you find my Second Appeal will be treated as valid and timely.

**REQUEST #4** I further ask that you recognize that since we do not have a Programming Committee or Chair, you accept that the second appeal comes straight to you. You will get to address it correctly, and I hope this time you respect and follow the details of the KBBF policies and procedures.

In reading and understanding the KBBF policies, it's abundantly clear to me how your vote on the above four requests should go. The only reasonable reaction on your part is to agree with these four requests. Doing so will rightfully render Edgar's and your decision as Void. Even as a Board, you don't have nearly the latitude that some of you would like, when there is existing policy and rules in place.

I remind you again that this is NOT my Second Appeal, and if for some reason you as the Board don't honor the given KBBF policies, and hence my Request #1 and #2, stated above, but do agree with Requests #3 through 4, then the next step is to receive my Second Appeal, which I will provide separately.

It is also important to remember that all of this stuff will eventually get into the public record. I strongly urge you all to re-think here your methods and your positions, remember you have reputations to protect, and you should want to provide answers that will make you proud.

If you recall, I asked that Alicia Sanchez and her best friend Michaele Morales recuse themselves from these issues to do with me as I am convinced there is an existing conflict of interest.

I also encourage you to think of the KBBF policies, follow them, and be sure to frame your answers by citing existing policies.

This is part one of a two-part response.

Good luck!

Sincerely,

André Marc Andrus  
KBBF Volunteer since 1976