

November 16, 2020

Gene Block  
Chancellor

Re: Delegation of Authority in Health Sciences

Dear Chancellor Block,

The Academic Senate Executive Board reviewed the *UCLA Health and Student Health Special Committee Report* as well as the draft *UCLA Delegation of Authority: Interim Suspension of Health Sciences Faculty Member with Clinical Duties* at its November 12, 2020, meeting.

The members of the Executive Board have been appalled by the Heaps and other SVSH cases, and vehemently support robust SVSH protections and legislation to protect victims and ensure appropriate consequences for perpetrators. However, the Executive Board finds that the proposed delegation does nothing to advance such goals.

The Heaps OBGYN SVSH case at UCLA prompted the Report of the Regents' Special Committee reviewing UCLA's response to allegations of sexual misconduct in the clinical setting, specifically "1. *Diffuse and Disjointed Responsibility Without Accountability.*" The UCLA Division was advised: "Once a universal standard for suspension is established, it must also be clear who has the authority to apply it. On the academic side of governance, there should be a clear delegation of authority to the Vice Chancellor for Health Sciences (or equivalent senior Health enterprise officer) to place a physician faculty member on immediate investigatory leave."

After careful consideration, the Executive Board finds:

1) A universal standard for suspension already exists in APM016 (2002, revised 2020): "A Chancellor is authorized to initiate involuntary leave with pay prior to, or at any time following, the initiation of a disciplinary action if it is found that there is a strong risk that the accused faculty member's continued assignment to regular duties or presence on campus will cause immediate and serious harm to the University community or impede the investigation of wrongdoing, or in situations where the faculty member's conduct represents a serious crime or felony that is the subject of investigation by a law enforcement agency. When such action is necessary, it must be possible to impose the involuntary leave swiftly, without resorting to normal disciplinary procedures."

2) The authority is clear. It is a Chancellor's authority.

3) The Chancellor has already delegated this authority to the Vice Chancellor for Academic Personnel. No evidence has been presented that the VCAP has failed to exercise that authority promptly and appropriately. Further delegation would only diffuse authority.

4) The institutional failure that prompted the Special Committee Report was a failure of the Health leadership to engage the existing mechanism. The Health administration did not deploy the tools available to them. The proposed delegation does not address this problem, rather it creates diffusion of responsibility and accountability.

5) Delegation of academic authority to a non-academic vice chancellor or senior health enterprise officer is inappropriate, especially given that involuntary leave does not resort to normal disciplinary procedures. This would create confusion between academic and enterprise bodies.

6) The idea of having different processes for faculty by departmental location is unprecedented, inequitable, and completely inconsistent with the principles established throughout the entire APM.

7) Delegation of authority to suspend medical staff *to the Vice Chancellor for Health Sciences (or equivalent senior Health enterprise officer)* appears to contravene California law which separates authority for the suspension of medical staff from hospital leadership.

8) It also raises the possibility for grievance or other actions against the University based on these different processes.

For these reasons, the Executive Board advises strongly against the proposed delegation. Instead, The Executive Board recommends that the UCLA health leadership and its administration, in the language of the Report, be educated as to existing policy and authority.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shane N White", enclosed within a thin black rectangular border.

Shane N White  
Chair, UCLA Academic Senate

Cc: Emily Carter, Executive Vice Chancellor and Provost, Chancellor's Office  
April de Stefano, Executive Director, UCLA Academic Senate  
Mary Gauvain, Chair, University of California Academic Senate  
Yolanda Gorman, Sr. Advisor to the Chancellor and Chief of Staff, Chancellor's Office  
Jody Kreiman, Vice Chair/Chair Elect, UCLA Academic Senate  
Michael Levine, Vice Chancellor, Academic Personnel  
Huiying Li, Faculty Welfare Committee Chair, UCLA Academic Senate  
John Mazziotta, Vice Chancellor, Health Sciences  
Michael Meranze, Immediate Past Chair, UCLA Academic Senate  
Rachel Nosowsky, Deputy General Counsel, UC Legal - Office of the General Counsel  
Members of the Executive Board