

Executive Board

Delegation of Duty to Vice Chancellor of Health Sciences

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February 21, 2024

Joaquin (Quim) Madrenas
Vice Dean for Faculty, DGSOM

Re: Procedures Related to Involuntary Leave with Pay

Dear Vice Dean Madrenas,

At the January 11, 2024, meeting of the Executive Board (EB), members reviewed both the October 30, 2023 letter from Vice Chancellors Levine and Mazziotta, which addressed the redelegation by Vice Chancellor Mazziotta of the authority to place Health Sciences Clinical Faculty members on involuntary leave with pay (aka interim suspension with pay or investigatory leave) to you, and feedback from Academic Senate committees.

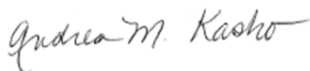
As noted in separate EB letters to the Chancellor and Vice Chancellor Levine on which you were copied, EB members voted unanimously in favor of a motion to acknowledge Vice Chancellor Mazziotta's conflict of interest and further support the Executive Board's prior position (see attached letter dated November 16, 2020) to not delegate or redelegate authority beyond the Vice Chancellor of Academic Affairs and Personnel. UCLA is an outlier compared to the other UC campuses with re-delegation of authority to place non-Senate faculty on investigatory leave. While several campuses delegate authority to the Vice Chancellor for Academic Personnel (or similar titles), none appear to re-delegate the authority beyond that initial delegation, including those campuses with medical centers.

Importantly, the unanimous motion also expressed concern about a disturbing lack of transparency and shared governance based on information provided in the attached letter from the Committee on Privilege and Tenure.

While we work with Chancellor Block and Vice Chancellor Levine to resolve our concerns regarding delegations of authority, EB members requested your confirmation to both ensure the inclusion of information about the grievance process in each involuntary leave letter so that faculty understand their rights and to provide consistent and timely notification to Vice Chancellor Levine so he may inform the P&T Chair and Analyst.

We look forward to receipt of your written confirmation.

Sincerely,



Andrea Kasko

Chair
UCLA Academic Senate

Encl.

Cc: Kathy Bawn, Vice Chair/Chair Elect, UCLA Academic Senate
Gene Block, Chancellor, UCLA
Jessica Cattelino, Immediate Past Chair, UCLA Academic Senate
Erika Chau, Assistant Vice Chancellor for Academic Affairs and Personnel, UCLA
April de Stefano, Executive Director, UCLA Academic Senate
Yolanda Gorman, Senior Advisor and Chief of Staff to the Chancellor, UCLA
Michael Levine, Vice Chancellor for Academic Affairs and Personnel, UCLA
John Mazziotta, CEO and Vice Chancellor, UCLA Health

February 21, 2024

Michael Levine
Vice Chancellor for Academic Affairs and Personnel, UCLA

Re: Notifications Related to Involuntary Leave with Pay

Dear Vice Chancellor Levine,

At the January 11, 2024, meeting of the Executive Board (EB), members reviewed both the October 30, 2023 letter from Vice Chancellor Mazziotta and you, which addressed the redelegation by Vice Chancellor John C. Mazziotta of the authority to place Health Sciences Clinical Faculty members on involuntary leave (aka interim suspension with pay or investigatory leave) to Vice Dean for Faculty Affairs at David Geffen School of Medicine (DGSOM) Joaquin Madrenas, and feedback from Academic Senate committees.

As noted in a separate response letter to the Chancellor on which you were copied, EB members voted unanimously in favor of a motion to acknowledge Vice Chancellor Mazziotta's conflict of interest and further support the Executive Board's prior position (see attached letter dated November 16, 2020) to not delegate or re-delegate authority beyond the Vice Chancellor of Academic Affairs and Personnel. UCLA is an outlier compared to the other UC campuses with re-delegation of authority to place non-Senate faculty on investigatory leave. While several campuses delegate authority to the Vice Chancellor for Academic Personnel (or similar titles), none appear to re-delegate the authority beyond that initial delegation, including those campuses with medical centers.

Importantly, the unanimous motion also expressed concern about a lack of transparency and shared governance. The attached letters from the Committee on Privilege and Tenure and the Charges Committee raised disturbing concerns that EB hopes you will address with all due diligence. This letter addresses these specific concerns.

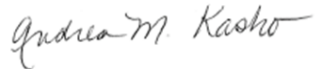
The Charges Committee indicated it has no record of a Vice Chancellor consulting with the Charges Committee or its chair prior to imposing an involuntary leave with pay despite the requirement to do so in Divisional Senate Bylaws (see Section 4. Interim Suspension in [Appendix XII](#)). EB members requested that you begin to do so in compliance with Appendix XII by emailing both the Chair of the Charges Committee and associated staff Analyst.

EB members were disturbed by the lack of transparency and shared governance documented in the letter reported by the Committee on Privilege and Tenure (P&T). They requested a response from you to address the issues raised in the P&T letter. Further, members affirmed the need for absolute certainty that Administration include information about the grievance process in each involuntary leave letter so that faculty understand their rights. They also affirmed the necessity of consistent notification, asking

you to copy the P&T Chair and Analyst on each notification of involuntary leave, including all cases involving clinical care.

We look forward to your response and learning about the steps you will take to address these concerns.

Sincerely,



Andrea Kasko
Chair
UCLA Academic Senate

Encl.

Cc: Kathy Bawn, Vice Chair/Chair Elect, UCLA Academic Senate
Gene Block, Chancellor, UCLA
Jessica Cattelino, Immediate Past Chair, UCLA Academic Senate
Erika Chau, Assistant Vice Chancellor for Academic Affairs and Personnel, UCLA
April de Stefano, Executive Director, UCLA Academic Senate
Yolanda Gorman, Senior Advisor and Chief of Staff to the Chancellor, UCLA
Joaquin Madrenas, Vice Dean for Faculty Affairs, UCLA David Geffen School of Medicine
John Mazziotta, CEO and Vice Chancellor, UCLA Health
Diana Messadi, Chair, Committee on Privilege and Tenure, UCLA Academic Senate
Marian Olivas, Principal Policy Analyst, UCLA Academic Senate
Brett Trueman, Chair, Charges Committee, UCLA Academic Senate

February 21, 2024

Gene Block
Chancellor, UCLA

Re: Redelegation of the Authority to impose Involuntary Leave with Pay (Interim Suspension)

Dear Chancellor Block,

At the January 11, 2024, meeting of the Executive Board, members discussed the redelegation of authority of involuntary leave (aka interim suspension with pay) of health sciences faculty members to, and beyond, the Vice Chancellor of Health Sciences. Executive Board members reviewed both the October 30, 2023 letter from Vice Chancellors Levine and Mazziotta titled “Redelegation of Involuntary Leave Authority,” which addressed the redelegation by Vice Chancellor John C. Mazziotta of the authority to place Health Sciences Clinical Faculty members on involuntary leave to Vice Dean for Faculty Affairs at David Geffen School of Medicine (DGSOM) Joaquin Madrenas, and feedback from several Academic Senate committees. Members voted unanimously in favor of a motion to acknowledge Vice Chancellor Mazziotta’s perceived conflict of interest and further support the Executive Board’s prior position (see attached letter dated November 16, 2020) to not delegate or redelegate authority beyond the Vice Chancellor of Academic Affairs and Personnel (VCAAP) per [Appendix XII](#). The unanimous motion also expressed concern about a lack of transparency and shared governance, the need to achieve and document the advisement of faculty about their grievance rights in every involuntary leave letter, and the need to ensure full notification by Administration to the appropriate Senate judicial committee of all involuntary leaves.

Shared Goal, Different Approach

First and foremost, we want to unequivocally state that we share the goal of protecting patients and understand that there may be circumstances that require swift action. However, we disagree that the best approach to ensure the ability of the administration to act swiftly requires diluting authority via multiple delegations or redelegations of authority.

Members affirmed the goal of expeditious action to protect patients and the institution. However, it is a red herring to suggest that the redelegation is the determinate for swift action. Existing policy and procedure already allow for a proactive and quick response. Members noted that the Health System already has an immediate clinical investigatory leave procedure (14 days) (note: this appears to be incorrectly conflated with suspension in the October 30th response letter). Further, the VCAAP has the authority to place faculty on involuntary leave/interim suspension per Appendix XII, and there is no evidence to suggest that the VCAAP could not do so by the end of the 14-day investigatory leave. Members emphasized a focus on consistent practice and accountability.

Conflict of Interest and VC Delegated Authority

Members agreed with the October letter that the Vice Chancellor for UCLA Health Sciences has a direct conflict of interest because he hears appeals if clinicians are suspended or terminated. He cannot both have the delegated authority to place faculty on involuntary leave and then subsequently hear their appeal. Therefore, delegation of authority to that position should be rescinded.

Accountability and Effectiveness

Members expressed the following concerns about the redelegation of authority from you to the Vice Chancellor for UCLA Health Sciences to a DGSOM Vice Dean:

Diffusion of authority may lead to unnecessary complexity and loss of accountability. Indeed, redelegating authority within the health system has the potential to hide or obscure problems. The Executive Board regards the failures to follow existing procedures documented in the attached letter from the Committee on Privilege and Tenure as evidence that the current level of redelegation is detrimental to our shared values of accountability and transparency. Placing the authority outside of the health system (i.e., with VCAAP) would assist in improving both.

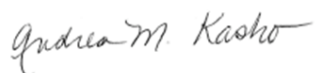
The act of redelegating could send the unintended message that safety and proactive accountability is not a top priority. Members were concerned about how three levels of delegation/redelegation would appear if something went wrong. Notably, UCLA is an outlier compared to the other UC campuses with re-delegation of authority to place non-Senate faculty on investigatory leave. While several campuses delegate authority to the Vice Chancellor for Academic Personnel (or similar titles), none appear to re-delegate the authority beyond that initial delegation, including those campuses with medical centers.

Members were disturbed by a lack of transparency and shared governance documented in the attached letter from the Committee on Privilege and Tenure. The uneven application and notice were greatly concerning. Members affirmed the need for absolute certainty that both faculty grievance language is included in the involuntary leave letter and consistent notification to judicial committees about each and every involuntary leave as required by Appendix XII. It is in our shared interest to achieve a transparent, smooth, and timely process, and the Academic Senate wishes to do its part.

In sum, the Executive Board shares your goals. However, it urges you to retain the delegation of authority with the VCAAP and no further.

We look forward to hearing the steps you will take to rectify this matter.

Sincerely,



Andrea Kasko

Chair
UCLA Academic Senate

Encl.

Cc: Kathy Bawn, Vice Chair/Chair Elect, UCLA Academic Senate
Jessica Cattelino, Immediate Past Chair, UCLA Academic Senate
Erika Chau, Assistant Vice Chancellor for Academic Affairs and Personnel, UCLA
April de Stefano, Executive Director, UCLA Academic Senate
Yolanda Gorman, Senior Advisor and Chief of Staff to the Chancellor, UCLA
Michael Levine, Vice Chancellor for Academic Affairs and Personnel, UCLA
Joaquin Madrenas, Vice Dean for Faculty Affairs, UCLA David Geffen School of Medicine
John Mazziotta, CEO and Vice Chancellor, UCLA Health

To: Andrea M. Kasko, Chair, Academic Senate

From: Diana Messadi, Chair, Committee on Privilege and Tenure

CC: Kathy Bawn, Vice Chair/Chair-Elect, Academic Senate
Andrea M. Kasko, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Marian M. Olivas, Principal Policy Analyst, Academic Senate
Members of the Privilege and Tenure Committee

Date: January 3, 2024

Re: Redelegation of the Authority to impose Involuntary Leave with Pay

The Committee on Privilege & Tenure (P&T) thanks the Executive Board for the opportunity to comment on the discussion about redelegating the authority to impose involuntary leave with pay on faculty. Imposing involuntary leave with pay without a finding of a violation of the Faculty Code of Conduct is potentially a violation of faculty rights. Therefore, per systemwide policy APM-016, “Thereafter, the faculty member may grieve the decision to place the faculty member on involuntary leave pursuant to applicable faculty grievance procedures. The Divisional Committee on Privilege and Tenure shall handle such grievances on an expedited basis if so requested by the faculty member.”

At the time the P&T Committee received the review request, there was a pending formal hearing grieving imposition of involuntary leave on a Senate DGSOM member. Although the hearing was removed from the calendar after the leave was lifted, the Hearing Committee (consisting of three current P&T members) continued to have concerns about the process. The grievant offered to provide P&T with their perspective, but has not yet contacted P&T, so we determined to move forward with this review.

DEFINITION

General. Involuntary leave with pay is the removal of a faculty member from regular duties and presence on campus. It is a precautionary action and, by policy, is not considered a discipline. “Suspension as a disciplinary action is to be distinguished from involuntary leave, which is a precautionary action.” Since it is not a discipline, the faculty is supposed to be paid. “In rare and egregious cases, a Chancellor may be authorized by special action of The Regents to suspend the pay of a faculty member on involuntary leave pending a disciplinary action.” Other terms are used for the same action. “Interim suspension with pay” was the original term used in the 1971 Faculty Code of Conduct and is the term used in UCLA Appendix XII (which dates back to the same year). APM-150, “Non-Senate Academic Appointees/Corrective Action and Dismissal,” uses the term “investigatory leave,” which is the same term used for UC staff. In P&T’s

view, these all describe the same action. P&T agrees with CR&J that the references in Appendix XII should conform to the language in APM-016. (The documents include proposed revisions of Appendix XII. It was not clear who was proposing the changes, so for now P&T has not commented on those changes.)

Standards. APM-016 articulates the following standards as justifying the imposition of involuntary leave:

1. 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; and/or
2. [The accused faculty member's continued assignment to regular duties or presence on campus] will impede the investigation of wrongdoing;
3. The faculty member's conduct represents a serious crime or felony that is the subject of investigation by a law enforcement agency."

APM-150 (non-Senate faculty) simply states that it is up to "the judgment of the Chancellor" to determine whether allegations require placing the appointee on leave with pay pending investigation of the conduct.¹ APM-150 specifies that the standards of the Faculty Code of Conduct apply to non-Senate faculty.² Therefore, it seems reasonable to conclude that the "judgment of the Chancellor" is subject to the standards for involuntary leave with pay defined in APM-016. Because such a leave is imposed before a matter goes to a hearing (initiation of a "disciplinary action") or once a hearing starts, but before there are any findings of wrongdoing (at a hearing), in P&T's view by its nature the action violates faculty rights unless it meets the standards set by APM-016. The standards for placing non-Senate faculty on involuntary leave with pay should meet the same bar set for Academic Senate faculty in APM-016.

Authority. APM-016 (1974; 2001; 2017) states a "Chancellor is authorized to initiate involuntary leave with pay." APM-150 (1993) likewise cites the "judgment of the Chancellor."³ UCLA Appendix XII was sent to the systemwide Academic Senate for review in January, 1974 and was adopted by the UCLA Legislative Assembly on October 7, 1974. While Appendix XII was clear that "there is to be no redelegation of the Chancellor's authority to impose disciplinary sanctions," the bylaw did assign the authority for imposing interim suspension with pay (involuntary leave with pay) to the "Vice Chancellor for Faculty Relations." P&T agrees with CR&J that discipline, including a disciplinary suspension, should never be redelegated. However, P&T believes that imposition of involuntary leave should continue under the authority of the role now called the Vice Chancellor of Academic Affairs and Personnel since that decision was approved with systemwide review and has been in place for over fifty years with no known issues.

Because involuntary leave with pay imposed improperly clearly violates faculty rights, from the point of view of P&T the important factor to consider in evaluating "further" redelegation of the authority is

¹ "Investigatory Leave: An appointee may be placed on immediate investigatory leave with pay, without prior written notice, for the purpose of reviewing or investigating conduct which in the judgment of the Chancellor requires removing the appointee from University premises." (APM 150-32 b)

² Non-Senate faculty appointees are also subject to the standards set forth in the Faculty Code of Conduct. (See APM 150-0 b)

³ "An appointee may be placed on immediate investigatory leave with pay, without prior written notice, for the purpose of reviewing or investigating conduct which in the judgment of the Chancellor requires removing the appointee from University premises."

whether redelegation of this critical authority will dilute or cause inconsistencies in the standards required and therefore will negatively impact faculty rights.

DISCUSSION

An October 30, 2023, letter from Vice Chancellor Levine requests that the Academic Senate recognize that the “redelegation process is working effectively and is appropriate.” Based on the information (and lack thereof) in this letter and the information P&T has (and lacks), the members do not agree that the Academic Senate can affirm that the process is “working effectively” or that it is “appropriate.”

Vice Chancellor Levine’s October 30, 2023 letter asserts that “removing a medical staff member from the clinical space is very challenging due to the high bar for summary suspension.” The Medical Staff by-laws⁴ have a separate process for a 14-day investigatory leave which is not mentioned. In addition, the relevant Moreno Report called for revision of the Medical Staff bylaws that could presumably cover some immediate needs to remove a faculty from the clinical space pending further assessment of the claims. It is not clear if efforts have been made to revise those bylaws to address the need for leave during an initial assessment. UCLA Health nonetheless asserts its need to use the standards for leave that fall under the general policies for faculty. This is partly understandable as faculty do have unique roles in the UC Health system. However, it necessitates consistency with policies that apply to all faculty. Faculty in DGSOM, including non-Senate faculty, are still part of the academic and research mission of the University.

Lack of transparency. The first step to shared governance and proper consultation is transparency. The process so far has not been transparent and has not, since the initial delegation, involved working with the Academic Senate or its committees that are directly involved with oversight of faculty rights. In November, 2020, the Chancellor redelegated the authority to place Health Science Faculty members with clinical duties on leave to the Vice Chancellor of Health Sciences with promises to the Academic Senate leadership to ensure oversight and that the authority would not be redelegated. The initial delegation, however, was revised to allow redelegation and then redelegated—both without consulting the Academic Senate. Only as P&T began seeing notices that indicated that Vice Dean Madrenas rather than Vice Chancellor Mazziotta was signing involuntary leaves did the committee find after making inquiries that in October, 2021, Chancellor Block expanded that redelegation to include a reference to APM-150 and also to add the following “This delegation may not be redelegated, except that with respect to APM-150 it may be redelegated to the Dean or Vice Dean for Faculty of the Geffen School of Medicine.” Then P&T found that a year later, in October, 2022, Vice Chancellor Mazziotta did just that, issuing a redelegation addressed to the Vice Dean of Faculty for the David Geffen School of Medicine: “to your position and within your area of responsibility, the authority to initiate involuntary leave with pay.” Both the redelegation to Vice Chancellor Mazziotta and the re-re-delegation to Vice Dean Madrenas have the following instruction “In exercising your authority under this delegation, I instruct you in all instances to consider first, patient safety, and second, a safe learning and workplace environment, as your top priorities.”

⁴ See: <https://www.uclahealth.org/programs/medical-staff/bylaws-rules-regulations/ronald-reagan-ucla-medical-center>

Concerns of diluting the APM-016 standards for imposition of involuntary leave. P&T agrees with the concern expressed by Chair Cattelino's query about this latter statement, which is not present in APM-016 or in any other policy regarding the standards for involuntary leave with pay. It is unnecessary to expand on the standards set by APM-016 and doing so risks diluting those standards. APM-016 already covers issues of safety, whether it be patient safety or a "safe environment." If a person poses an "immediate" or "serious" risk to safety of any kind, that would already meet the standard. Citing a "safe learning and workplace environment" could tend to invite an interpretation that would forgo the test of whether the circumstances met the necessarily high standard of APM-016. P&T recommends asking the Chancellor, as the individual with the clear responsibility to ensure that this standard is met, to remove or clarify this statement.

Notification issues. From its inception, UCLA bylaws for implementing the Faculty Code of Conduct have provided that "The Vice Chancellor shall promptly provide the faculty member with a written statement of the reason for such suspension, and shall promptly refer the matter to the Committee on Privilege and Tenure." APM-016 states that the involuntary leave must include the statement that "the faculty member has the right to contest the involuntary leave in a grievance proceeding that will be handled on an expedited basis, if so requested by the faculty member."

The October 30, 2023 letter from Vice Chancellor Levine asserts that "Since 2022, UCLA Health has only placed approximately 24 faculty members on involuntary leave." It is not entirely clear what time period is cited here, but P&T has only received notices of 15 involuntary leaves imposed on DGSOM faculty members since the initial redelegation became effective (approximately January, 2021). Eight of those were Academic Senate faculty and seven were Non-Senate. Over the same time period, three Academic Senate faculty members and one non-Senate faculty member from campus have been placed on involuntary leave with pay. In at least three of the fifteen DGSOM cases, P&T did not receive a copy of the notice, but learned of it later by other means. When the notices have been sent to the Academic Senate, the method has varied from copying the P&T Analyst to sending them to the Assistant Vice Chancellor of Academic Affairs and Personnel who then forwards them to the P&T Analyst. The letters do not identify the P&T Chair or make it clear how faculty are to access the "expedited grievance" process. P&T considers including that information as critical to protecting faculty rights since faculty placed on involuntary leave with pay are also informed not to communicate with anyone on campus.

P&T finds that the apparently missing notifications and inconsistency in advising faculty of their rights to be likely and troubling result of redelegation of suspension authority, since an increase in the number of people with such authority increases the likelihood of inconsistent procedures.

Whether the involuntary leave redelegation is working. Asserting that a "small fraction" of faculty members have been put on leave by DGSOM since 2022 does *not* prove in any way that the redelegation is "working." Even with incomplete statistics, there are almost three times as many DGSOM Senate faculty placed on involuntary leave with pay than campus Senate faculty even though DGSOM has about half of the Senate faculty as the campus. If even a few are imposed improperly, the rights of all are at risk.

P&T, which should be receiving copies of all involuntary notices, should be uniquely positioned to assess whether the redelegations were working if they were receiving all of the notices. The Charges Chair, who receives copies of Notices of Investigations (NOI) and Notices of Outcomes (NOO) from Title IX and

DPO for Non-Senate faculty could presumably work with the P&T Chair to cross check leaves with outcomes. However, at this stage, the Charges Chair does not receive NOI or NOO for non-Senate faculty.

Appropriateness of Leave. The following are examples from the notices received of the stated reasons for involuntary leave for DGSOM faculty. The action is being taken because the University has received:

- a serious allegation under the Sexual Violence and Sexual Harassment policy of the University of California
- allegations that you engaged in intimidation, aggressive and demeaning behavior, physical assault, and violation of gender and professional boundaries
- allegations that you had engaged in sexually harassing behavior, inappropriate comments, and inappropriate physical contact of a sexual nature, in violation of the UC Policy on Sexual Violence and Sexual Harassment
- allegations of inappropriate behavior with patients, including allegations of sexual assault with a medical instrument and inappropriate contact involving an intimate area of the body during a physical examination.
- reports that you did not comply with all the elements of the agreements. Specifically, a drug-screening test of your hair on [date] was positive for cocaine.
- allegations that you misused University resources and engaged in improper behavior, by communicating with an individual you presumed to be a minor and arranging to meet that individual for sexual activity.
- allegations that you engaged in demeaning and dismissive behavior and physical assault, and violation of professional boundaries

Three recent reports have been less specific, only citing:

- allegations about inappropriate conduct that have been reported to the Title IX Office for review

While a few reasons for leave offer specifics, most are general statements. When faculty have requested additional information involving allegations with references to possible Title IX allegations, the Chancellor's designee refers them to Title IX. Title IX does not give respondents information about allegations unless a matter moves past the initial review stage to a formal investigation.

Once a faculty member is placed on involuntary leave, it is not typically lifted until the investigation ends or the case goes to a disciplinary hearing and that concludes. Therefore, the time lapses to restore rights, should a faculty member not be found responsible for the alleged conduct, can be serious. In one instance that did come before P&T, a faculty member had been on leave for weeks. P&T had not received a copy of the notice, but the faculty member eventually discovered they could file a grievance with P&T. The faculty grieved the leave and requested a partial leave as a remedy, asking that their access to research be restored. The Hearing Committee and the Chancellor agreed, but the faculty lost over a year of access to research in the interim. In a recent case, a faculty member was placed on involuntary leave with pay, apparently based on patient complaints referred to Title IX. The faculty member, to P&T's knowledge, was never told the nature of the complaints. The Title IX Office proceeded to review these allegations but did not receive any response when it sought information from the complainants, so after being on leave for six weeks, the leave was lifted. One faculty's counsel claimed to P&T that he had a Senate client who was on involuntary leave for 16 months during a Title IX investigation and was found not responsible. He said due to loss of supplemental clinical income, the client lost considerable wages. If true, this indicates another concern about what involuntary leave "with pay"

means for health sciences faculty who rely on clinical and/or research income to supplement their base pay.

RECOMMENDATIONS

P&T has a few recommendations for action that can be taken now:

- The Administration should work with the Academic Senate to ensure consistent and appropriate content in notices of involuntary leave.
 - o All notifications of involuntary leave should be copied to the current Chair of Privilege and Tenure as well as the P&T Analyst.
 - o All notifications of involuntary leave should specify the contacts allowed for pursuing an expedited grievance.
- The Office of the Vice Chancellor for Academic Affairs and Personnel should be the office of record for all involuntary leaves with pay—even those initiated by the Health Sciences. DGSOM is still a school under the authority of the University and no other school houses central personnel records.
- As stated in the delegations, the only circumstances that for expediency might require someone other than the Vice Chancellor for Academic Affairs and Personnel to impose the leave are those involving clinical care. In matters involving departments, research, and/or non-clinical teaching the authority appears to still sit with the Vice Chancellor for Academic Affairs and Personnel. UCLA Health should defer to the VCAAP.

To make a more informed assessment of whether the redelegation process is working effectively and is appropriate, the following information is needed:

- P&T needs more data. UCLA Health should give an accounting of all involuntary leaves imposed since the redelegation has been in place so that P&T might assess the claims and outcomes. This should include a list of all faculty cited so that P&T can get a copy of the notification of the leave and request information about the outcome.
- The Academic Senate should initiate a conversation with Title IX about its standards for leave as an “interim measure.” When should a Title IX complaint automatically trigger a leave?
- Can UCLA Health extend the clinical investigatory leave permitted in its Medical Staff bylaws beyond the current 14 days to allow sufficient time for an initial Title IX assessment?
- VC Levine and UCLA Health should clarify the following from the October 30, 2023 letter:
 - o Since the delegations are meant for faculty with clinical privileges, elucidate what is meant by “at a practical level Dr. Madrenas . . . has immediate substantive knowledge of the allegations and events at issue.”
 - o What is meant by “several layers of review before initiating involuntary leave?” What are these layers?
- To protect faculty rights, APM-016 sets a high bar for involuntary leave. A “summary suspension” also sets a high bar. Presumably the Business and Professions Code that defines the use of summary suspension is meant to protect patient safety. In what way does it fall short of what is needed?
- What is meant by the statement in the letter that UCLA Health provides “several layers of review before initiating involuntary leave.” Who is involved in these layers of review and how are they meant to have the authority to “protect our DGSOM faculty”? If there is time to consult with “several layers” at DGSOM, there should be time to consult with the Vice Chancellor for Academic Affairs and Personnel.

While it is disappointing these issues were not addressed before the redelegations were put in place, P&T looks forward to a more thorough shared governance review in the future.

If you have any questions for us, please do not hesitate to contact me at dmessadi@dentistry.ucla.edu or via the Committee's analyst, Marian Olivas, at molivas@senate.ucla.edu

Best regards,

A handwritten signature in blue ink, reading "D. Messadi", with a horizontal line underneath the name.

Diana Messadi, Chair
Committee on Privilege & Tenure

cc: Kathleen (Kathy) Bawn, Vice Chair/Chair-Elect, Academic Senate
Jessica Cattelino, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Marian Olivas, Principal Policy Analyst, Academic Senate
Members of the Committee on Privilege & Tenure

To: Andrea M. Kasko, Chair, Academic Senate

From: Brett Trueman, Chair, Charges Committee

CC: Kathleen Bawn, Vice Chair/Chair-Elect, Academic Senate
Andrea M. Kasko, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Marian M. Olivas, Principal Policy Analyst, Academic Senate
Members of the Charges Committee

Date: January 3, 2024

Re: Re-Delegation of the Authority to impose Involuntary Leave with Pay

In Appendix XII, Section 4 (“Interim Suspension”) of the UCLA bylaws provides the following:

Before imposing such an interim suspension the Vice Chancellor shall, to the extent feasible under the circumstances in the individual case, consult with the Charges Committee or such members of the Committee who are available.

This provision has, according to Charges Committee historical records, been in the bylaws since they and the Faculty Code of Conduct were developed. Although consultation about whether allegations might, if true, merit serious discipline seems like it might be useful, the Committee has no record of a Vice Chancellor consulting with the Charges Committee or its chair prior to imposing an involuntary leave with pay. The Committee therefore has no input about whether a redelegation to the Vice Chancellor of Health Sciences might be appropriate. If an agreement is made to begin to invoke this provision, the Committee will be happy to review this further.

Thank you for the opportunity to review and comment. If you have any questions, please do not hesitate to contact me at brett.trueman@anderson.ucla.edu or via the Committee’s analyst, Marian Olivas, at molivas@senate.ucla.edu.

To: Andrea Kasko, Chair, Academic Senate

From: Shane White, Chair, Committee on Rules and Jurisdiction

Date: December 7, 2023

Re: Delegation of Duty to Vice Chancellor of Health Sciences

The Committee on Rules and Jurisdiction (CR&J) reviewed the proposal for delegation of authority of involuntary leave of health sciences faculty member with clinical duties to the Vice Chancellor of Health Sciences. (One member recused themselves from this review due to the proximity of their home department to the proposal.)

Consistent with the Executive Board's [November 16, 2020 letter](#), CR&J finds that [APM-016](#) (University Policy on Faculty Conduct and the Administration of Discipline) establishes "Authority for discipline derives from The Regents. The Regents have made the Chancellor of each campus responsible for discipline on the campus (Regents' Bylaw 31), subject to certain procedures and safeguards involving the President and the Academic Senate (Regents' Bylaws 30, 31, and 40)." APM-016 clearly states that the Chancellor is solely responsible for imposing disciplinary actions on Senate faculty. There is no language in APM-016 that allows the Chancellor to delegate their authority to initiate involuntary leave with pay.

APM-016 states "It is not essential that the procedures be identical on every campus. It is important, however, that the same basic principles and standards prevail throughout the University" and the *UCLA Health and Student Health Special Committee Report* recommended to establish a "universal standard for suspension." While CR&J recognizes that [APM-150](#) (Non-Senate Academic Appointees/Corrective Action and Dismissal) prescribes different policies and responsibilities for non-Senate faculty, we recommend a singular process, for all faculty on campus, regardless of their school or their Senate membership, consistent with the APM principles and the *Committee Report* recommendations.

For the above reasons, CR&J recommends that any further delegation of authority not be considered.

CR&J additionally recommends [UCLA Divisional Appendix XII](#) (Faculty Code of Conduct Implementing Policy) to be revised to reflect the Chancellor's responsibilities, consistent with the language used in APM-016, rather than referencing the Vice Chancellor for Academic Affairs and Personnel.

Thank you for the opportunity to review and comment. If you have any questions, please do not hesitate to contact me at snwhite@dentistry.ucla.edu or via the Committee's analyst, Lori Ishimaru, at lishimaru@senate.ucla.edu.

cc: Kathleen Bawn, Vice Chair/Chair-Elect, Academic Senate
Jessica Cattelino, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Lori Ishimaru, Senior Policy Analyst, Academic Senate
Members of the Committee on Rules and Jurisdiction



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OFFICE OF THE CHANCELLOR
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CONFIDENTIAL

October 30, 2023

Copy by e-mail: akasko@senate.ucla.edu

Professor Andrea Kasko, Ph.D.
Chair, UCLA Academic Senate
Professor of Bioengineering
Equity, Diversity and Inclusion Officer
3131 Murphy Hall
University of California, Los Angeles

RE: REDELEGATION OF INVOLUNTARY LEAVE AUTHORITY

Dear Chair Kasko:

Thank you for the opportunity to provide further background regarding the redelegation by Vice Chancellor, John C. Mazziotta, M.D., Ph.D., of the authority to place Health Sciences Clinical Faculty members on involuntary leave to Vice Dean for Faculty Affairs at David Geffen School of Medicine (DGSOM), Dr. Joaquin (Quim) Madrenas, M.D., Ph.D.

On October 4, 2023, representatives from Vice Chancellor Academic Affairs and Personnel (VCAAP), Michael Levine, Ph.D, and the DGSOM appeared before the Academic Senate leadership to understand concerns about the Redelegation of Involuntary Leave Authority.

UCLA Health/DGSOM Properly Exercise Their Delegated Authority

As the Academic Senate is aware, DGSOM has over 4,600 faculty members, who work in UCLA Health's myriad hospitals and healthcare facilities while performing research and teaching medical students, residents and trainees. The percentage of faculty who are Academic Senate members is around 21%. There are more than 3,000 faculty members who are in a Non-Senate Academic series, predominantly in the Health Sciences Clinical series (2,788). The authority to place the Health Sciences faculty members on involuntary leave was originally delegated from the Chancellor and VCAAP Levine to VCH Mazziotta, who in October 2022, redelegated that authority to Vice Dean Madrenas, who is generally closer to the events and faculty affairs issues. Of course, both VCAAP Levine and VCH Mazziotta maintain the authority to also sign notices of involuntary leave.

As noted in the Moreno report, UCLA Health requires the ability to place a faculty member on leave expeditiously when extremely serious allegations of potential misconduct arise, especially potential violations of UC/UCLA's Sexual Violence and Sexual Harassment (SVSH) policies. For all DGSOM faculty members placed on involuntary leave, UCLA Health leadership determines whether one of the threshold criteria exists per APM-016:

1. [A] strong risk that the respondent faculty member's continued assignment to regular duties or presence on campus will cause immediate and serious harm to the University community; and/or
2. [The respondent faculty member's continued assignment to regular duties will] impede or interfere the investigation of his or her alleged wrongdoing; and/or
3. [W]here the faculty member's conduct represents a serious crime or felony that is the subject of investigation by a law enforcement agency.

In making this determination, UCLA Health focuses on patient safety and quality of healthcare, as well as UCLA community and workplace safety. Since 2022, UCLA Health has only placed approximately 24 faculty members on involuntary leave, which amounts to a very small fraction of its total faculty members.

Based on the foregoing, at a practical level Dr. Madrenas, is the primary point of contact for faculty members placed on involuntary leave, has immediate substantive knowledge of the allegations and events at issue, and signing the notices of involuntary leave for Health Sciences Clinical faculty members provides continuity and efficiency. For these reasons, we request that the Academic Senate recognize that the Redelelegation process is working effectively and is appropriate.

Medical Staff's Authority to Temporarily Suspend Medical Privileges is Not the Same as Involuntary Leave

Although the Academic Senate referenced Ronald Reagan Medical Center and Santa Monica's Medical Center bylaws as covering the need for immediate leave when serious allegations arise, the reality is that the ability of the Medical Staff Executive Committee (MSEC) of UCLA Health's three hospitals to remove a medical staff member from the clinical space is very challenging due to the high bar for summary suspension as set forth in the Business and Professions Code and the hospitals' respective bylaws. The legal bar to action by the MSEC is so high a summary suspension is quite rare and is, therefore, not a reliable mechanism to remove a faculty member when a serious concern requires investigation. Moreover, an MSEC summary suspension only removes the faculty member from the clinical space but does not necessarily review the broader concerns of harm to the University community or potential interference with an underlying investigation per APM-016.

VCH Mazziotta is also the Governing Body for the UCLA Health System, with the responsibility of hearing appeals from faculty members who have their privileges to practice medicine at UCLA Health suspended or terminated by the MSEC. Thus, redelegation to Dr. Madrenas is also the most efficient mechanism to avoid an appearance of a conflict of interest in the separate, but parallel processes governed by the Medical Staff bylaws and State law vis-à-vis the APM. Further, providing several layers of review before initiating involuntary leave also protects our DGSOM faculty members and ensures our decision-making is fair and thorough.

Conclusion

UCLA Health is committed to working with the Academic Senate to ensure its processes meet the Senate's understandably rigorous standards. The current delegated authority to place faculty members on leave is rigorous and intended to comply with numerous legal and policy responsibilities, while adhering to the Senate's rules and standards.

We appreciate your service and thank you for your contributions to the Academic Senate.

Sincerely,



Michael S. Levine, Ph.D.
Vice Chancellor, Academic Affairs &
Personnel, UCLA



John C. Mazziotta, M.D., Ph.D.
Vice Chancellor, UCLA Health Sciences,
CEO, UCLA Health

cc: Steven M. Dubinett, M.D., Dean, DGSOM
Joaquin (Quim) Madrenas, M.D., Ph.D., Vice Dean for Faculty
Erika Chau, Assistant VC, Academic Affairs and Personnel, UCLA
Marian M. Olivas, Academic Senate, UCLA



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November 17, 2020

Professor Shane N. White
Chair, Academic Senate

Dear Shane:

Thank you for your letter regarding the Academic Senate Executive Board's review of the *UCLA Delegation of Authority: Interim Suspension of Health Sciences Faculty Member with Clinical Duties*. We all agree that the Heaps and other SVSH cases were unacceptable. *The UCLA Health and Student Health Special Committee Report* highlighted gaps in our systems and processes that we must address to ensure that patients are protected.

I have carefully considered the Executive Board's findings. While I appreciate the Board's position that a standard for suspension exists, I believe that it is in the university's best interest and for the protection of patients that I exercise the Delegation of Authority. This delegation is limited to faculty members in the UCLA Health professional schools who provide or supervise the provision of routine or experimental health care services to patients at any UCLA or UCLA affiliate hospital, clinic, or other facilities, or who have teaching responsibilities in any health professional training program or clinical trial supported by UCLA.

This action directly responds to the Special Committee's recommendation for "*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.*"

I will continue to work closely with Health leadership to ensure that execution of this authority is in consultation with the Vice Chancellor, Academic Personnel, and strives to make patient safety and a safe learning and workplace environment the top priority.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gene", is written over a horizontal line.

Gene D. Block
Chancellor

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, UCLA
Members of the Executive Board

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.

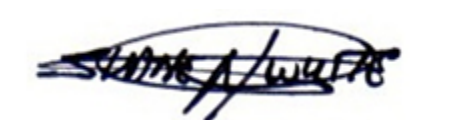
6) The idea of having different processes for faculty by departmental location is unprecedented, inequitable, and completely inconsistent with the principles established throughout the entire APM.

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 rectangular box.

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