

Faculty Misconduct

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University of California
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Disclosures

None



What is misconduct?



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New Dean of USC Medical School Fired

Rohit Varma's termination, following the recent resignation of his predecessor over misbehavior, came as the *Los Angeles Times* prepared to report on a 2003 sexual harassment case.

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By TAMAR LEWIN NOV. 14, 2014



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Teresa Watanabe



UCSF Code of Ethics

The citizens of California entrust UCSF with the responsibility for providing high quality teaching, health care and research, and for assuring that the highest standards of ethical conduct and integrity are practiced in meeting these responsibilities.

The professional conduct of each member of the campus community is expected to be consistent with and fully comply with these principles.

UCSF Code of Ethics

All members of the campus community are expected to engage in the following:

Integrity

conducting ourselves with integrity in our dealings with and on behalf of the University.

Respectful behavior

treating everyone with civility, courtesy, tolerance and acceptance, and recognizing the worth, dignity and unique characteristics of each individual.

Trustworthy conduct

including dependability, loyalty and honesty in communications and actions.

Accountability

taking personal responsibility for one's actions and decisions

Faculty misconduct

- Faculty Misconduct occurs when there is a violation of the Faculty Code of Conduct, as defined in APM 015 Part II
 - Professional responsibilities
 - Ethical principles
 - Unacceptable faculty conduct
- Concerns about possible faculty misconduct should be reported to the responsible academic dean or the vice/associate provost—
Academic Affairs.

Whistleblower Policy



- ... individuals are encouraged to use the University Whistleblower Policy if they have a good faith belief that an activity occurred or is continuing to occur that is not in compliance with federal or state law or University policy.
- Such individuals are protected from retaliation for making a “protected disclosure.”
- A “protected disclosure” may be made to the campus whistleblower coordinator, clinical compliance officer, or any campus administrator, director, manager or supervisor.

Categories



Hostile work environment





Unfair treatment



Misconduct – contextual factors

- Increasing pressure to be successful
- Intense competition related to research and discovery
- Competition for clinical services
- New relationships with industry





Factors that contribute to grievances or allegations of misconduct:

- Lack of respect
- Inappropriate language and/or behavior
- Failure to cooperate with team members
- Sexual harassment
- Discrimination

Something happens



Filing a complaint

- Anonymous
- Named



Different offices manage misconduct



Which office?

- Academic misconduct
 - Academic Affairs office
- Misconduct in the clinical setting
 - Medical staff office
- Misconduct or discrimination related to a *protected class* (age, sex, race/ethnicity, religion, disability status)
 - Office for the Prevention of Harassment and Discrimination

Academic Misconduct - Step 1

Vice Provost sends a request for preliminary investigation to the Academic Affairs office

- Complainant and respondent are identified
- Allegation(s) are listed
- Timeline for completion is specified (1 month)

Academic Misconduct - Step 2

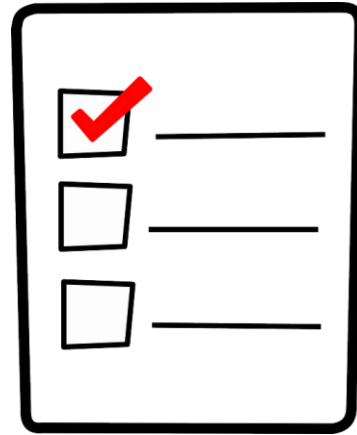
- The Vice/Associate Dean interviews the complainant and the respondent
- Rarely, additional interviews are undertaken
- The standard of proof for the preliminary investigation is “sufficient substance.”
 - *Is this a frivolous complaint?* If not, a formal investigation is appropriate

Academic Misconduct - Step 3

Vice/Associate Dean prepares a *Preliminary Investigation Report* that summarizes the preliminary investigation process: the interviews, the information that was reviewed, any additional information

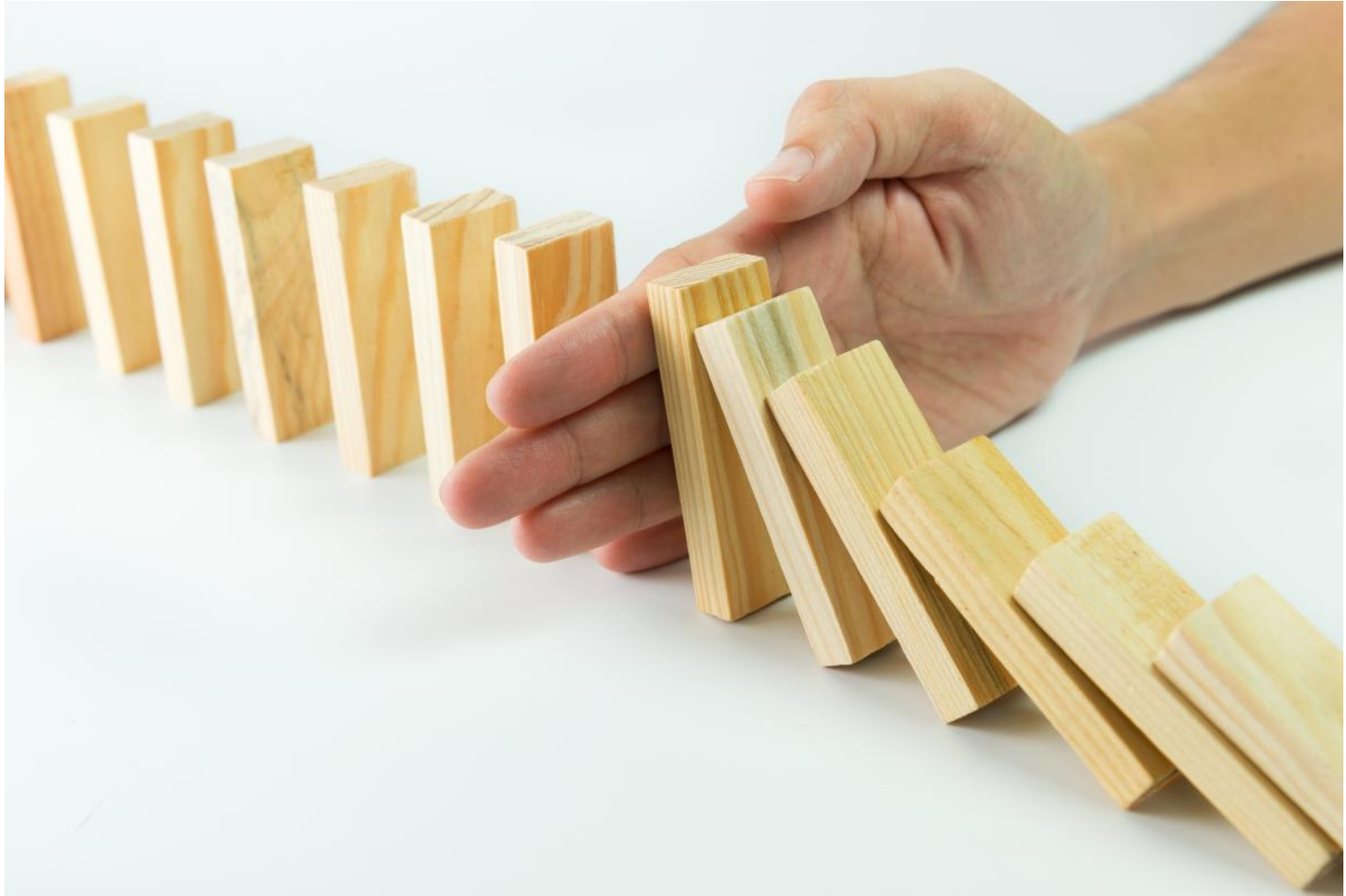


Report



Each allegation is listed and the relevant supporting information is summarized, including direct quotes

For each allegation, the preliminary investigator states whether there is “sufficient substance” to warrant further investigation



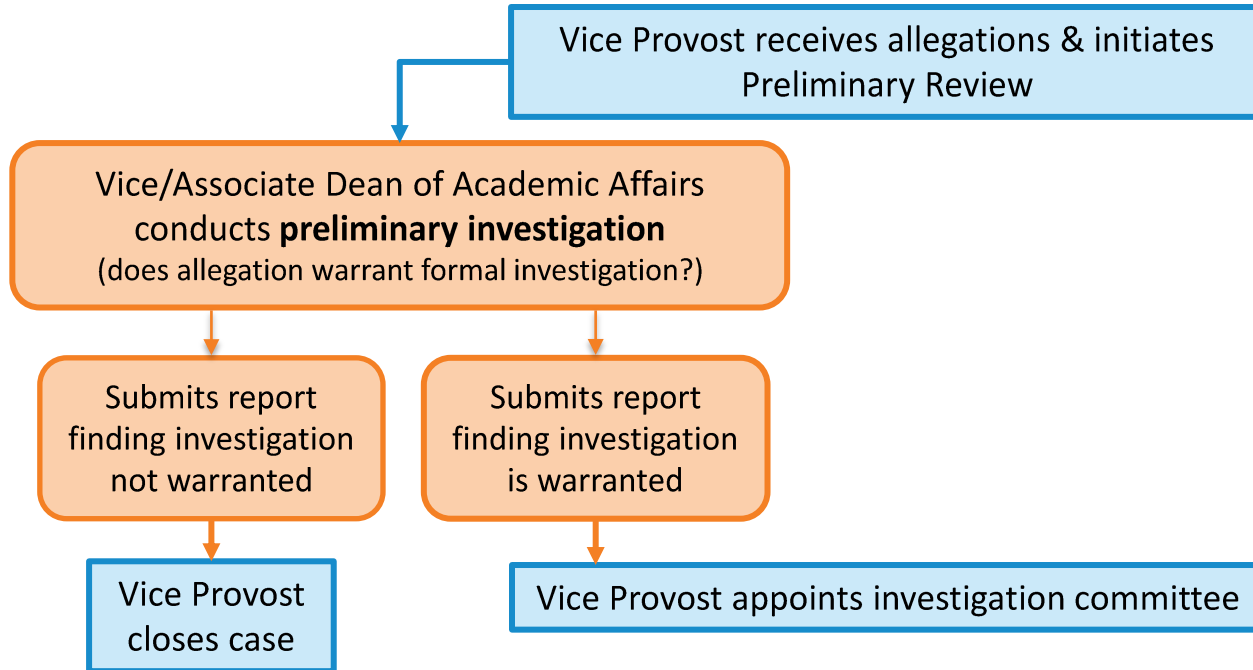
Prevention[®]

- Publicize the Code of Conduct
- Encourage informal resolution at earlier stages

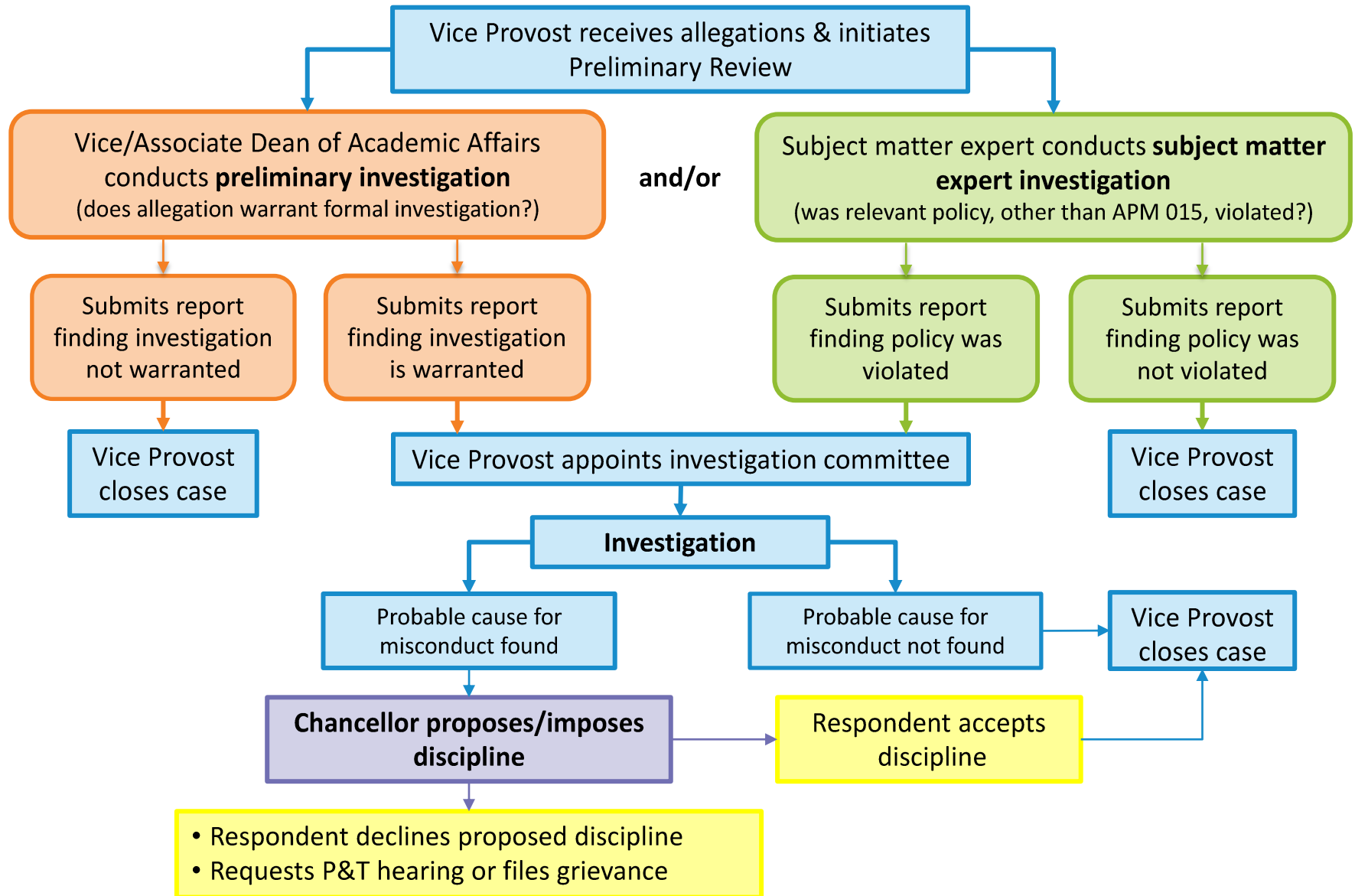
Prevention and mitigation strategies

- Training for campus leaders
- Attestation to campus policies
- Roles and responsibilities: discuss and agree
- Authorship: clearly define responsibilities
- Intellectual property: define responsibilities
- Mediation by third parties

Faculty Misconduct Investigation Process



Faculty Misconduct Investigation Process





- Prevention is best (but hard)
- Having a transparent, consistent process is essential
- Dealing with misconduct and allegations of misconduct is difficult