

University of California, Irvine Director of Medical Ethics Placed on ‘Investigatory Leave’ over Challenge to Vaccine Mandate

By [Zero Hedge](#)

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*The University of California, Irvine **has placed their Director of Medical Ethics, Dr. Aaron Kheriaty, on ‘investigatory leave’** after he challenged the constitutionality of the UC’s vaccine mandate in regards to individuals who have recovered from Covid and have naturally-acquired immunity.*

Last month Kheriaty, also a Professor of Psychiatry at UCI School of Medicine, [filed](#) a [suit](#) in Federal court over the mandate.

“Natural immunity following Covid infection is equal to (indeed, [superior to](#)) vaccine-mediated immunity. Thus, forcing those with natural immunity to be vaccinated introduces unnecessary risks without commensurate benefits—either to individuals or to the population as a whole—and violates their equal protection rights guaranteed under the Constitution’s 14th Amendment,” Kheriaty wrote in a Sep. 21 [blog post](#).

“Expert witness [declarations](#) in support of our case include, among [others](#), a [declaration](#) from distinguished UC School of Medicine faculty members from infectious disease, microbiology/immunology, cardiology, endocrinology, pediatrics, OB/Gyn, and psychiatry,” the post continues ([click here](#) to read the rest).

...there is now considerable evidence that Covid recovered individuals may be at higher risk of vaccine adverse effects compared to those not previously infected (as seen in studies [here](#), [here](#), and [here](#), among others). -Dr. Aaron Kheriaty

In a Wednesday update, Kheriaty writes that **he’s been placed on ‘investigatory leave’** over his failure to comply with the mandate:

[Via Human Flourishing:](#)

Here is the latest move by the University of California in response to my [lawsuit in Federal court challenging their vaccine mandate on behalf of Covid-recovered individuals with natural immunity](#). Last Thursday Sept 30th at 5:03 PM I received this letter from the University informing me that, as of the following morning, **I was being placed on “Investigatory Leave” for my failure to comply with the vaccine mandate**. I was given no opportunity to contact my patients, students, residents, or colleagues and let them know I would disappear for a month. **Rather than waiting for the court to make a ruling on my case, the University has taken preemptive action:**

In accordance with the provisions outlined in APM 150-32-b, this letter will serve as official notice that you have been placed on an investigatory leave with pay, effective October 1, 2021 through October 31, 2021, or until further notice, whichever occurs first.

This is a non-disciplinary, administrative leave to ensure that the health and safety goals of the UC Vaccination Program are met, and to ensure compliance with the CDPH Order, while the University is reviewing your conduct in light of your apparent noncompliance with the following –

University of California Policy: SARS-CoV-2 (COVID-19) Vaccination Program (“[UC COVID-19 Vaccination Program](#)”)

Health Care Worker Vaccine Requirement in California Department of Public Health Order of August 5, 2021 (“[CDPH Order](#)”),

After our review you may be subject to corrective action under APM-150 for misconduct and serious violations of UC policies. In addition, your return to UC premises without written permission may create independent grounds for corrective action.

While on Investigatory Leave, you are not to perform any work for the university. You are not to be present on the premises at the UC Irvine campus in Irvine, California, nor on any clinical space owned or operated by the University of California, Irvine, including, but not limited to, UC Irvine Medical Center (“UCIMC”) in Orange, California without prior written permission. This prohibition does not extend to your seeking personal medical care at UCIMC, or at any outpatient clinics where you currently have appointments.

Your department will make the appropriate arrangement to cover your clinical duties and other responsibilities. If you have any questions, please contact Assistant Vice Chancellor in the

You might be thinking, a month of paid leave doesn’t sound so bad. But the language is misleading here, since half of my income from the University comes from clinical revenues generated from seeing my patients, supervising resident clinics, and engaging in weekend and holiday on-call duties. So while on leave my salary is significantly cut. Furthermore, my contract stipulates that I am not able to conduct any patient care outside the University: to see my current patients, or to recoup my losses by moonlighting as a physician elsewhere, would violate the terms of my contract.

It came as no surprise that, since my request for a preliminary injunction was not granted by the court, the University would immediately begin procedures to dismiss me. However, in the complicated legal game of three-dimensional chess I did not anticipate this particular development: the current administrative designation, where I am neither able to work at the University nor permitted to pursue work elsewhere, was not a development I had anticipated. The University may be hoping this pressure will lead me to resign “voluntarily,” which would remove grounds for my lawsuit: if I resign prior to being terminated by the University, I have no legal claim of harm.

I have no intention at this time of resigning, withdrawing my lawsuit, or having an unnecessary medical intervention forced on me, in spite of these challenging circumstances. You may be wondering about the CA Department of Public Health vaccine mandate mentioned in the University’s letter above: yes, I am subject to *two* mandates, the

UC mandate as a faculty member and the CA State mandate as a healthcare provider. Regarding the latter mandate, **I filed a similar lawsuit in Federal court last Friday against the State Public Health Department.** I will post more later on that case as it develops.

Although this is a challenging time for me and my family, at this time I remain convinced that this course of action is worthwhile. I am grateful for your ongoing encouragement, prayers, and support. I want my readers to know that am taking legal action not primarily for myself, but for all those who have no voice and whose Constitutional rights are being steamrolled by these mandates. As I wrote in my [first post](#):

In my position, I came to see the importance of representing those whose voices were silenced, and to insist upon the right of informed consent and informed refusal. **I have nothing personal to gain by this lawsuit and a lot to lose professionally.** In the end, my decision to challenge these mandates came down to this question: How can I continue to call myself a medical ethicist if I fail to do what I am convinced is morally right under pressure?

Many of you have asked how you can support me and my efforts to challenge coercive mandates. My first answer is to consider becoming a paid subscriber to this newsletter if you are not already, and share this newsletter with others who are interested in following these issues. In the coming weeks I will be expanding my work on this Substack platform with live podcasts and audience Q&A for paid subscribers.

[\(Subscribe here\)](#)

For those who may wish to contribute more: I serve as Senior Fellow and Director of the Program in Health & Human Flourishing at the [Zephyr Institute](#) in Palo Alto, California. For the foreseeable future, the Program I direct there will focus on gathering and supporting experts, scholars, and leaders who are questioning various aspects of our response to this pandemic, and who are offering more effective solutions to the challenges we are facing. You can contribute to my work at the Zephyr Institute by making a donation [HERE](#) and specifying that you want your gift to support “Dr. Kheriaty’s work in the Health and Human Flourishing Program.”

This legal fight is important not only to set appropriate limits to vaccine mandates. It is also important for the future that—now in this crucial moment—we refuse to allow our institutions to set dangerous and unjust precedents. Today’s precedents could later facilitate even more coercive mandates and infringements on civil liberties by unelected officials, done during a declared “state of exception” or emergency that has no defined terminus—a dangerous precedent for a democratic society.

I want to thank all of you for being a part of this movement and for engaging with and encouraging my work on this issue. I could not do this without you.

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Kheriaty’s situation is similar to that of Canadian ethics professor, Dr. Julie Ponesse, who made headlines last month after filming a now-viral [tear-filled](#) statement before she was **fired by Huron University College in Ontario.**

I am going to speak bluntly. Physicians who speak out are being actively hunted via medical boards and the press. They are trying to deligitimize and pick us off one by one. This is not a conspiracy theory - this is a fact. Please wake up. This is happening globally.

— Robert W Malone, MD (@RWMaloneMD) [October 7, 2021](#)

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