

Yale doctor was named 'diversity and inclusion' chair after being accused of sexual harassment, lawsuit says

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Yale University promoted an award-winning doctor to lead diversity and inclusion efforts in a medical school department last summer — despite receiving complaints that he had sexually harassed multiple women he supervised, according to a federal lawsuit filed Thursday.

Six female doctors say in the suit that Dr. Manuel Lopes Fontes — a high-ranking professor who was division chief of cardiac anesthesiology at Yale New Haven Hospital and director of clinical research for Yale School of Medicine's anesthesiology department — behaved inappropriately, including forcibly kissing them, giving them unwanted neck massages at work and making inappropriate comments about their bodies.

One woman in the case, an anesthesiology fellow, says she was berated by Fontes when she resisted his advances, while another, an assistant professor, alleges that her work assignments were changed in retaliation for complaining about Fontes.

Fontes, through an attorney, denied all allegations of misconduct against him.

According to the lawsuit, after Dr. Roberta Hines, chair of Yale's anesthesiology department, received a complaint about Fontes in 2018 from an assistant professor who said he had discriminated against her because of her pregnancy, she excused his behavior, saying he

was “just being a boy.” And after receiving a complaint from an anesthesiology resident in 2019 who said Fontes made suggestive comments and gave her unwanted massages, Hines said that “boys will be boys,” according to the lawsuit. Shortly afterward, Hines announced Fontes’ promotion to lead diversity efforts in the anesthesiology department.

“It seems as though Yale has yet to take the same steps as the rest of society,” said Michael J. Willemin, one of the women’s attorneys, referring to the #MeToo movement’s workplace reckoning.

Hines, who is not named as a defendant in the suit, referred a request for comment to a Yale spokeswoman. Yale did not answer specific questions about the case, but insisted it handled the case appropriately.

“In the summer of 2019, the university was approached by three of the six plaintiffs and took appropriate action, offering them Yale’s Title IX resources of support, inclusive of guidance on filing a complaint with the university,” said Karen Peart, a Yale spokeswoman. “None of the plaintiffs chose to file a formal complaint; Yale has nonetheless been working to resolve the issues raised. As in all such cases, Yale is working to ensure that the processes we use to find and act on facts are fair to all involved parties.”

In a statement, Robert B. Mitchell, an attorney for Fontes, said that “Dr. Fontes has been vilified without a fair opportunity to defend himself against what has been a vindictive backroom campaign of scandalous and vicious falsehood, rumor, and innuendo. This will be remedied now that his accusers have decided to come out into the open. Dr. Fontes will respond and the truth will shame them as well as those who have prejudged him without affording him even a hint of due process.”

Fontes no longer holds leadership roles at Yale, and is now listed only as a professor of anesthesiology. After the women hired lawyers last fall, Yale removed Fontes from his role leading diversity and inclusion efforts, according to the women’s attorneys.

The civil complaint — and a related filing with the U.S. Equal Employment Opportunity Commission obtained by NBC News, which is pending — alleges that Fontes’ inappropriate behavior began immediately after Yale hired him in 2015 and continued through last year. The suit alleges that Fontes was accused of sexual harassment at his previous job at Duke University, and Yale administrators knew about those allegations. Duke declined to comment. NBC News was unable to confirm additional details about any accusations against Fontes at Duke.

“The message is if you’re a victim of sexual harassment or sexual misconduct, Yale’s urgency to remedy that situation will come second to their willingness and desire to protect the harasser as long as that individual is economically beneficial to the institution,” Willemin said.

The suit seeks an unspecified amount of damages from Yale for violating the gender equity

law Title IX, and damages from Fontes for claims of assault, battery and invasion of privacy.

Unwanted comments and massages

The women named in the lawsuit declined to speak on the record, citing concerns about professional consequences, but their accounts are detailed in Thursday's court filing.

Dr. Elizabeth Reinhart, a pediatric anesthesiology resident at Yale, said Fontes flirted with her at a work dinner last May, pressured her to drink more alcohol and tried to kiss her on the lips, according to the lawsuit. The following month, during a department graduation ceremony, Fontes came up behind her, hugged her by the waist and said, "I can't wait to see you at Barcelona," referring to a bar, the suit says. Then, in July, Fontes, without asking, began to massage Reinhart's back and shoulders in a campus break room, according to the civil complaint.

Reinhart was so "uncomfortable" and "disgusted" by Fontes' behavior, the suit says, that she reported these incidents to two supervisors in the anesthesiology department, who then told Hines, the department chair.

About a week later, on Aug. 7, Hines sent a department-wide email to announce that Fontes had been promoted. He would become the department's inaugural "Vice Chair of Diversity, Equity, and Inclusion," and lead an initiative "aimed at promoting a departmental culture that values and supports diversity, equity and inclusion." As far as Reinhart knew, there had been no investigation yet of her complaint.

Before Reinhart complained, other women had already raised concerns about Fontes, according to the lawsuit, and they say they faced retaliation.

Dr. Ashley Eltorai alleges in the suit that Fontes declined to help her with work she needed to do for a research project in late 2018, saying that her planned maternity leave, which was still more than six months away, would interfere. After Eltorai complained to department leadership that she felt punished for being pregnant, according to the civil complaint, Fontes and other administrators called her into a meeting to give her "vague criticisms" about her performance and communication, and then banned her from working in the intensive care unit once she returned from maternity leave last year.

At a dinner for graduating anesthesiology fellows in June 2019, after Eltorai had her baby, Fontes attempted to spoon-feed her, according to the lawsuit. She said he told her, "Oh wow, you look good," and upon noticing that Eltorai wasn't wearing her wedding ring, he remarked "we should go out, just the two of us, and have a bottle of wine and I can tell you all my wisdom about life and divorce." The next month, Fontes gave Eltorai an unwanted neck massage in the breakroom, the suit states.

Eltorai says she complained about Fontes to an attorney on the Yale University-Wide Committee on Sexual Misconduct last summer. But after speaking with someone from the committee, Eltorai declined to press forward with a formal investigation because of concerns about how impartial it would be, according to her attorneys.

Dr. Mia Castro, a pediatric anesthesiology fellow at Yale, also complained about Fontes, according to the lawsuit. She says that Fontes repeatedly put his arms around her shoulders and waist when they worked together in operating rooms, and after she resisted his advances, he berated her over minor issues like picking up a syringe cap, according to the lawsuit. Castro complained in an evaluation last summer that Fontes inappropriately touched colleagues, but no one followed up with her to get more information, according to her attorneys.

Three other women — Drs. Heidi Boules, Jodi-Ann Oliver and Lori-Ann Oliver, all attending physicians in the department — say that Fontes forcibly kissed them at work dinners in 2018 and 2019, according to the lawsuit.

The suit also alleges that shortly after Fontes started at Yale in 2015, he forcibly kissed a woman, a doctor who is not part of the lawsuit, and the incident was reported to an associate dean. The next summer, several people witnessed Fontes dance provocatively with and grope a “clearly drunk” female subordinate, the suit states. A video of the incident was shared with department leadership, according to the suit, which prompted Hines to remind attending physicians in a faculty meeting not to drink alcohol with residents.

‘People need to feel like they’ll be protected’

Women now make up a majority of new medical students. Yet, surveys have found that more than half of all female medical students and doctors say that they’ve been sexually harassed during their careers. Most of them don’t report it to administrators, with concern about retaliation being a significant factor. At Yale, a recent survey found that nearly a third of graduate and professional students from all fields had been harassed by a faculty member.

“Medicine is a field where the fellowships you get, or jobs you get later on, are so dependent on recommendations,” said Melinda Manning, an administrator at the University of North Carolina Hospitals who has written about sexual harassment in medical schools. “That in itself is a great barrier for people coming forward with complaints.”

The six Yale women spent months trying to avoid Fontes by taking different hallways and exits, or skipping meetings where they knew he’d be present, according to their lawyers. They had concerns about what would happen to them after reporting Fontes, given that he had so much influence in the department, and they hoped to continue their careers at Yale.

“People need to feel like they’ll be protected and not penalized for coming forward,” Tanvir Rahman, another one of the women’s lawyers, told NBC News.

For decades, Yale has faced a series of accusations over its handling of sexual misconduct.

The first lawsuit to test whether the gender equity law Title IX protects women from sexual harassment was brought in the late 1970s by Yale students who complained that the university had no way to report harassing professors at the time. In the years since, students have continued to blast Yale’s response to sexual violence as ineffective. People have complained about cases in which the university declined to investigate allegations against star professors. Even former President Jimmy Carter knocked Yale’s approach to sexual assault cases as too lenient on offenders in 2014.

Yale’s medical school has faced those criticisms, too. In 2018, over 1,000 medical school students, trainees, alumni and faculty members signed a letter lambasting Yale’s decision to give a cardiology professor a prestigious title after finding he had harassed a postdoctoral researcher. Last August, the university revealed that a longtime professor of medicine sexually assaulted five students over decades, including after administrators investigated allegations against him in 1994.

These cases are cited in the lawsuit against Fontes as evidence that Yale’s promises to eradicate sexual violence have been mere “lip service.”