

Doctors sue anesthesiology professor for alleged sexual misconduct

yaledailynews.com/blog/2020/03/21/doctors-sue-anesthesiology-professor-for-alleged-sexual-misconduct

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Six doctors working in the Yale Department of Anesthesiology sued professor Manuel Fontes — who was promoted to lead inclusion and diversity efforts within the department — for multiple counts of alleged sexual harassment.

The suit, filed on March 12, names six Yale New Haven Hospital doctors as plaintiffs: Mia Castro, Heidi Boules, Ashley Eltorai, Jodi-Ann Oliver, Lori-Ann Oliver and Elizabeth Reinhart. All six women filed multiple complaints against Fontes for alleged misconduct — ranging from verbal comments to sexual assault — that began at Yale in 2015. The suit also accuses multiple Yale administrators and the University of failing to take appropriate action when the doctors attempted to report Fontes' misconduct internally.

"Despite receiving multiple complaints about Dr. Fontes's unlawful harassing behavior since the start of his Yale tenure (including an incident in which he sexually assaulted a female anesthesiology resident following a residency graduation ceremony)," the complaint reads, "Yale has taken no meaningful action against Dr. Fontes, choosing instead to champion a man in a powerful position no matter the heinous conduct he has perpetrated against his female subordinates."

According to the suit, the plaintiffs took their complaints to multiple administrators, including Anesthesiology Chair Roberta Hines. In July 2019, Reinhart complained to Hines of Fontes allegedly touching her and massaging her without consent. Hines allegedly excused Fontes' behavior by saying, "boys will be boys."

On another occasion in 2018, Eltorai — who was pregnant at the time — complained to Hines that Fontes would not work with her to organize a research project because of her pregnancy. According to the suit, Hines responded that Fontes was, "just being a boy."

Hines did not respond to a request for comment. University spokesperson Karen Peart said that the University behaved in accordance with existing protocols.

"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," Peart wrote in an email to the News. "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."

According to the lawsuit, the University's alleged failure to respond to reports about Fontes' misconduct "effectively discouraged the reporting of such behavior."

The lawsuit also lists instances of alleged sexual misconduct by other Yale School of Medicine professors, including cardiology professor Michael Simons MED '84 and Chair of Pharmacology Joseph Schlessinger. It also mentions retired Yale School of Medicine professor Eugene Redmond, who was found by a University-commissioned independent investigator to have sexually assaulted five students and engaged in sexual misconduct with at least eight other undergraduates, recent college graduates and one high school student over 25 years.

None of the six plaintiffs responded to requests for comment and spoke instead through their lawyers. According to Tanvir Rahman — one of women's attorneys from Wigdor LLP, a New York-based employment law firm — Yale should implement procedures and policies to create an atmosphere where people can not only complain without fear of retaliation, but monitor situations that allow those in power to take advantage of their subordinates.

"We have clients of all different levels, we have a resident, we have a fellow, we have attending physicians," Rahman told the News. "And so I think there weren't systems in place to prevent people taking advantage of those dynamics."

In one instance, Fontes kissed Boules on the lips without consent at the Union League Cafe in New Haven, which was allegedly followed by several more instances where Fontes touched and kissed Boules without permission. In Sept. 2018, Fontes also allegedly commented on Eltorai's body once she told him about her pregnancy, saying, "I wonder when you'll start to show - probably very soon, since you have such a flat stomach," according to the lawsuit. Both Jodi-Ann Oliver and Lori-Ann Oliver — who are sisters — also experienced unwanted sexual touching, with Fontes allegedly touching Jodi-Ann Oliver's lower back and backside at annual anesthesiology research retreat in or around 2016.

According to both Rahman and the suit, several of the alleged instances of misconduct occurred at parties or crowded bars with other people present, casting into question the responsibility not only on Fontes, but of others who stood by.

"You see in the allegations, it wasn't that the incidents all happened in isolation, some of them happened in front of other people, other attendings," Rahman said. "When there's a pattern of behavior by certain individuals and nothing is done for a number of years, you've got to reflect on what happened here, why didn't we do something, why did we turn a blind eye? That sort of conduct, the indifference, doesn't jibe with the way society has evolved.

While the majority of complaints listed in the lawsuit concern sexual misconduct, Fontes also allegedly mistreated some of the plaintiffs for rejecting his approaches. On one occasion, when Castro resisted Fontes' attempts to touch her, Fontes "became angry and

agitated, and retaliated against Dr. Castro for resisting his advances by demeaning and berating Dr. Castro," according to the lawsuit.

Fontes did not respond to a request for comment and spoke instead through his lawyer, Robert Mitchell. According to Mitchell, Fontes denies "each and every accusation."

"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," Mitchell wrote in an email to the News. "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."

According to the lawsuit, Fontes also faced allegations of sexual misconduct at two of his past appointments at Cornell University and Duke University. The lawsuit also states that despite Yale administrators allegedly knowing about these past accusations, "Fontes's well-known penchant for sexually harassing and behaving inappropriately towards female subordinates continued unabated at Yale."

Though Fontes arrived at Yale as the Division Chief for Cardiac Anesthesiology and Director of Clinical Research for the anesthesiology department in 2015, his online profile now only names him as a professor of anesthesiology.

According to a [2019 survey](#) by the American Association of Universities, 11.7 percent of women in graduate or professional programs at Yale experienced unwanted sexual touching while 6.1 experienced unwanted penetration.