

6 Yale Doctors Claim 'Troubling Pattern' of Silencing Sexual Misconduct Complaints

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By Jason Grant

Six female doctors at Yale University have launched a sexual harassment and assault lawsuit against a supervisory Yale professor and anesthesiologist, alleging that for years he groped, forcibly kissed and made other unwanted sexual contact with female physicians while retaliating against those who complained.

In a broad-ranging action filed on Thursday in Connecticut federal court, the female physicians, who were each supervised by defendant Dr. Manuel Lopes Fontes, also name as defendants the university and Yale New Haven Hospital. And they allege sweepingly that Yale, as an institution, has used a “pattern of deliberate indifference” for many years to effectively silence and blunt the claims of various women who have accused Yale men in power of abuse or harassment.

Behind Yale’s “veneer of prestige and privilege lies a troubling pattern and history wherein the voices of women ... who courageously come forward with complaints of sexual harassment against men in positions of power are suppressed and ignored,” the 35-page complaint, written by Manhattan-based law firm Wigdor on behalf of the doctor-plaintiffs, says in its second paragraph.

“Powerful men at Yale University,” continues the complaint, “are repeatedly given ‘passes’ and the ‘benefit of the doubt’ when the victims of their sexual misconduct come forward, whereas their victims are forced to go through hoops just to obtain a modicum of justice. Through this pattern of deliberate indifference, Yale University intends to send a message that the University will stand not behind those who have been innocently victimized ... but behind those who most contribute to the University’s prestige and fortune.”

The lawsuit, in a section titled “Yale University’s Troubling History of Protecting Male Doctors Accused of Sexual Harassment,” then outlines several instances of high-ranking male doctors being accused of, or being found to have engaged in, sexual misconduct. And yet, stresses the lawsuit, Yale allegedly still allowed those doctors to stay employed and, in some instances, even subsequently bestowed various university honors on them.

“Moreover,” the complaint says while citing a recent Association of American Universities survey, “almost half of all students (49.2%) experienced one or more sexually harassing behaviors, but only 15.6% of people reported these behaviors, which speaks to the lack of efficacy of Yale University’s reporting resources.”

Still, while Yale and its affiliated hospital are accused of failing to investigate and take

corrective action to address sexual misconduct aimed at the female-doctor plaintiffs, it is Fontes, the alleged harasser and abuser, who remains the central figure throughout most of the complaint.

Fontes, through counsel, is denying the allegations.

Three of the five lawsuit causes of action are directed only at him—claims by all six doctors of common-law assault, battery and invasion of privacy. And many of the complaint's pages are filled with sordid tales of Fontes' alleged sexual misconduct against female doctors who served under him inside Yale's Department of Anesthesiology, painting a picture of an esteemed professor who allegedly exhibited often the type of behavior that sparked the #MeToo movement.

In a section focused on Fontes' alleged harassment of plaintiff Dr. Heidi Boules, an attending physician and assistant professor in Yale's anesthesiology department, the lawsuit states that in 2018, Fontes invited Boules a local café supposedly to discuss work.

But once there, he "began to grab Dr. Boules's face and forcibly and unwantedly kiss her on the lips, despite Dr. Boules's objections," leaving her feeling disgusted, the complaint says. Days later, he then allegedly berated Boules in front of colleagues at a staff meeting, before soon directing her to come with him to an elevator.

At the elevator, he "proceeded to once again forcibly and unwantedly kiss Dr. Boules on the lips," the lawsuit says.

In another section the plaintiffs and their Wigdor lawyers who helped to write it, including Michael Willemin and Tanvir Rahman, outline some of the power Fontes allegedly wielded both at Yale and in the profession more widely, noting, for example, that "Dr. Manuel Fontes is a highly decorated and distinguished figure within the medical field, and in particular within the area of anesthesiology."

At Yale, says the complaint, Fontes, who arrived in 2015 after leaving Duke University, holds or has held the positions of professor of anesthesiology, vice chairman of diversity, equity and inclusion, division chief of the Cardiac Anesthesiology Division, and director of clinical research anesthesiology.

In another complaint section, the Wigdor lawyers lay out how in 2019 Fontes allegedly "came up behind" plaintiff Dr. Elizabeth Reinhart, who was a third-year anesthesiology resident, suddenly in a department break room "and began to unwantedly massage her back and shoulders." And that incident, says the complaint, happened just weeks after he had "wrapped his arm around and hugged [Dr. Reinhart] by the waist, and said lewdly, 'I can't wait to see you'" at a New Haven bar called Barcelona later that day. Attending a residency graduation celebration at a lawn club at the time, Reinhart was left feeling "terrified" by the incident, says the complaint.

Fontes is further accused of retaliating professionally against two of the six plaintiffs after they'd gone to Yale higher-ups to complain about his behavior, including one physician, Dr. Ashley Eltorai, who alleges he undercut her internally because she became pregnant.

Other complaint portions are devoted to outlining how some officials at Yale allegedly swept away complaints about Fontes, handing down broad new rules but not disciplining him personally and, in fact, honoring him with new a vice chairman post not long after one complaint came in.

Fontes' lawyer, Robert Mitchell of Mitchell and Sheahan in Stratford, said in an email on Friday that his client "denies each and every allegation of misconduct that these accusers have made."

"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 also said, adding that "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."

He also noted that Fontes' concern at the School of Medicine and at the Yale New Haven Hospital "has always been and remains his patients."

Karen Peart, a Yale spokeswoman, said in an email Thursday that the university "takes charges of sexual harassment seriously." And she noted that "in the summer of 2019, the university was approached by three of the six plaintiffs and took appropriate action" by offering them Yale's support resources for Title IX, a federal law that bans sex-based discrimination at schools that get federal funds, including giving the three women "guidance on filing a complaint with the university."

But "none of the plaintiffs chose to file a formal complaint," said Peart, adding that "Yale has nonetheless been working to resolve the issues raised" and "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."

A Yale New Haven Hospital spokesman could not be immediately reached for comment.

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