



University of Chicago Prevails in Discrimination and Retaliation Lawsuit

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A federal jury in Illinois recently returned a verdict in favor of the University of Chicago Medical Center (“UCMC”) in a discrimination and retaliation lawsuit. A former UCMC resident, Dr. Maria Artunduaga (“Artunduaga”), sued the University of Chicago in 2012, claiming she experienced discrimination (hostile work environment) while employed by the UCMC.

Artunduaga began her residency in the Plastic and Reconstructive Surgery Program in June 2011 and remained in the program until June 2012. Artunduaga alleged that she was “discriminated against during her residency due to her Colombian origin and that [UCMC] let her go in retaliation for her attempts to end the discriminatory treatment.” Artunduaga was born and raised in Columbia and graduated from a Colombian medical school in 2003. Following graduation, she practiced medicine in Columbia for three years, until leaving the country to attend Harvard University for a post-doctoral fellowship. Artunduaga completed the fellowship in 2011 and was then accepted into UCMC’s residency program.

In Artunduaga’s complaint, she claimed that, due to her national origin, she was consistently assigned fewer surgical cases than the other residents in her program and was assigned to “undesirable clinics that the other residents did not want to attend.” Artunduaga stated that her “duties that were more consistent with a personal assistant rather than a first-year surgical resident.” Artunduaga emphasized that “the unequal distribution of surgical cases deprived [her] of clinical experience that was essential to her success as a resident.” Furthermore, Artunduaga, whose first language is Spanish, claimed that her co-residents “ridiculed her accent and mocked her Colombian roots,” giving rise to a hostile work environment. Finally, the complaint alleged that Artunduaga was excluded from academic and related social activities due to her Colombian origin.

In November 2011, Artunduaga was put on probation, and by March 2012, she was told that UCMC would let her residency contract expire in June. Artunduaga claims that she “complained multiple times about the alleged discriminatory treatment to UCMC before she was told that her contract wouldn’t be renewed, but that UCMC took no action to correct the problem.” In response to Artunduaga’s allegations, UCMC contended that “[Artunduaga] wasn’t given assignments, and, ultimately, was not asked to come back the following year because she was underperforming in the program.” According to the letter of termination provided to Artunduaga, she lacked “many of the basic skills expected of a resident at [her] level of training.”

Artunduaga sued UCMC under Title VII of the Civil Rights Act of 1964 (“Title VII”), a federal law that prohibits employers from discriminating against employees on the basis of race, a nation of origin, sex, and religion.

Artunduaga also brought a retaliation claim against UCMC. In this regard, it is well settled that federal law prohibits employers from punishing, or otherwise taking adverse action against employees for asserting their rights to be free from employment discrimination. Artunduaga requested monetary damages, including lost wages and other benefits, as well as compensation for future lost earnings until she could secure comparable work.

In response to these allegations, the University stated that “[w]hile plaintiff repeatedly asserts that she was treated unfairly, she offers nothing to show that those events (even if true) occurred due to her national origin.” Furthermore, the University emphasized that “[n]othing she relies upon points directly to discriminatory motive or is directly related to the employment decisions she challenges” and asserted that “much of what she complains of — changes in schedule and duties, placing her on probation, and negative performance reviews — are not adverse employment actions at all and so are not actionable.”

The trial, which lasted two weeks, has now concluded, with a jury verdict in favor of the University. While the University prevailed in the end, it was engaged in a costly legal battle over these issues for more than four years. Although lawsuits of this nature may not be entirely unavoidable, employers can protect themselves by documenting and implementing strong policies denouncing workplace discrimination and harassment. Furthermore, employers should make all efforts to appropriately react to discrimination claims and should be cognizant of adverse actions against such employees that might resemble retaliation.

If you have any questions or concerns regarding education or employment related issues, please contact Hayley B. Dryer at HDryer@cullenanddykman.com or at 516-357-3745.

Thank you to Bridget Hart, a law clerk at Cullen and Dykman, for her assistance with this blog post.

*Please note that this is a general description of law and does not constitute legal advice.