



Emory University Hospital in Atlanta. (Photo: Travel_with_me/Shutterstock.com)

NEWS

Emory Medical School Prof Files ADA Suit Over Firing for Refusing Psychological Exam

A 20-year urology professor and surgeon sued Emory after being told he would be terminated for refusing to undergo psychological counseling and a physical exam. The complaint said he is the victim of an “irrational personal vendetta,” and that the effort to make him take a physical examination is a violation of his rights under federal disabilities law.

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Employment Law



Greg Land [↗](#)
staff reporter

A longtime Emory University School of Medicine surgeon and professor has [sued](#) the university, claiming he is being forced out after refusing to accede to the demands of his Department of Urology chairman that he undergo a psychological examination and medical examination.

Dr. Jeff Carney’s complaint said he is the victim of an “irrational personal vendetta,” and that the effort to make him take a physical examination is a violation of his rights under the Americans with Disabilities Act.

The complaint cites glowing accolades from his nearly 20-year career at Emory, including comments from his 2019 performance review in which Urology Department Chairman Martin Sanda effusively praised Carney’s work heading up the urology program at Grady Memorial Hospital as “among the model surgical services” there.

Carney, who specializes in reconstructive urological surgery, has “established a reputation as the premier reconstructive urological surgeon in the Georgia-Alabama-South Carolina-Florida region,” Sanda wrote then, and serves as “a model for junior faculty in urology to emulate.”

But according to the complaint filed Tuesday in the U.S. District Court for the Northern District of Georgia, that changed last September when Sanda “presented five baseless alleged complaints” against Carney, which he has still not seen in writing.

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“A serious question exists” whether Sanda fabricated the alleged complaints, which “quickly were found by Emory’s Title IX Department be without merit,” it said.

“Dr. Sanda acknowledged that the alleged complaints last September against Dr. Carney, even if true which they were not, did not warrant any disciplinary action.”

But Sanda used those complaint to demand that Carney undergo psychological counseling, including a medical examination.

According to the complaint, in correspondence with Carney, Sanda suggested he had a “mental disability which needed to be ‘nipped in the bud,’” and “repeatedly berated Dr. Carney as needing to address his mental issues.”

“Dr. Carney did everything that Dr. Sanda requested,” it said, except for his demand “in violation of the ADA, for Dr. Carney to receive psychological counseling that would involve a medical examination.”

On July 1 Carney was terminated as the chief of services for the urology program at Grady, where many Emory School of Medicine students undergo training. He was told his contract will not be renewed and that his faculty appointment expires Aug. 31.

Carney’s only written contract with Emory was signed in August 2001 and, “although renewable annually, did not automatically renew.”

Even so, his complaint said, Emory has treated his faculty status as if it were continuous and has never presented another contract or asked him to renew his appointment.

Cited in and attached to the complaint is correspondence from the American Association of University Professors to Emory that its “statement of principles” states that “those who are reappointed beyond seven years should be recognized as having the protections that would accrue with tenure—termination only for adequate cause and with due process.”

“After such a protracted period, Dr. Carney appears to have long since attained the protections of tenure through the length of his service,” said a June email from the Emory chapter of the AAUP to School of Medicine Dean Vikas P. Sukhatme.

The complaint said Sukhatme has maintained a “hands-off” approach to the matter and “refuses to acknowledge much less respond to Dr. Carney’s appeal of [Emory’s] arbitrary and capricious decision to terminate his as a member of the SOM’s faculty.”

Filed by Gary Bunch of Carrollton’s [Gary Bunch P.C.](#), the two-count complaint names Emory University as the sole defendant and asks the court to enjoin Emory from terminating him under the ADA.

“Employees can be instructed to undergo medical examinations by employers only in certain limited circumstances, confined by the job-relatedness and business necessity requirements,” it said.

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“The ADA was intended to prevent against medical test and inquiries that do not serve a legitimate business purpose.”

The second count asks the court to enjoin his firing because Carney, “by his 20 years on the SOM’s faculty and the SOM’s actions as well as statements by the SOM’s leadership, has quasi-tenure.”

Bunch did not respond to requests for comment Thursday afternoon; an Emory media representative said there would be no comment on the pending litigation.

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