

TEL 596 Dönem Projesi

C. L. Max Nikias Vakası

C. L. Max Nikias Kimdir:

Chrysostomos Loizos "Max" Nikias, 30 Eylül 1952 tarihinde Kıbrıs'ta dünyaya gelmiştir. Nikias, lise eğitimini Gazimağusa'da tamamlamıştır. Daha sonra Atina Ulusal Teknik Üniversitesi'nde Mühendislik okudu. ABD'de Elektrik Mühendisliği (SUNY Buffalo) üzerine yüksek lisans ve doktora yaptı.

University of South California (USC) Kariyeri:

Nikias doktorasını tamamladıktan sonra bir süre üniversitede Sayısal İşaret İşleme, Akustik İşaret İşleme, Çok boyutlu İşaret İşleme gibi dersler verdi. 1991 yılında USC'de profesör olarak görevi başladı. Burada profesörlük görevinin yanı sıra 2001-2005 tarihleri arasında Viterbi Mühendislik Fakültesinde dekanlık yaptı. Daha sonra aynı üniversitede sırasıyla 2005-2010 ve 2010-2018 tarihleri arasında rektör yardımcısı ve rektörlük yaptı. 2018 yılında rektörlük görevinden istifa eden Nikias, halen USC'de profesör olarak görev almaktadır.

Skandallar:

Max Nikias'ı istifaya götüren ve yönetiminin "etik çöküşü" olarak adlandırılan bazı skandallar gerçekleşmiştir. Bu raporda başlıca iki skandal ele alınmıştır. Carmen Puliafito ve George Tyndall skandalları:

1. Carmen Puliafito:

- Bir göz doktoru olan Carmen Puliafito, 2007-2016 tarihleri arasında USC'de Keck Tıp Fakültesi dekanı olarak görev almıştır.
- Puliafito'nun, dekanlık görevi sırasında ağır uyuşturucu (metamfetamin) kullandığı, suç kaydı bulunan kişilerle ve seks işçileriyle otel odalarında ve hatta kampüsteki

ofisinde partiler düzenlediği ortaya çıkmıştır. Puliafito'nun davranışları ve madde kullanımı şüpheleri hakkında birçok kez üniversite yönetimine resmi şikayette bulunulmuştur.

- Olayların en kritik noktası, 2016 yılında Pasadena'daki bir otelde, Puliafito'nun yanında bulunan 21 yaşındaki bir kadının aşırı doz uyuşturucudan (gamma-hydroxybutyrate) fenalaşarak hastaneye kaldırılmıştır.
- Yönetim, zamanında Puliafito'yu derhal görevden almak yerine, 2016 baharında dekanlıktan "istifa etmesine" izin vermiştir. Bu durum Nikias yönetimine karşı eleştirilere sebep olmuştur.
- Puliafito, dekanlıktan ayrılmamasına rağmen USC'de öğretim üyesi olarak kalmaya ve hasta bakmaya devam etmiştir.

2. George Tyndall:

- George Tyndall bir jinekolog olup 1989-2016 tarihlerinde Engeman Öğrenci Sağlık Merkezinde görev almıştır.
- Tyndall hakkında 2000'lardan 2016'ya kadar şikayetler vardı. "Eldivensiz muayene yapıyor", "Cinsel yorumlarda bulunuyor" gibi çok ciddi raporlar, USC yönetimi tarafından sümen altı edildi.
- Bu durum Nikias'a karşı birçok eleştiriye sebebiyet vermiştir.

Lawrence Neinstein

From: USCweb Visitor [webfoot@usc.edu]
Sent: Friday, April 30, 2010 10:50 AM
To: uphcweb@usc.edu
Subject: (Health Center Comment Form) Something you should know

Comments: Hi - I was a student/patient there from 2003 - 2005. I came to the clinic once to speak with my doctor as I had some sexual issues that were bothering me. I was unable to orgasm. This doctor was a man. I don't remember his name but I remember what he looked like. He told me of kegel exercises and told me to lay down and he would show me.

He put an ungloved finger in my vagina and told me to squeeze. No nurse was in the room and he was not wearing a glove.

Now older and wiser I see that this was horribly wrong and a blatant case of abuse.

I think you should open my file up, find out which doctors I saw and report this to the person in charge in case this man is still working there. He may be doing worse things to other girls.

If someone in charge is interested in looking into this they can contact me and I will give them my full name.

- On April 28, 2000, a student reported Dr. Tyndall made a comment about a rock musician having sex in the street. Though the comment did not occur during a gynecological exam, she found it "degrading and humiliating." (**Tab 14.**) Dr. Tyndall apologized in writing to the student; Dr. Neinstein both followed up with Dr. Tyndall and addressed the complaint directly with the student. (**Tab 15.**)

From: Monique Menke
Sent: Thursday, June 16, 2016 4:41 PM
To: George Raymond Tyndall
Cc: Mildred Wenger; William A. Leavitt
Subject: Summary of Discussion
Importance: High
Sensitivity: Confidential

Dr Tyndall,

Please allow this electronic communication to serve as follow up and acknowledgement of our meeting yesterday at 8:15am regarding the condition of your office and resulting effects, resulting in violation of Engemann Student Health Center policies and procedures.

While you were away on vacation, there was staff complaint of flying bugs in the PCC area. It was determined by Facilities that the

source of the flies was your office. One of our Facilities ordered and then placed non-toxic Fruit Fly baits in your office in an effort to attract and kill the bugs. In the process of opening one of the baits, the employee also suffered a cut on her hand which was treated in ACC.

Days later, the number of flying bugs had not only increased, but had migrated into exam rooms on the 2nd floor and downstairs to the 1st floor ACC. The exam room infiltration resulted in a formal complaint from a patient. Facilities (with the assistance of Dr. Wenger) performed an inspection of your office in an effort to determine the source of the bugs. The following items were found:

1. Perished food and drinks
2. Personal electronic equipment including two fans and a desktop computer
3. Professional samples of contraceptive devices
4. Old photographs and slides of female patients' cervix, some with patient names and ID numbers

All items were confiscated and your office was thoroughly cleaned including a shampoo of the carpet.

The four items listed above are in violation of Engemann Student Health Center policies and procedures (see attachments). The unsanitary condition of your office resulting in bugs within a medical facility is unacceptable in and of itself. Willful possession of professional samples and patient identifiable medical information are considered to be egregious violations of policy and our Medical Staff Bylaws (Article VIII).

Because of the seriousness of these violations, the Co-Acting Medical Directors and I are continuing to investigate this event. This investigation may lead to a more formal review of your professional conduct.

Şekil 1. George Tyndall'ın mahkeme dökümanlarından bazı mail ve raporlar.

Nikias'ın İstifası:

- Olaylar LA Times gazetesi tarafından ifşa edilince, Nikias yönetiminin savunması inandırıcı bulunmadı ve güven tamamen kayboldu.
- Sonrasında USC'de görev yapan 200 Profesör, Nikias'tan istifasını talep eden bir bildiri yayımladılar. Bu olay haber sitelerinde ve sosyal medyada da ciddi yankı buldu.

- 200 Profesör'e ait ilgili bildiri:

May 22, 2018

To the Board of Trustees:

We, the undersigned faculty, write to express our outrage and disappointment over the mounting evidence of President Nikias' failure to protect our students, our staff, and our colleagues from repeated and pervasive sexual harassment and misconduct. In his recent letter to the University community, President Nikias referred to the actions of gynecologist George Tyndall as a "breach of trust." With all due respect, President Nikias' own actions and omissions amount to a breach of trust. **He has lost the moral authority to lead the University, and in addition, to lead the investigation of institutional failures that allowed this misconduct to persist over several decades.** President Nikias must step aside to allow new leaders to take the necessary steps to repair the damage.

As the *Los Angeles Times* has reported, **USC kept a physician in a position of power and trust who abused that power and trust to sexually assault and degrade women students**, targeting for abuse the most vulnerable international and minority students. The University's conduct is as much at issue in this case as the physician's. **Numerous students and nursing staff reported Dr. Tyndall's misconduct in the years between 2000 and 2014, yet Dr. Tyndall was suspended only in 2016, after one brave staff person reported him to USC's rape crisis center.** After concluding that the charges against Dr. Tyndall were true, the University allowed him to resign quietly. **By failing to notify the state Medical Board, law enforcement, or patients, the university allowed Dr. Tyndall to keep his medical license, continue preying on women outside USC, and escape the consequences of his abuse.** President Nikias writes that "in hindsight," it was wrong not to notify the Board.

The University Administration's actions have been wrong at every turn, and not only in hindsight. In this case, as in prior cases, faced with an ongoing pattern of serious wrongdoing by a powerful University official, the University has kept the wrongdoing quiet, settled financially with the wrongdoer in secret, and denied any responsibility on the part of the University. **There still has been no public report of the investigation into the two cases involving USC medical deans, nor any visible attempt to determine what University administrators knew and when they knew it, and why they waited as long as they did to take action.** We lament that, time after time, the administration has admitted to its failings only after being exposed by the *Los Angeles Times*. We also watch with deep distress as the university's reputation is marred in the national press and in international circles.

We call upon President Nikias to step aside, and upon the Board of Trustees to restore moral leadership to the university. We also call on the Board to reaffirm the core mission of the University, "the development of human beings and society as a whole through the cultivation and enrichment of the human mind and spirit." We can only reach our full development as a community if we support all our members – students, staff, faculty, and alumni – in safety, respect, and trust. Restore our trust in USC by standing up for its highest ideals.

Sincerely yours,

- Daha sonra Nikias 2018 yılında Rektörlük görevinden istifa etti. 2025 itibarıyle aktif olarak USC'de profesörlük görevine devam etmektedir.

Referanslar:

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