

APA Official Actions

Position Statement on Misuse of Psychiatric Examinations and Disclosure of Psychiatric Records in Sexual Harassment Litigation

Approved by the Board of Trustees, 2022
Approved by the Assembly, 2022

“Policy documents are approved by the APA Assembly and Board of Trustees. . . These are . . . position statements that define APA official policy on specific subjects. . .” – *APA Operations Manual*

Issue:

In recent years, plaintiffs who have sought damages for sexual harassment in the workplace under federal and state civil rights laws have sometimes been required to disclose psychiatric records or submit to compulsory psychiatric examinations even though they have neither alleged that they suffered a diagnosable mental disorder nor indicated an intention of presenting testimony of a mental health professional in support of their claims. Instead, the defendant’s request for disclosure of psychiatric records or a compulsory psychiatric examination in these cases has been predicated solely on a desire to assess the plaintiff’s credibility or motivation for filing a sexual harassment complaint, and often appears intended to deter aggrieved persons from vindicating their legal rights.

APA Position:

Mandatory disclosure of psychiatric records and/or compulsory psychiatric examinations of plaintiffs in sexual harassment litigation constitute an abuse of psychiatry by imposing an unreasonable burden on the privacy of plaintiffs, and inevitably deter people from seeking to vindicate their legal rights.

Author: Council on Psychiatry and Law