

EFFECTIVE DATE: 06/22/2023

POLICY & PROCEDURE TITLE:

Sexual Discrimination/Harassment Policy with Title IX Requirements

REVIEW BY: 06/22/2025

PURPOSE

As a values-centered healthcare system, Trinity Health of the Mid-Atlantic Region actively works to ensure a learning and working environment that is free from all forms of sex discrimination for all members of our working and learning community, as well as for those we serve in ministry.

In this spirit, Trinity Health of the Mid-Atlantic Region and all of its subsidiaries (collectively referred to herein as “THMA”) seeks continuous compliance with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex in our medical residency programs. This means that THMA maintains an educational environment free of discrimination based on sex, including sexual orientation and gender identity, in all aspects of our medical residency and fellowship programs, including recruitment, admissions, terms and conditions of participation, program administration, and resident or fellow assessment and evaluation.

The purpose of this Policy is to affirm these principles by prohibiting discrimination based on sex, including sexual harassment and sexual misconduct, in our medical residency and fellowship programs, defining standards of behavior and practice, and providing a procedure for the prompt investigation and resolution of claims based on sex discrimination, including sexual harassment and sexual misconduct.

SCOPE/APPLICABILITY

This Policy on Title IX Sex Discrimination applies to all THMA colleagues, as defined below.

This Policy only addresses Title IX Sex Discrimination and Title IX Sexual Harassment, as defined in this Policy. All other protected status allegations (including Non-Title IX sex discrimination and non-Title IX sexual harassment) are addressed in other THMA policies, including other applicable discrimination policies and procedures.

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DEFINITIONS

Colleague refers to all employees, credentialed physicians and practitioners regardless of employment status, non-employed clinical staff, contractors, vendors, temporary staff, agency staff, consultants, faculty, volunteers, students/residents, and service partners of THMA.

Complainant refers to any person or group of persons who have initiated a complaint concerning an alleged violation or violations of this Policy.

Fellow refers to a physician enrolled in a fellowship program sponsored by a THMA facility.

Prohibited Conduct under this Policy includes sex discrimination, sexual harassment, and sexual misconduct, including sexual assault.

Sex Discrimination prohibited by this Policy is any action that deprives colleagues of educational or employment access, benefits, rights, privileges, or opportunities on the basis of sex. This definition includes any harassment, intimidation, threats, coercion, retaliation, or other acts directed toward a colleague based on that colleague's sex. For purposes of this Policy, discrimination "on the basis of sex" shall include discrimination on the basis of the colleague's actual or perceived sex, sex assigned at birth, sexual orientation, transgender identity, gender transition, gender identity, gender expression, or pregnancy and parental status.

Sexual Harassment prohibited by this Policy is any unwelcome conduct of a sexual nature, which includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal, non-verbal, or physical conduct of a sexual nature. Sexual harassment shall also include, but not be limited to, sexual violence, which refers to physical sexual acts that occur without consent or where a person is incapable of giving informed consent as a result of drugs or alcohol, intellectual or other disability, or age.

Sexual harassment prohibited by this Policy may also consist of derogatory visual, verbal, nonverbal, or physical conduct when:

- Submission to the conduct is made either explicitly or implicitly a term or condition of the individual's employment status or advancement; or
- Submission to or rejection of the conduct is used as the basis for employment decisions affecting the individual; or

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- The conduct has the purpose or effect of unreasonably interfering with the individual's work performance by creating a hostile environment, regardless of whether it is directed toward that or any specific individual.

Some examples of sexual harassment include: unwanted pressure for sexual favors; unwanted sexual gestures (e.g., leering, sexually suggestive looks, obscene gestures, etc.); unwanted texts, emails, or photos that are sexual in nature; unwanted deliberate touching or physical stalking behavior; and attempted or actual rape, sexual coercion, dating violence, domestic violence, or sexual assault.

Sexual Misconduct prohibited by this Policy is any sexual misconduct of any kind, including sexual assault. Federal law views sexual misconduct and sexual assault as forms of sexual harassment prohibited under Title IX. The term sexual harassment as used throughout this Policy shall include sexual misconduct.

Resident refers to a physician enrolled in a residency program sponsored by a THMA facility.

Respondent refers to any person or group of persons against whom a complaint concerning an alleged violation or violations of this Policy has been filed.

Title IX shall mean Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., and its implementing regulations, which apply to THMA's medical residency programs.

Title IX Coordinator shall mean the individual responsible for coordinating the THMA medical residency programs' efforts to comply with and carry out their responsibilities under Title IX, including any investigation and adjudication of complaints of sex discrimination, including sexual harassment and sexual misconduct. The Title IX Coordinator for THMA is:

Kyle Anthony
Director, Integrity and Compliance and Title IX Coordinator
3805 West Chester Pike, Suite 100
Newtown Square, PA 19073
Email: kyle.anthony@holycrosshealth.org
Phone: 734-343-0639

POLICY OVERVIEW

It is the policy of THMA to provide a learning and working environment that respects the dignity of each individual and, therefore, is free of sex discrimination and sexual harassment. THMA will not tolerate sex discrimination, including sexual harassment and sexual misconduct. THMA is committed to preventing, investigating, and remedying any violations of this Policy, whether

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caused by colleagues or third parties. Any THMA colleague inflicting any such behavior on others shall be subject to the full range of disciplinary actions, up to and including separation and/or termination from THMA and/or referral to authorities for criminal prosecution, as appropriate.

Prohibited Conduct under this Policy shall include but not be limited to the following:

- Threatening or insinuating (explicitly or implicitly) that another colleague's or any applicant's refusal to consent, submit, or acquiesce to such supervisor's or colleague's sexual advances will adversely affect that colleague's or applicant's employment, employment status, evaluation, wages, compensation, benefits, assigned duties, work schedule, or any other condition or status of employment.
- Promising, conditioning, or granting any favorable or preferential treatment related to employment, employment status, evaluation, wages, compensation, benefits, assigned duties, work schedule, or any other condition or status of employment, to any colleague or applicant who engages in or consents to engage in sexual conduct with such supervisor or other colleague.
- Engaging in any unwelcome or offensive action, behavior, or conduct of a sexual or sexist character or nature during work or in the workplace, including unwelcome or offensive sexual advances, assaults, flirtations, or propositions; unwelcome or offensive touching or other physical contact; sexual or sexist verbal or written statements or other communications; or the display (either physically or electronically) in the workplace of sexually explicit or sexist pictures, photographs, representations, or objects.
- Retaliating against any colleague who reports sex discrimination or sexual harassment in accordance with this Policy or assists in the investigation of such report.

This Policy applies to conduct that occurs in connection with THMA's medical residency and fellowship programs, whether on-site at a THMA facility or off-site. Specifically, this Policy applies to conduct in connection with a THMA medical residency or fellowship program that is alleged to have occurred at a THMA facility, event, or other circumstances (including clinical setting) provided that THMA has substantial control over the Respondent and the context of the occurrence.

In order to ensure compliance with this Policy, all new colleague orientation (for colleagues who participate in THMA's medical residency and/or fellowship programs) will include training on this Policy.

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In situations where the employment relationship is subject to a contract or collective bargaining agreement, the terms of the contract or collective bargaining agreement supersede this Policy whenever terms are in conflict.

PROCEDURE

A. Applicability of Title IX

1. In accordance with its obligations under Title IX, THMA will not tolerate sex discrimination, including sexual harassment and sexual misconduct, in its medical residency and fellowship programs.

B. Reporting Prohibited Conduct in THMA's Medical Residency Programs

1. Any person who believes that he or she is or may have been subjected to or witnessed Prohibited Conduct in a THMA medical residency or fellowship program is strongly encouraged to report it as follows:

Complaints, or persons with questions pertaining to this Policy, should contact the Title IX Coordinator at:

Kyle Anthony
Director, Integrity and Compliance and Title IX Coordinator
3805 West Chester Pike, Suite 100
Newtown Square, PA 19073
Email: kyle.anthony@holycrosshealth.org
Phone: 734-343-0639

Additionally, colleagues may direct questions or concerns to their supervisor, Designated Institutional Official, Program Director, the Chief Human Resources Officer at their ministry location, or the THMA Mission Leader.

For emergency or immediate assistance (twenty-four hours a day, seven days a week), colleagues should contact Security at their local ministry or local law enforcement at 911.

2. Any supervisor, manager, or other colleague to whom Prohibited Conduct is reported or who has witnessed Prohibited Conduct in THMA's medical residency and fellowship programs must immediately notify the HR Department, who will then initiate and lead the appropriate investigation.

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3. The HR Department will notify the THMA Legal Department and the Title IX Coordinator promptly upon receipt of any complaint of sexual harassment.
4. Inquiries or complaints concerning the application of Title IX to THMA may be referred to THMA's Title IX Coordinator and/or to the U.S. Department of Health and Human Services' Office for Civil Rights at:
Office for Civil Rights
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Room 509F, HHH Building
Washington, D.C. 20201
Email: OCRMail@hhs.gov
Telephone: (800) 368-1019

C. Complaint Investigation

1. THMA will conduct a thorough and impartial investigation into allegations of violation of this Policy.
2. The following requirements will guide the conduct of the investigation:
 - a. Both the Complainant(s) and the Respondent(s) shall be treated equitably throughout the investigatory process;
 - b. The investigator shall receive and objectively review all relevant evidence, including both inculpatory and exculpatory evidence, and make unbiased evidentiary credibility determinations which are not based on an individual's status as a Complainant, Respondent, or witness;
 - c. The assigned investigator shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent specifically;
 - d. The investigation shall begin with the presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation;
 - e. The investigation shall proceed promptly, within reasonable timeframes reflective of active intent toward resolution of the complaint, and with reasonable consideration given for good cause temporary delays in the investigatory process;
 - f. Clear notification to the Complainant(s) and Respondent(s) of potential disciplinary sanctions and remedies following any determination of responsibility; and
 - g. The findings of fact and conclusions of the investigation shall be based on the "preponderance of the evidence" standard, which is a determination of whether an assertion is "more likely than not" to be true.

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3. While an investigation or resolution procedure is ongoing, THMA will offer supportive measures necessary to deter future instances of sex discrimination or sexual harassment, protect the parties and witnesses pending the final outcome, and with respect to THMA's medical residency and fellowship programs, ensure equal access to such programs. These measures can include no contact orders; adjustments to workplaces and work schedules, and other supportive measures. Both the Complainant and Respondent shall, upon request and consistent with THMA's policies and procedures, be afforded prompt review, as reasonable under the circumstances, of the need for and terms of any such supportive measure and accommodation that directly affects him or her, and shall be allowed to submit evidence in support of his or her request.
4. The conduct of the investigation will proceed as follows:
 - a. The HR Department will appoint a lead investigator for the complaint, who will promptly investigate such complaint in as confidential a manner as possible under the circumstances and take prompt and appropriate corrective action if warranted.
 - b. If a complaint of Prohibited Conduct under this Policy involves a non-employed physician, non-employed colleague, or a non-colleague, the HR Department will notify the appropriate Executive Director/Senior Vice President or the appropriate Chief Medical Officer.
 - c. In response to a complaint under this Policy, the HR Department, in consultation with the Title IX Coordinator, will conduct a prompt and equitable investigation. The investigation will include an initial determination of whether the alleged conduct, if true, would constitute a violation of the Policy before a more thorough investigation is conducted. If it is initially determined that the alleged conduct, if true, would constitute a violation of the Policy, then an investigation that may lead to disciplinary action shall be opened.
 - d. Once an investigation that may lead to disciplinary action against the Respondent is opened, the investigator will provide written notice to both parties of the allegations constituting a potential violation of this Policy, including notice of the identities of the parties involved, a description of the grievance process, and the availability of supportive measures. In addition, the investigator shall notify the Respondent that the Respondent is presumed not responsible for the alleged conduct unless a determination regarding responsibility is made at the conclusion of the investigation and that they are prohibited from hindering or impeding the investigation or knowingly making false or misleading statements to investigators during the course of the investigation. The investigator will also notify the

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Respondent should additional allegations of violation of this Policy be brought forward during the course of the investigation.

- e. The investigation will generally involve the investigator meeting with the Complainant, the Respondent, and witnesses, whose interviews will be conducted separately. The investigator may contact other persons that the investigator may deem to have relevant information regarding the alleged Prohibited Conduct. The investigator will also be given access to, and shall collect, any documentary or physical evidence relevant to the investigation.
- f. The investigator will seek to provide to any party whose participation is invited or expected notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. For purposes of this Policy, the term “party” refers to the Complainant and Respondent individually and the term “parties” refers to the Complainant and Respondent collectively.
- g. Any process made available to one party during the investigation and resolution process will be made equally available to the other party.
- h. In some instances, as determined by the lead investigator in consultation with the Chief Human Resources Officer and the Title IX Coordinator, circumstances may warrant placing the Respondent(s) on administrative leave pending investigation or creating strict workplace separation/no-contact requirements between and among the parties to the complaint.
- i. All colleagues are expected to cooperate fully with the investigation of any alleged Prohibited Conduct or retaliation. Any colleague who hinders, impedes, or refuses to fully cooperate in the investigation of alleged Prohibited Conduct, or provides knowingly false or misleading information to the investigator, may be subject to disciplinary action, up to and including termination.
- j. The investigator will prepare a written report summarizing the conduct of the investigation, the evidentiary material gathered, the findings of facts, and investigatory conclusions.
- k. An investigatory review team, comprised of the Title IX Coordinator, Chief Human Resources Officer, a representative from THMA’s Legal Department, and the Program Director of the applicable residency or fellowship program (or another representative of the applicable residency or fellowship program as specified below) shall review the written investigative report with the investigator. Based on the preponderance of evidence standard, the investigatory review team shall make a determination as to whether the allegation has been substantiated or unsubstantiated. If the Program Director of the applicable residency or fellowship program was materially involved in the events underlying the allegations at issue, then he or she shall not review the written investigative report with the investigator and instead the investigator shall designate another

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faculty representative of the applicable residency or fellowship program to review such report.

5. Retaliation.

- a. THMA will not tolerate any form of retaliation against any colleague who has, in good faith, reported, opposed, or been involved in any investigation or proceeding concerning an alleged violation of this Policy. Retaliatory acts include, but are not limited to, attempts to discourage an individual from reporting an incident, determine the identity of witnesses, discover the information provided to an investigator, alter the input or discourage the cooperation of a witness, threatening or intimidating a participant in a complaint or investigation or intentionally causing negative consequences for a participant through any part of this process.
- b. Any retaliation or threat of retaliation for making a complaint must be reported in the same manner as the complaint procedure and will be investigated in accordance with this Policy. Retaliation, in any form, by any person covered by this Policy, will result in discipline, up to and including termination at the sole discretion of THMA.

6. Results of the investigation.

- a. Written notice of the results of an investigation of a complaint initiated under this Policy will be provided to the Complainant(s) and the Respondent(s) concurrently within a reasonable time after the completion of the investigation. The parties shall have the opportunity to respond to the report in writing in advance of any final decision of responsibility. Such written response must be submitted to the Title IX Coordinator via email within five business days of the date of the notice of the results of the investigation.
- b. Any Colleague who is found, after an investigation under this Policy, to have violated the Policy by either (a) engaging in Prohibited Conduct, or (b) engaging in any retaliation against any Colleague who made a report in accordance with this Policy or participated in any manner in the investigation of a complaint under this Policy, will be subject to appropriate sanctions.
- c. Depending on the factual findings of the investigation, sanctions may include counseling, warning, suspension, transfer, demotion, involuntary separation of employment, termination from the residency or fellowship program, and/or referral to the disciplinary process set forth in the ministry's Medical Staff Bylaws.

7. Confidentiality.

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- a. The confidentiality of all the parties involved in the reporting and investigation of any complaints of Prohibited Conduct under this Policy will be protected to the extent practicable, while fulfilling THMA's obligations to investigate and remedy Prohibited Conduct in its medical residency programs.
- b. Colleagues involved in any way with reporting or investigating alleged Prohibited Conduct are expected to maintain the confidentiality of the process. Information concerning the reporting and investigation of complaints of alleged Prohibited Conduct will be disseminated only to individuals involved in the conduct of the investigation, evaluation of the claim, and imposition of any counseling, and as required by law or regulation.

RESPONSIBLE DEPARTMENT

Further guidance concerning this Policy may be obtained from the Title IX Coordinator and the THMA Chief Human Resources Officer.

RELATED PROCEDURES AND OTHER MATERIALS