

NEWS & INSIGHTS

Potential Title IX Liability For Medical Interns

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In the recent case of Doe v. Mercy Catholic Med. Ctr., a Pennsylvania Court found that the resident program run by Mercy Catholic Medical Center—affiliated with Drexel University’s College of Medicine—qualified as an “education program or entity” as defined by Title IX due to its receipt of federal dollars through Medicare funding. Title IX of the Education Amendments of 1972 prohibits sex discrimination in any “education program or activity receiving federal financial assistance.” Title IX prohibits sex-based discrimination, including sexual violence, sexual harassment, and hostile environment based on sex. Typically, Title IX lawsuits arise in the context of colleges and universities.

In Doe, a former medical resident filed a retaliation claim under Title IX as a student, alleging she was forced out of the resident program for refusing a physician's sexual advances. Typically, in order to proceed with such a claim (sex discrimination under Title VII of the Civil Rights Act of 1964), an employee must first file a charge of discrimination with the U.S. Equal Employment Opportunity Commission or the Pennsylvania Human Relations Commission. Failure to file a charge with one of these administrative agencies within 300 days bars an employee from bringing a lawsuit to enforce their rights.

Accordingly, the hospital argued that Doe was required to file a charge under Title VII because that statute provides relief to employees, not Title IX (Doe's claim would also have been time-barred under Title VII). The lower court agreed, and dismissed the case, finding that the resident program was not an "education program or entity" as defined under Title IX. However, the appeals court disagreed, finding that the hospital's program could fall under Title IX since the hospital received payments from the federal government and was affiliated with a university.

This decision is likely to have a significant impact for hospitals and other educational programs that receive federal financial assistance. Specifically, pursuant to this decision, participants in their educational programs and activities may now elect to go straight to court to litigate claims instead of engaging in the administrative process as required under Title VII. Based on this decision, hospitals and practice groups should evaluate whether they are subject to liability.

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