

Third Circuit Holds Title IX Protects Medical Residents in Private Hospital

By [Joseph E. Abboud](#)
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The text of Title IX of the Education Amendments of 1972 (“Title IX”) prohibits sex discrimination in “any education program or activity receiving Federal financial assistance.” In many instances, it is clear that a given program falls within the scope of [Title IX](#); for instance, if a high school or college receives federal funds, [Title IX protects students at the school](#) from being denied educational opportunities on the basis of their sex.

However, many individuals participate in programs that have mixed purposes and, thus, do not fit neatly into the archetype of an education-focused school. For instance, each year in the United States there are over 100,000 medical residents finishing their training in residency programs, where they both receive medical education *and* provide medical services to patients in a variety of institutional settings. Although these residents are still in training, they are also paid employees of the hospital and under the protection of labor laws.

This hybrid status of the student-doctor makes the applicability of Title IX uncertain. On March 7, the U.S. Court of Appeals for the Third Circuit issued an important ruling in *Doe v. Mercy Catholic Medical Center*, holding that medical residency programs fall within the scope of Title IX, even where a private hospital operates the program.

Background of Doe v. Mercy Catholic Medical Center

The plaintiff in the case, referred to in the court proceedings by the pseudonym Jane Doe, was a radiology resident at Mercy Catholic Medical Center. The institution is a private teaching hospital in Philadelphia that operates accredited residency programs affiliated with Drexel University’s College of Medicine. As part of the program, Doe attended lectures and gave presentations like a typical student, but she also practiced medicine under the supervision of the program’s physicians.

Doe alleged that, shortly after beginning the program, the director of the residency program subjected her to sexual harassment, making her extremely uncomfortable. After Doe rejected the director’s sexual advances and complained about his harassment, the director retaliated against her, eventually resulting in Doe’s dismissal from the residency program. Doe brought suit in federal court alleging unlawful sexual harassment and retaliation under Title IX.

The trial court dismissed Doe’s complaint, holding that Mercy did not operate an “education program or activity” and was thus not subject to Title IX. Focusing on the term “education” and other provisions of Title IX explicitly dealing with “educational institutions,” the trial court held that the “education program or activity” contemplated by Title IX was limited to traditional school environments. Since medical residents have already graduated from medical school with their medical degrees, are paid for the medical services they provide and receive labor law protections applicable to other hospital employees, the trial court decided that a medical residency program was too dissimilar from a typical school for Title IX to apply.

The Third Circuit's Decision

While the opinion of the Third Circuit appreciated the intuitive nature of the trial court's interpretation of Title IX, the Third Circuit rightly pointed out that the protections of Title IX are not limited to "students" or "schools" but instead to "any education program or activity." The Third Circuit noted that other sections of Title IX clearly contemplate that a private organization primarily engaged in the business of providing "health care, housing, social services, or parks and recreation" could still operate an "education program or activity" under Title IX. Therefore, in order to give effect to Title IX's text and to its purpose of promoting sex equality in all federally funded educational programs, the Third Circuit held that the scope of "education program or activity" under Title IX must be interpreted broadly to capture any program or activity with "educational characteristics."

Because Mercy's residency program had obvious educational characteristics, such as offering academic courses and supervised training in affiliation with a university, the Third Circuit found that it easily fell within Title IX's broad scope. In addition, since Mercy received Medicare reimbursement for many of the medical services performed by residents in the residency program, the Third Circuit was satisfied that Mercy received the necessary "[f]ederal financial assistance" for Title IX to apply.

By applying Title IX outside of the archetypal school environment, the Third Circuit took an important step in promoting sex equality in education. Even though institutions like private teaching hospitals differ markedly from high schools and colleges, the training they provide is no less vital to the capability and success of the American workforce. Ensuring that these institutions are free of [sex discrimination](#) is essential if all persons, regardless of sex, are to have an equal opportunity in society.