
 <p><b>HAWAII HEALTH SYSTEMS</b> CORPORATION <i>"Quality Healthcare For All"</i></p> <p><b>PROCEDURE</b></p>	<p>Department: Corporate Legal</p>	<p>Policy No.: <b>CMP 0100B</b></p>
	<p>Issued by: General Counsel</p>	<p>Revision No.: N/A</p>
<p>Subject:</p> <p><b>NONDISCRIMINATION (General)</b></p>	<p>Approved by:</p>  <p>By: Linda Rosen, M.D. Its: HHSC CEO</p>	<p>Effective Date: October 27, 2016</p>
		<p>Supersedes Policy: N/A</p>
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Last Review: October 13, 2016; Next Review: October 13, 2019

**I. PURPOSE:** To set forth HHSC's policy regarding nondiscrimination.

**II. DEFINITIONS:**

The following terms used herein are defined in this Section II. Any other terms used in this Policy are defined in the regulations under 45 C.F.R. Parts 80, 84, 86, 91 and 92 and Chapter 489, Hawaii Revised Statutes ("HRS"), as amended.

"Disability" – means, with respect to an individual, a physical or mental impairment that substantially limits one or more major life activities of such individual, a record of such an impairment, or being regarded as having such an impairment, as defined and construed in the Rehabilitation Act, 29 U.S.C. § 705(9)(B), which incorporates the definition of disability in the Americans with Disabilities Act of 1990, codified at 42 U.S.C. § 12102, as the same may be amended from time to time.

"Gender identity" – refers to an individual's internal sense of gender, which may be male, female, neither, or a combination of male and female, and which may be different from an individual's sex assigned at birth.

"Individual with limited English proficiency" – refers to an individual whose primary language for communication is not English and who has a limited ability to read, write, speak, or understand English.

"National origin" – includes, but is not limited to, an individual's or the individual's ancestor's place of origin (such as country or world region) or an individual's manifestation of the physical, cultural, or linguistic characteristics of a national origin group.

"On the basis of sex" – includes, but is not limited to, discrimination on the basis of pregnancy, false pregnancy, termination of pregnancy, or recovery therefrom, childbirth or related medical conditions, sex stereotyping, and gender identity.

“Sex stereotypes” – refers to stereotypical notions of masculinity or femininity, including expectations of how individuals represent or communicate their gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

### III. PROCEDURE:

- Complaints must be submitted to HHSC’s Civil Rights Coordinator within 60 days of the date the person submitting the Complaint becomes aware of the alleged discriminatory action.
- Complaints must be in writing, containing the name and address of the person submitting it. The Complaint must set forth the facts related to the action alleged to be discriminatory and the remedy or relief sought.
- HHSC’s Civil Rights Coordinator shall conduct an investigation of the Complaint. This investigation may be informal, but shall be thorough, affording all interested persons an opportunity to submit evidence relevant to the Complaint.
- HHSC’s Civil Rights Coordinator shall maintain files and records related to all such Complaints. In accordance with applicable law, HHSC’s Civil Rights Coordinator shall take appropriate steps to preserve the confidentiality of files and records relating to any Complaint and shall share them only with the appropriate individuals in accordance with the HIPAA Rules and other federal, state and local laws and regulations.
- HHSC’s Civil Rights Coordinator shall issue a written decision accompanied by findings on the merits of each issue in the Complaint as determined by a preponderance of the evidence, no later than 30 days after the date of the Complaint was submitted and shall include a notice of complainant’s right to pursue further administrative or legal remedies.
- The complainant may appeal an adverse decision of HHSC’s Civil Rights Coordinator by writing to the CEO within 15 days of receiving HHSC’s Civil Rights Coordinator’s decision. The CEO shall issue a written decision in response to the appeal no later than 30 days after receipt of the appeal.

The availability and use of this grievance procedure does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination on the basis of race, color, ancestry, national origin, religion, age, disability, sex, sexual orientation, marital status or any other bases prohibited by federal, state or local laws or regulations in court or with the U.S. Department of Health and Human Services, Office for Civil Rights or the Hawaii Civil Rights Commission.

A person may file a complaint of discrimination with the:

- U.S. Department of Health and Human Services, Office for Civil Rights electronically through the Office for Civil Rights Complaint Portal, which is

available at: <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf> or by mail or phone at:

Office for Civil Rights – Pacific Region  
U.S. Department of Health and Human Services  
90 7th Street, Suite 4-100  
San Francisco, California 94103  
Customer Response Center: (800) 368-1019  
Fax: (202) 619-3818  
TDD: (800) 537-7697  
Email: [ocrmail@hhs.gov](mailto:ocrmail@hhs.gov)

Office for Civil Rights Complaint forms are available at:  
<http://www.hhs.gov/ocr/office/file/index.html>.

- Hawaii Civil Rights Commission by mail or phone at:

Hawaii Civil Rights Commission  
830 Punchbowl Street, Room 411  
Honolulu, Hawaii 96813  
Phone: Oahu: (808) 586-8636  
Kauai: (808) 274-3141 Ext. 6-8636#  
Maui: (808) 984-2400 Ext. 6-8636#  
Hawaii: (808) 974-4000 Ext. 6-8636#  
Lanai and Molokai: 1-800-468-4644 Ext. 6-8636#  
Fax: (808) 586-8655  
TDD: (808) 586-8692

Such complaints must be filed within 180 days of the date of the alleged discrimination.

HHSC shall make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided auxiliary aids and services or language assistance services, respectively, if needed to participate in this grievance process. Such arrangements may include, but are not limited to, providing qualified interpreters, providing taped cassettes of material for individuals with low vision, or assuring a barrier-free location for the proceedings. HHSC's Civil Rights Coordinator shall be responsible for such arrangements.

**IV. APPLICABILITY:** All HHSC facilities including corporate office.

**V. REFERENCE:** CMP 0100A

**VI. ATTACHMENTS:** None