

## **THIRD-PARTY REVIEW SUMMARY**

TO: Lehigh Valley Health Network (LVHN)  
FROM: King & Spalding LLP  
DATE: January 25, 2024  
RE: Third-Party Review

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### **Summary of Investigatory Recommendations, Findings and Conclusions**

This document outlines key recommendations and findings from the independent third-party review conducted by King & Spalding LLP regarding the concerns raised by Dr. Robert Ray Jr., a former resident in LVHN's emergency medicine department, in his blog post published on June 19, 2023.

The review team made the following recommendations:

- Reorganize the LVHN human resources department, including assessing the appropriate organizational structure.
- Revise LVHN's process for submitting and investigating concerns raised internally through the human resources department. As part of this, LVHN should focus on ensuring appropriate leaders are involved in investigations, implementing appropriate reporting tools and addressing employee concerns of retaliation.
- Create a more senior Diversity, Equity and Inclusion (DEI) position with involvement in leadership and Board meetings to ensure high-level visibility and to promote DEI initiatives.
- Revise the current dress code policy with standards that prevent reliance on subjective interpretation for enforcement. Review of the policy must take into consideration both DEI and patient safety.
- Conduct robust, in-person training on inclusion and implicit and unconscious bias, as well as stereotypes and protected characteristics.
- Take appropriate personnel action.

These recommendations are based on the review team's investigation into the concerns outlined in Dr. Ray's blog post that included the following:

### **Summary Regarding Inappropriate Comments Related to Race**

In his blog post, Dr. Robert Ray Jr. raised multiple examples of inappropriate comments he experienced while at LVHN.

Dr. Ray declined to provide the review team with the names of the unnamed individuals who he alleged made certain comments. Dr. Ray stated that he did “not believe it is important . . . to disclose those individuals’ names,” as he had “approach[ed]” them himself, had “meaningful and productive conversation[s]” with them, and “they were willing to be accountable and learn from that experience.”

Based on witness statements and documentary evidence, the review team:

- was able to confirm that certain alleged comments were made;
- was able to confirm that one alleged comment was not made;
- was unable to determine whether certain other alleged comments were made.

### **Summary Regarding Dress Code Policy Interpretation and Implementation**

The review team concluded that LVHN has consistently determined that Black Lives Matter (BLM) attire is not permitted under the dress code policy. The review team, however, did validate certain workplace concerns that were raised by Dr. Ray related to the dress code policy. The LVHN dress code policy is out of date and unclear with respect to what is prohibited, and there was inconsistency with how the dress code was enforced.

### **Summary Regarding Toxicology Fellowship**

The review team determined there is no evidence that Dr. Ray’s attire or his criticisms about the dress code policy and its enforcement factored into his toxicology fellowship ranking. This determination relied in part on the date the ranking decision took place, which predated Dr. Ray raising his concerns via email.

### **Summary Regarding Handling of Dr. Ray’s Concerns and DEI Issues**

The review team determined there were errors in how Dr. Ray’s concerns were addressed. Moreover, the evidence suggested these errors were not an isolated occurrence but reflected broader trends reflecting issues with the processes to address employee concerns.