

VANDERBILT UNIVERSITY AND MEDICAL CENTER

HUMAN RESOURCES POLICIES AND PROCEDURES

SUBJECT: DISCHARGE

POLICY # HR-015

EFFECTIVE DATE: 7/1/99 (Revision Date January 1, 2003)

Revised July 1, 2006

POLICY

The purpose of this policy is to provide guidelines for performance or conduct that would lead to immediate discharge. For other reasons leading to involuntary terminations refer to the Performance Improvement Counseling Policy ([refer to Policy # HR-014](#)). Supervisors need to consult with their department head and with the Employee Relations' Office before discharging a staff member.

PROCEDURE

I. CONDUCT THAT MAY RESULT IN IMMEDIATE DISCHARGE

Misconduct that involves dishonesty, violation of the law, or material risks to University operations or to the safety or well-being of oneself or others is grounds for immediate termination of employment at Vanderbilt. However, the facts and circumstances of each case will determine what action, up to and including discharge from employment, as appropriate. Examples of misconduct include, but are not limited to:

- a. Unauthorized removal or destruction of property belonging to others, including the University, co-workers, or customers and including discarded or found property or surplus items.
- b. Unauthorized use of University resources for personal use or gain resulting in significant loss of resources or productivity; e.g. telephones, fax machines, VUnet cards, procurement cards, cell phones, computers, etc.
- c. Possessing an unauthorized weapon on University time or premises
- d. Threatening or assaulting another person on University time or premises
- e. Refusing to obey a directive from a supervisor or serious neglect of duty.
- f. Dishonesty or falsification of University records, such as employment applications (including non disclosure of PIC status), time records, patient records, and University or Medical Center business documents related to daily operations.
- g. Violation of the VUMC Compliance and Integrity Standards of Conduct (VUMC and other applicable departments)

- h. Conviction of a crime involving dishonesty, violence, or other behavior that impacts suitability for employment
- i. Failure to report a criminal conviction to one's supervisor within five days of conviction
- j. Use of another's Drug Enforcement Agency identification number
- k. Violation of the Drug & Alcohol Policy and/or the Drug Free Workplace Guidelines
- l. Negligence or violation of safety rules that may result in significant injury or loss
- m. Unauthorized sleeping while on scheduled work time – refer to policy # [HR-030](#) on Hours of Work.
- n. Absence of three consecutive workdays without proper notification
- o. Major or repeated violation of the University's Anti-Harassment Policy ([refer to Policy # HR-002](#))
- p. Inappropriately accessing and/or disclosing confidential information, including employment, financial, patient (Level IV HIPPA violation) information, etc.
- q. Inappropriate use of Vanderbilt electronic systems including the internet in violation of the Electronic Communication Policy ([refer to Policy # HR-025](#)).

Discharge for any of the above typically results in ineligibility for rehire. Any questions regarding grounds for immediate discharge or other concerns contact Employee Relations.

II. **PROCESS**

Decisions to discharge a staff member should be handled in consultation with the Employee Relations' Office prior to the actual discharge. Reasons for discharge must be documented in writing, with copies to (a) the staff member, (b) the department file, and (c) Human Resource Records Management, attached to the terminating Payroll Action Form (PAF).

- A. Discharge due to performance issues or misconduct may affect consideration for future employment at Vanderbilt.
- B. Once discharge has been established as an appropriate action, under the conditions of this policy, the discharge is typically effective immediately. Staff members who are paid hourly, will be paid any unused holiday, personal and vacation time as a part of the final paycheck. Exempt employees are paid out any remaining vacation

time in their final paycheck. There is no payout for sick time. (Refer to Policies [# HR-005](#) and [# HR-006](#).)

- C. Final paychecks for all staff that are ending employment should be available at the next regular payday. Paychecks cannot be withheld beyond the next regular payday.
- D. A staff member, whose employment has been terminated, may request a written notice to verify terminated employment. Please contact Human Resource Records Management for additional information.
- E. Supervisor Responsibilities: [refer to Policy # HR-038 and the Separation Checklist](#).

III. **APPEALING A DISCHARGE** Staff members who have completed their initial orientation and evaluation period and who feel that the discharge taken was not consistent with University or departmental policy or practice have the right to appeal the action through the Dispute Resolution Process. Staff members terminated in their orientation period may not use the dispute process. However, staff members who believe that their discharge is the result of unlawful discrimination may consult with the Opportunity Development Center, even if the staff member is in their orientation period.

NOTE: The dispute process is **NOT** available if the staff member chooses to resign, even if the resignation is in lieu of a discharge.

Approved by Kevin Myatt, Chief Human Resource Officer
Approved by Lauren Brisky, Vice Chancellor, Administration
Approved by Harry Jacobson, M.D. Vice Chancellor, Health Affairs

This policy is intended as a guideline to assist in the consistent application of University policies and programs for staff. The policy does not create a contract implied or expressed, with any Vanderbilt staff members, who are employees at will. Vanderbilt reserves the right to modify this policy in whole or in part, at any time, at the discretion of the University.