

Discrimination: Gratuities From Patients Are Grounds For Termination.

An African-American staff nurse was terminated for breaches of professional ethics.

It was documented that she had accepted gratuities from a patient on twenty separate occasions, had had repeated outside sexual contacts with the patient and had allowed a romantic relationship to develop which eventually led to a marriage proposal.

After her termination she sued for racial discrimination.

To prove discrimination a minority employee must be able to point to one or more non-minorities with the same work record who were treated more favorably.

UNITED STATES DISTRICT COURT
MISSISSIPPI
August 7, 2006

The US District Court for the Southern District of Mississippi pointed out the general rule in discrimination cases involving differential discipline is that the victim must be able to identify one or more non-minorities who were treated less harshly or more favorably for basically the same disciplinary infraction.

In fact, a Caucasian nurse at the same hospital some years earlier had dated and married a former patient. The Caucasian nurse's actions, the court said, were unprofessional but basically naive.

On the other hand, the court believed the nurse in question was systematically abusing and exploiting her patient, more seriously unethical and not comparable to the conduct of the other nurse. **Chambers v. Principi**, 2006 WL 2255261 (S.D. Miss., August 7, 2006).