



# University of Wisconsin–Madison Police

**Policy: 26.1**

**SUBJECT: PERFORMANCE PROCEDURES**

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## **POLICY:**

The University of Wisconsin–Madison Police Department shall establish a code of conduct and appearance for its employees, conduct an awards program, and enact equitable discipline processes.

## **DEFINITIONS:**

“Domestic violence” means any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common: an act or pattern of violence perpetrated by an individual not done in the defense of self or others that includes but is not limited to bodily injury or the threat of bodily injury, sexual assault, physical restraint, property crime directed against the victim, and stalking.

“Sexual harassment,” as defined by University of Wisconsin System policy, may be described as unwelcome sexual advances, requests for sexual favors, and other physical conduct and expressive behavior of a sexual nature in which (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; (2) submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or demeaning employment or educational environment.

“Unlawful harassment” means conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Such conduct may include racial or ethnic harassment. Racial or ethnic harassment may include threats, physical contact, pranks, vandalism, verbal, graphic, or written conduct directed at an individual or individuals because of their race or origin. Even if actions are not directed at specific persons, a hostile environment is created when the conduct is sufficiently severe, pervasive, or persistent so as to unreasonably interfere with or limit the ability of an individual to work, study, or otherwise participate in the activities of the University.

## **PROCEDURE:**

### **26.1.1.1 CODE OF CONDUCT**

The following specifies the code of conduct for all Department personnel:

- A. The University of Wisconsin System provides rules relating to conduct considered unacceptable (see Appendix C). These rules are established so the University can attain its objectives in an orderly and efficient manner and are not intended to restrict the rights of employees, but rather to advise employees of prohibited conduct. These rules are created pursuant to Wisconsin Statute 230.34 and Wisconsin Administrative Code section ER-46. Other rules are provided by statute, by administrative code, and by administrative procedures established by management. Additional

work rules have also been established to meet special requirements of the Department. These work rules are as follows:

1. Employees shall maintain a high level of moral conduct in their personal and business affairs and shall act, both on and off duty, in a manner that reflects favorably upon the Department. Conduct unbecoming an employee shall include behavior that brings the Department into disrepute, reflects discredit upon the employee or the Department, impairs the operation or efficiency of the employee or the Department, or impairs the ability to perform as a law enforcement employee. Employees shall obey all applicable oaths of office and codes of ethics. Employees shall be courteous, civil, and respectful of their supervisors, associates, and University community members while on- and off-duty.
  2. Employees shall not commit or omit any acts that constitute a violation of any Departmental or University rule, regulation, policy, procedure, directive, or order. Employees shall be thoroughly familiar with state statutes and directives that deal specifically and generally with their assigned duties. Employees shall immediately report to their supervisors any member who does not obey any order, directive, or law.
  3. Employees shall not knowingly issue any order that violates any law, statute, University policy, or directive. Employees shall obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank. Except as otherwise provided in this directive, defiance of lawful authority or disobedience to lawful orders shall constitute insubordination. Employees shall take the following action when issued an unlawful order: advise the supervisor that the order is unlawful; advise the supervisor that the unlawful order cannot be obeyed; and file a written report of the incident with the supervisor's next level of command.
  4. Employees who receive conflicting orders shall promptly and respectfully notify the appropriate supervisor. If the supervisor does not change the order to resolve such conflict, the last order given shall prevail.
  5. Employees shall avoid regular associations or dealings with persons whom they know, or should know, are under criminal investigation or have a reputation for being involved in criminal behavior, except in the performance of duty or where unavoidable because of other personal relationships.
  6. Employees shall not consume intoxicating beverages while on duty except in the performance of duty and while acting under proper and specific orders from a supervisor. Employees shall not report for duty, or be on-duty, while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants about their person, except in the performance of duty and while acting under proper and specific orders from a supervisor. Employees shall report to their supervisor any known adverse side effects of prescription drugs that they are taking. Department of Administration (DOA) policy directs the investigation of the circumstances surrounding OWI driver's license suspensions to determine whether the employee was operating a state vehicle and/or conducting state business. The findings of this investigation will be reported to DOA.
  7. Employees shall not make false or untrue statements during the course of their duties except as required during undercover assignments or as necessary while conducting an interview or interrogation.
- B. Employees are not allowed to conduct a private business while on duty. Employees are not authorized to use their uniform or position to influence any personal business transactions.
- C. During their on-duty time, employees are not permitted to collect discarded materials on University property. Permission is required to collect material while off duty. The removal of surplus equipment or materials from University buildings or grounds requires advance written approval of UW Purchasing Services or a receipt from UW Surplus Property and must be done on the employee's off-duty time.
- D. Employees are not permitted to engage in political activities while on duty. Employees are permitted to hold elective or appointive public office provided it does not interfere with their employment.
- E. An employee may not record another employee without the knowledge of that employee outside of the scope of official duties. For the purpose of investigations, the Department may video and/or audio record without notice to employees.
- F. The Department shall act to protect the privacy of individuals who use Department locker rooms. Only Department personnel may enter and remain in a Department locker room to interview or seek information from any individual in the locker room. Cameras, video recorders, or other devices intended to record or transfer images may only be used in a Department locker room during personnel or criminal investigations and only with specific approval from the Chief of Police. No person may use a recording device to capture, record, or transfer a representation of a nude or partially nude person in a Department locker room.

- G. Acceptance of cash or any other item, given to an employee for the purpose of compromising an employee's position, is not permitted. Acceptance of gifts where there is no attempt to influence an employee's official position, such as a gift from a visiting dignitary, may be allowed but only with permission from the Chief of Police.
- H. Employees shall submit all necessary reports on time and in accordance with established Department procedures. Reports submitted by employees shall be truthful and complete, and no employee shall knowingly enter, or cause to be entered, any inaccurate, false, or improper information. Employees shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with established Department procedures. Employees shall not divulge the identity of persons giving confidential information, except as authorized by proper authority.
- I. A uniformed or plainclothes officer will provide name, badge number and agency, upon request if the request does not interfere with an investigation or jeopardize the officer's safety. Plainclothes officers should present a badge prior to taking police action. Plainclothes officers should wear a visible form of identification when interacting with other police officers in tactical situations and special events. When a plainclothes officer is challenged by a uniformed police officer, the responsibility lies with the plainclothes officer to establish his or her identification and to have it acknowledged by the uniformed officer.
- J. During the Pledge of Allegiance and the National Anthem, the United States flag will be honored with a military salute by uniformed personnel. Personnel not in uniform are to stand at attention and place their right hand over their heart. Personnel should face the flag during the Pledge of Allegiance and/or National Anthem. If there is no flag displayed, personnel should face the music.

#### **26.1.1.2 CODE OF CONDUCT – REQUIRED NOTIFICATIONS**

The following specifies required notifications related to the code of conduct:

- A. Employees are to report daily to a supervisor whenever sick leave must be used, unless other mutually agreeable arrangements have been made due to an extended illness or recovery from injury. If no supervisor is available, employees are to report to the OIC of their work unit.
- B. All employees are required to provide current home addresses and telephone numbers and to immediately report any changes through the Department Internal Website. An employee's cellular phone number shall be provided if that employee does not have a home phone.
- C. Employees will report to their supervisor any time they are contacted by a law enforcement officer in an official capacity, except when they are the victim of a crime.
- D. Employees who operate Department vehicles as part of their duties are required to have a valid driver's license that meets UW–Madison Risk Management standards. Employees will immediately report the suspension, revocation, or cancellation of their driver's license to their supervisor. UW Risk Management will be notified when an employee is prohibited from legally operating a Department vehicle in the performance of duties. The Department will conduct an annual driver's license and criminal records check on each employee.
- E. Illness or injury occurring on duty that may affect an employee's job performance is to be reported to an OIC. The employee should seek appropriate emergency medical care as soon as practical, notify the OIC, complete the Employee's Work Injury and Illness Report (UWS/OSLP-1Emp)) within 24 hours, and obtain a written report from the attending physician, if seen, which includes an evaluation of the employee's condition and lists any physical limitations. In the event of an on duty injury, the OIC shall investigate the cause and extent of the injury, arrange for repairs to correct any hazardous condition, complete UWS/OSLP-2, the Supervisor and Safety Coordinator Investigation Report for Injury or Illness, and submit both the employee form and this form within 24 hours of the injury/illness to the Human Resources Assistant Advanced, and notify the employee's family, if applicable.
- F. All property damage or injuries to other persons that occurred during or resulted from the performance of duties shall be reported using established reporting procedures.
- G. Employees shall complete an Emergency Notification form and forward it to the Personnel sergeant. This information should be reviewed, at minimum, annually and updated as needed.

#### **26.1.1.3 CODE OF CONDUCT – DOMESTIC VIOLENCE**

The following specifies the code of conduct as it relates to domestic violence:

- A. Sworn personnel are required to be eligible to carry firearms as a condition of their employment. Persons convicted of a felony or a crime of domestic violence are prohibited by state and federal law from possessing a firearm and are ineligible to hold a position as a sworn law enforcement officer.
- B. Personnel aware of another employee who may be engaging in a crime(s) of domestic violence must notify their supervisor. Supervisors aware of an employee who may be engaging in a crime(s) of domestic violence must notify a captain, assistant chief, or the Chief who will determine whether an internal investigation should be started.
- C. If the Department is made aware that an employee is a victim of domestic violence, a supervisor should contact the employee and the investigating agency to determine what support, if any, may be appropriate.
- D. If the Department becomes aware that an employee is the subject of an order of protection (restraining order), a captain, assistant chief, or the Chief must be informed, and an internal investigation will be started. If a Department member is the subject of an order of protection (restraining order), the employee must immediately surrender all personal and Department firearms pending the outcome of an internal investigation.

#### **26.1.1.4 CODE OF CONDUCT – COURT ATTENDANCE**

The following specifies the code of conduct as it relates to court appearance:

- A. An officer will appear for court after receiving a subpoena or verbal notification from the District Attorney’s Office.
- B. Officers required to attend court will appear promptly at the time and place set for court action. Officers will immediately notify the District Attorney’s Office if an emergency or other circumstance will detain them.
- C. If an officer believes the case is no longer scheduled, the officer should verify the status of the case with the District Attorney’s Office.
- D. The officer will be dressed appropriately for court.
- E. Requirements for the carry of firearms into the Dane County Courthouse include the following:
  - 1. Officers must be on duty and performing official duties;
  - 2. Officers shall wear a visible badge;
  - 3. Officers will be required to state the nature of their official business;
  - 4. Officers in plain clothes should not expose the firearm to plain view; and
  - 5. Officers will possess a Department photo ID

#### **26.1.1.5 CODE OF APPEARANCE – UNIFORM**

This section provides guidelines for the wearing of uniforms and civilian clothing while on duty. While these guidelines provide specific parameters and restrictions, no appearance protocol can cover all contingencies or opinions as to whether or not one’s particular personal appearance is “professional”. Final discretionary authority as to what is allowable or prohibited under these appearance guidelines rests with the Chief of Police:

- A. The uniform is to be worn as issued, except for necessary alterations to ensure proper fit. No modifications, additions, or deletions of any uniform articles are allowed without permission of the Chief or designee.
- B. Employees shall keep an extra uniform available in their locker.
- C. Unless instructed otherwise, uniformed employees are granted discretion as to what uniform shirt, uniform trousers, and outerwear to wear. Except for identification and uniformity purposes when designated, the wearing of a Department-approved hat is the individual officer’s option.
- D. The police officer uniform includes:
  - 1. An optional navy blue tie;
  - 2. An optional navy or black turtleneck or t-shirt (mandatory if visible under the uniform shirt); and
  - 3. Dark socks and black footwear.

- E. The police officer dress uniform, excluding those in the Honor Guard, includes:
  - 1. Dress pants;
  - 2. A long-sleeve shirt;
  - 3. A navy blue tie;
  - 4. 8 point hat;
  - 5. Dark socks and black footwear; and
  - 6. Command staff will receive command staff coat and white long sleeve shirt.
  
- F. The security uniform includes:
  - 1. An optional black tie;
  - 2. An optional black turtleneck or t-shirt (mandatory if visible under the uniform shirt); and
  - 3. Dark socks and black footwear.
  
- G. The security dress uniform includes:
  - 1. Dress pants;
  - 2. A long-sleeve shirt;
  - 3. A black tie; and
  - 4. Dark socks and black footwear.
  
- H. The law enforcement dispatcher uniform includes:
  - 1. A navy polo shirt;
  - 2. Khaki pants; and
  - 3. Dark socks and black footwear.
  
- I. The law enforcement dispatcher dress uniform includes:
  - 1. Dress pants;
  - 2. A long-sleeve shirt;
  - 3. A navy blue tie; and
  - 4. Dark socks and black footwear.
  
- J. Shorts that are issued by the Department are an optional item for security officers and police officers. They are an option while conducting patrol work or working a security route or for community officers doing routine work. For events, the special order will indicate whether officers assigned to outside work may wear shorts. Shorts are not authorized for persons working primarily indoors. Shorts will not be authorized for most athletic events, except for perimeter assignments that are away from the event site. Bicycle unit shorts may not be used interchangeably with standard uniform shorts.
  
- K. Insignia authorized for regular duty uniforms are listed below. Employees may be permitted to wear other insignia with the permission of the Field Services Captain. See the photos in Appendix G for guidance in the placement of items on the uniform.
  - 1. Tie tack or clasp (required when wearing tie);
  - 2. Collar emblems (required at all times);
  - 3. Name bar (required at all times);
  - 4. Metal or embroidered badge (required at all times);
  - 5. UW Police photo ID badge (required for personnel at the HSC);
  - 6. Departmental awards ribbons (required at all times);
  - 7. American flag pin;
  - 8. Years of service bar (required when issued);
  - 9. Badge cover in honor of officers killed in the line of duty and when authorized; and
  - 10. Two approved specialized unit's insignia.
  
- L. When uniformed personnel are assigned to wear civilian clothing, clothing will be appropriate to that assignment. Clerical, management, and administrative personnel will wear business attire unless other attire is approved by their supervisor. Detective personnel will be allowed to wear civilian clothing appropriate to their assignments, which will normally be business attire. Plainclothes officers will be required to have a uniform at the Department at all times.
  
- M. A list of all items and identification issued to each employee is maintained. The Department will provide each employee with all items currently issued and available. Issued items remain the property of the Department.

Unserviceable items (i.e., badges, uniforms, patches) should be disposed of in a manner that limits their potential for being misused.

- N. Each person is responsible for his or her issued radio. Problems experienced with the radio should be reported on the Radio Repair Worksheet on the Intranet.

**26.1.1.6 CODE OF APPEARANCE – STANDARDS**

All members of the department are visible representatives of the University of Wisconsin and its Police Department. A neat, clean, and well-groomed appearance is required of all employees during work hours. The following shall govern general appearance standards:

- A. Hair should be groomed and present a professional appearance. Uniformed personnel with hair that is long enough to obstruct their vision should secure their hair in such a way so as not to interfere with their line of sight. Facial hair may be worn, provided the appearance is neat and well groomed, and does not prevent or interfere with issued safety equipment.
- B. The uniform will be well maintained, clean, and unwrinkled. Shoes and equipment will be well maintained.
- C. Tattoos may be required to be kept covered if they are political, have a potential negative impact to the Department, or have potentially offensive words, terms, logos, pictures, cartoons, or slogans. Visible tattoos on the ears, head, or face are prohibited. Visible tattoos on the neck area are prohibited unless approved by the Chief of Police.
- D. Fingernails shall be professional in appearance and not be of a length that interferes with the safe and successful performance of one’s job responsibilities.
- E. Jewelry:
  - 1. Jewelry worn shall be professional and may not have potentially offensive words, terms, logos, pictures, cartoons, or slogans.
  - 2. Earlobe hoops or plugs that are used to enlarge piercing holes in excess of 5mm in the earlobes are not allowed.
  - 3. Officers and uniformed civilians shall not wear more than two earrings on each ear. They shall not be larger than 10mm each.
- F. All personnel may wear one piece of visible body piercing jewelry (other than previously allowed earrings), no larger than 5mm that is professional in appearance, does not pose a safety risk, and does not interfere with the employee’s job performance.

**26.1.2 AWARDS PROGRAM**

The following establishes a procedure to publicly recognize members of the community, employees of other organizations, and Department employees who exhibit exceptional efforts toward the safety and security of the UW–Madison community.

- A. An Awards Committee will be established during the first week of December of each year. The Committee will consider nominations for the current calendar year. This Committee will be appointed by the Chief of Police or designee from volunteers. It will consist of five to seven persons, with at least: one represented person from the police, one represented person from security and one person from supervision, clerical, or dispatch. The Chair of the Committee may be from management or the Communications Specialist as selected by the Chief. The Awards Committee will be charged with the following responsibilities:
  - 1. Plan the ceremony for the following spring;
  - 2. Review the nominations; and
  - 3. Forward all nominations and recommendations for awards to the Chief.
- B. Award nominations will be accepted from any Department member or from the general public. Nominations will be submitted in the form of a letter or an Award face sheet accompanied by documentation: officer reports, newspaper articles, other news media transcripts, and/or video- or audiotapes. This information will be forwarded to the Communication Specialist for filing in the Awards Committee folder. An Award face sheet should be used whenever possible.

- C. Awards will be made yearly. The period is established as the calendar year. Nominations will be made during the year of the qualifying conduct or prior to January 15 of the following year. The Chair of the Awards Committee should issue quarterly reminders throughout the year about the program. The Awards Committee will submit recommendations to the Chief of Police or designee by mid-February. The Chief or designee will review the nominations and report back to the Committee during the last week of February.
- D. The Awards Ceremony will be held during the month of March or April following the award year. The formal presentations will be made during a late afternoon or evening ceremony held at an appropriate location on campus. This will be followed by a reception.
- E. There will be a general invitation to Department members, to their families and friends, to other police and/or security departments, to the press, and to the general public. Special invitations may also be extended to appropriate UW–Madison officials and to persons who were principals in incidents that led to awards.
- F. The Committee should, when possible, publish a list of award winners in advance of the ceremony. The Committee should, when possible, inform the individuals who nominated an award recipient about the status of the nomination. The Committee will use the Badger Beat and Department’s Web page to announce the Awards Program and recipients.
- G. There are six award categories to honor employees, organizations, and citizens for their exceptional efforts. They are as follows:
  - 1. **Commendation for Valor.** Awarded to Department members who knowingly and rationally demonstrate uncommon courage and/or bravery; or an action that places a Department employee in grave personal danger; or an outstanding performance of duty demanding the highest expression of integrity, including sacrificing peer approval. Recipients of this award will receive a medal in the form of a pin to be worn on the uniform or lapel, a medal suspended on a ribbon for wearing at formal occasions, a shadow box display containing a Department patch, and an engraved metal plate bearing the recipient’s name and citation.
  - 2. **Lifesaving.** Awarded to Department members who knowingly and directly act to save a life or lives even in the event that the attempt was unsuccessful. Recipients of this award will receive a ribbon and a wooden plaque bearing an engraved metal plate bearing the recipient’s name and citation.
  - 3. **Meritorious Service Commendation.** Awarded to Department members for outstanding service above and beyond the call of duty, for highly creditable acts serving the community, for major protection of property, for consistently demonstrating highly professional performance over an extended period of time, or for demonstrating uncommon perseverance in an ongoing investigation. A person selected to receive three or more Excellent Service Commendations during one awards period will receive one Meritorious Award in place of the multiple Excellent Service Commendations. Recipients of this award will receive a ribbon and a Wisconsin-shaped wooden plaque bearing an engraved metal plate bearing the recipient’s name and citation.
  - 4. **Excellent Service Commendation.** Awarded to Department members for excellent service above and beyond the norm in the performance of everyday duties; or for exhibiting a high standard of job performance in a single incident, investigation, or exceptional arrest; or for training others with dedication and concern in an effort to improve the Department’s operations; or for submitting for consideration a device or method that is adopted to increase efficiency in an administrative or tactical procedure. Recipients of this award will receive a ribbon and a wooden plaque bearing an engraved plate bearing the recipient’s name and citation. The plaque will also have several small plates on which the year(s) of award will be engraved.
  - 5. **Community Service Commendation.** Awarded to Department members for community service above and beyond the norm in the performance of everyday duties; or for being instrumental in developing and implementing a new program of crime prevention, community service, or other activity to enhance public safety on campus; or for maintaining sustained and consistently exceptional community relations. Recipients of this award will receive a ribbon and a wooden plaque bearing an engraved plate bearing the recipient’s name and citation. The plaque will also have several small plates on which the year(s) of award will be engraved.
  - 6. **Chief’s Award.** Presented to a member or members of the community who have assisted a member of the Department or have performed commendable acts such as lifesaving. Recipients of this award will receive a wooden plaque bearing a metal plate with their name and the citation.
- H. There will be a master plaque for each award category. Metal plates engraved with each recipient’s name and date of award will be placed on the appropriate plaque. The plaques will be displayed in a prominent place in the Police Building.

### **26.1.3 SEXUAL AND OTHER FORMS OF UNLAWFUL HARASSMENT IN THE WORKPLACE**

The following shall describe and govern procedures associated with harassment in the workplace:

- A. It is the policy of the Board of Regents of the University of Wisconsin System, consistent with its efforts to foster an environment of respect for the dignity and worth of all students and staff of the University of Wisconsin System, that sexual harassment of students and employees of the University of Wisconsin System is unacceptable and impermissible conduct that will not be tolerated. The Board directs that each institution within the System have or develop a disciplinary process to address allegations of sexual harassment. This process shall include: a definition of those forms of sexual harassment that will be grounds for disciplinary action; formal hearing procedures in accordance with due process requirements; and procedures allowing for resolution by mutual consent. Each institution within the System shall also establish educational programs designed to inform employees and students of the nature of sexual harassment, to increase their sensitivity to it, and to publicize the procedures, sanctions, and remedies available against it. Each institution will make a yearly report to the President of the University of Wisconsin System, which will then be reported to the Board.
- B. The University has designated and trained certain individuals to assist victims of harassment in deciding if and how to proceed with a complaint. Their functions include providing information regarding sexual harassment and options for addressing such behavior; informing the complainant regarding applicable University procedures for resolving the complaint; accompanying the complainant to informal resolution sessions, if requested; and maintaining notes necessary for statistical reporting.
- C. Persons who feel that they have been sexually harassed and wish further information or assistance in filing a complaint should contact a captain or the Title IX Coordinator. Sexual harassment may include threats, physical contact, pranks, vandalism, and verbal, graphic, or written conduct directed at an individual or individuals. Even if actions are not directed at specific persons, a hostile environment is created when the conduct is sufficiently severe, pervasive, or persistent so as to unreasonably interfere with or limit the ability of an individual to work, study, or otherwise participate in the activities of the University.
- D. The University provides several means by which other forms of unlawful harassment can be reported, including means by which such behavior can be reported if the offending party is in the complainant's chain of command. Persons believing they have been subjected to unlawful harassment may elect to proceed informally by bringing the complaint directly to the attention of their supervisor (if not the offending party) or by filing a formal complaint with the Title IX Coordinator. Harassment may include threats, physical contact, pranks, vandalism, or verbal, graphic, or written conduct directed at an individual or individuals because of their gender, race, age, cultural background, ethnicity, sexual orientation or disability. Even if actions are not directed at specific persons, a hostile environment is created when the conduct is sufficiently severe, pervasive, or persistent so as to unreasonably interfere with or limit the ability of an individual to work, study, or otherwise participate in the activities of the University.
- E. Legal obligations may require the University to take some action once it is informed that harassment may be occurring. Although the confidentiality of the information received and the privacy of individuals involved cannot be guaranteed, such persons will be protected to as great an extent as is legally possible.
- F. Immediate and thorough investigations shall be conducted of any allegations of harassment in the workplace. Effective and appropriate disciplinary action may be issued in any case in which such allegations can be substantiated. Retaliation against persons who file complaints, who provide information related to a complaint, or who otherwise participate in an informal or formal complaint process is a violation of University policy. Such action is cause for disciplinary action.
- G. Periodic training sessions shall be conducted to inform employees of their responsibilities and of the legal issues involved.

### **26.1.4 DISCIPLINE SYSTEM**

The following discipline system is based upon accountability and organizational integrity:

- A. The necessity and authority of management to enact appropriate discipline is recognized pursuant to policies, rules, regulations, and civil service law. Emphasis is placed on preventing situations requiring disciplinary actions through effective employee-management relations. The discipline system is based upon the determination of whether or not an action or a particular set of actions considered for discipline were the result of an accident, a mistake, or an intentional



act of wrongdoing. University employees may be disciplined for violation of Work Rules for University Employees if there is just cause. In most instances, a progression of disciplinary measures will be applied in an effort to reinforce appropriate behaviors with an employee.

- B. The Department's remedial action and discipline includes the following:
1. Remedial training may be employed by itself or in conjunction with one or more of the other components of the disciplinary system. Remedial training as a function of discipline strengthens an employee's performance by improving employee productivity and effectiveness using positive and constructive methods. Employees are required to diligently maintain an acceptable level of competence in the performance of their duties. Employees' acts that are committed because the employees either misunderstood procedures or were never made aware of the correct action are indicators of training needs. These needs may be corrected by remedial training programs. Supervisors are required to identify any shortcomings, deficiencies, or lack of sufficient knowledge in their employees' job performance. When appropriate, training recommendations will be made based on those areas identified.
  2. The purpose of coaching is to allow the supervisor the opportunity to bring to the employee's attention the need for the employee to improve his or her performance, work habits, behavior, or attitude and to serve as education against further unsatisfactory conduct. The supervisor should use the occasion to identify and define the area needing improvement and inform the employee as to how much improvement can be realistically achieved. If coaching by a supervisor does not remedy the perceived problem, the employee may be referred to the University Employee Assistance Office or a mediator. The supervisor involved shall record in the employee's performance evaluation instances when coaching rises to the level of an order or directive.
  3. Formal directive action beyond coaching as a component of the Department's disciplinary system may be employed in conjunction with the training components of the disciplinary system. In all cases in which formal directive action is employed, the counseling component shall also be employed. Formal directive discipline generally shall be imposed in a progressive manner from minimum to maximum. Depending upon the seriousness of the infraction, discipline may be imposed up to the maximum. In all formal disciplinary actions, the following criteria shall be used to determine the appropriate level of disciplinary action: the seriousness of the incident, the circumstances surrounding the incident, the employee's disciplinary records, the employee's work performance, the overall negative impact on the Department caused by the incident, the probability that future similar problems will occur, and the length of the employee's employment. Formal directive action may include the following:
    - a. A written reprimand. A formal letter to an employee concerning misconduct, unacceptable performance, or repeated lesser infractions. The reprimand is placed in the employee's personnel file.
    - b. Suspension. A temporary enforced absence from duty in a non-pay status imposed for significant misconduct or repeated lesser infractions. This action cannot be taken without prior notification and approval from the Chief. Only the Chief or an Assistant Chief may issue an order of suspension.
    - c. Demotion. A reduction in rank, job classification, or pay grade and/or step. Demotion is only exceeded by termination in its severity. Demotion is categorized as voluntary or involuntary. Voluntary demotion is a voluntary reduction in pay, or a requested transfer that is accompanied by a signed statement. Involuntary demotion may be utilized in circumstances in which a member exhibits unsatisfactory performance or personal conduct in one position but shows potential for becoming a productive member in another position. It may be used as an alternative to dismissal. Only the Chief may issue an order of demotion.
    - d. Dismissal. Termination of employment for conduct clearly demonstrating an unwillingness or refusal to perform to Department standards or other employee acts of a nature that would warrant dismissal. This action cannot be taken without prior notification and approval from the Chief. Only the Chief may issue an order of termination.
  4. Any employee subjected to formal directive action beyond coaching shall receive the following information in a timely manner:
    - a. The reason for the disciplinary action.
    - b. The scope or type of disciplinary action.
    - c. The effective date of the disciplinary action.
    - d. Employee appeal and hearing rights.

### **26.1.5 ROLE OF SUPERVISORS IN THE DISCIPLINE PROCESS**

The following procedures shall specify the role of supervisory personnel relative to disciplinary actions:

- A. Initiating discipline is primarily the responsibility of the first line supervisor. All types of discipline must be documented. Formal discipline involves the chain of command. Supervisors and managers should complete the form located on the Professional Standards Module in the Records Management System. Once this form has been

completed, an email should be sent to the affected employee's immediate supervisor and Professional Standards Lieutenant. The Professional Standards Lieutenant shall maintain the official department discipline records. Documentation of written reprimands, suspensions, and terminations must be copied to the appropriate chain of command and to Workforce Relations in the Office of Human Resources. Supervisors shall also follow UW-Madison Policy regarding discipline which is located in Chapter 18, Discipline Including Dismissal, of the Human Resources policies.

- B. Supervisory and administrative personnel should understand and appreciate the crucial role they possess in the disciplinary process. As leaders within the organization, such persons are responsible for documenting work-related behavior.
- C. Supervisory and administrative personnel shall observe the conduct and appearance of subordinates and determine when disciplinary action is warranted. Early detection of poor habits, attitudes, and actions by subordinates may reduce or eliminate the need for any subsequent disciplinary action.
- D. Supervisory and administrative responsibilities shall include the following: training, coaching, and counseling employees; communicating expected standards of performance; developing and implementing policies, procedures, rules and regulations; identifying, rewarding, and correcting performance; documenting pertinent facts in a timely manner; and maintaining secure records systems.
- E. Supervisory and administrative personnel should consider the following when recommending or issuing punitive disciplinary action: seriousness of the incident; pertinent circumstances; prior job performance, counseling, remedial training, and disciplinary action; experience level; value of progressive discipline when possible; receptiveness to training or counseling; and past practice in similar cases.

#### **26.1.6 APPEAL PROCEDURES**

The following shall specify appeal procedures associated with disciplinary actions:

- A. Appeals of disciplinary actions shall be conducted in accordance with established Board of Regents rules and University procedures. Such appeals shall be processed according to employment classification through established grievance procedures.
- B. Detailed grievance procedures regarding discipline are outlined in University policies and Office Human Resources references. These references contain detailed information regarding initiation procedures, time limits, recording methods, hearing authorities, and scope of the appeal process.

#### **26.1.7 DISMISSAL NOTIFICATION**

The following outlines dismissal notification requirements:

- A. If employee misconduct results in dismissal, the following information shall be provided to the employee: a written statement citing the reason for dismissal; the effective date of the dismissal; and a statement of the status of fringe and retirement benefits after dismissal.
- B. This directive shall apply to all full-time employees, including those who are at the entry level in probationary status.

#### **26.1.8 MAINTENANCE OF DISCIPLINARY RECORDS**

The following shall describe and govern procedures associated with the maintenance of disciplinary records:

- A. The Professional Standards Lieutenant or designee shall maintain written records of all disciplinary actions in secure personnel files. Access to such files shall be restricted to authorized persons.
- B. Reviews of disciplinary-related records shall be conducted in accordance with all applicable University procedures.
- C. The following records shall be entered in the employee personnel files: written reprimand, suspension, demotion, and dismissal. Letters of discipline up to demotion may be purged from non-supervisory personnel files after five years, provided that no similar performance concerns have occurred during that time.