


DPS STANDARD OPERATING PROCEDURE			
	<b>SUBJECT:</b>	<b>SECTION(s):</b>	<b>DISTRIBUTION:</b>
	<b>DISCIPLINARY PROCEDURES</b>  <b>DPS SOP 2010-22</b>	ALL	ALL PERSONNEL
<b>ISSUING AUTHORITY:</b>		<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES:</b>
CRAIG A. STONE  ASSOC. V.P. & CHIEF, CAMPUS SAFETY AND EMERGENCY MANAGEMENT SERVICES  (ELECTRONICALLY SIGNED)		October 8, 2010  <b>REVISED DATE:</b>  August 25, 2023	

## **DISCIPLINARY PROCEDURES**

INDEX	PAGE
References, Attachments, Applicability, Purpose & Policy, Definitions	2
Procedures: Administration of Discipline, Dealing with Problem Behavior	3
Procedures: Non Punitive/Formal Discipline, Training as a Function of Discipline	4
Coaching & Counseling as a Function of Discipline	4
Procedures: Punitive / Formal Discipline	4
Responsibility of Supervisory Officers, Role of the Immediate Supervisor	6
Non-Disciplinary Actions, Punitive Discipline	7
Disciplinary Records, Appeals Process, Annual Analysis	8

### **IACLEA STANDARDS:**

Standards	Page
4.3.1 a	2, 7
4.3.1 d	3, 4
4.3.1 b, c	4
4.3.1 e, f	6
4.3.2	8

### **CALEA STANDARDS:**

Standards	Page
26.1.4 a, b, c	4
22.4.3	9
26.1.8	8
26.1.7 a, b, c	8

## REFERENCES:

- 2006-12 Duty Manual
- 2010-07 Internal Affairs/Professional Standards
- 2011-15 Uniform, Equipment, Grooming & Appearance
- DCSES 2016-07 Supervisory Conversations
- 2010-19 Commendations and Awards

## ATTACHMENTS: None

**I. APPLICABILITY:** This Standard Operating Procedure is applicable to all Syracuse University Department of Public Safety (DPS) employees.

**II. PURPOSE:** The purpose of this policy is to define and encourage supervisors to employ the full range of the DPS Disciplinary System ranging from commendations and performance awards for outstanding behavior (refer to SOP 2010-19 Commendations and Awards for details) to formal punitive discipline when appropriate. This SOP also defines the authority and responsibility delegated to supervisors in the Syracuse University Department of Public Safety to administer discipline along with the required process.

**III. POLICY:** The DPS recognizes that a high level of discipline in an organization is one way to accurately measure organizational leadership. It is the policy of the DPS that discipline procedures be positive in nature, constructive in use and application, and impartial, consistent and without prejudice in administration. The disciplinary system of the DPS is comprehensive and includes provisions for commendations and awards, non-punitive actions such as training and counseling and punitive alternatives. Nothing in this policy is intended to either extend or limit the University provisions overseen by the University's Office of Human Resources.

## IV. DEFINITIONS:

- A. Discipline:** To instruct a person to follow a particular code of conduct or to adhere to a certain order.
- B. Progressive Discipline:** Increased discipline when lower levels do not improve performance; does not bar a higher level of discipline from being initially applied.
- C. Positive Discipline:** Positive discipline, (or PD) aims to encourage employees to be voluntarily compliant with the rules and regulations of the Department. PD is a discipline model that focuses on the potential of a subordinate and can be both corrective, and/or educational. It includes all efforts short of punishment or punitive sanctions made by a supervisor to correct weaknesses in a subordinate's behavior or performance. PD teaches and reinforces good behaviors, by using a full range of ways to acknowledge model performance from a "Supervisory Conversation" complement to formal performance-related awards. Refer to SOP 2010-19 Commendations and Awards **(4.3.1 a)**
- D. Negative Discipline:** Is the issuance of punishment or sanctions for inappropriate job related conduct. It is punishment that may involve oral or written reprimands, loss of pay or leave, suspension, demotion or dismissal. When negative discipline is the result of an investigation into inappropriate job related conduct, the findings are

referred to the Deputy Chief, who consults with Human Resources to ensure consistency with past resolutions, and makes a recommendation to the Chief.

- E. Verbal Counseling/Coaching: A verbal method of coaching for less serious or minor first time offenses that are not documented in the employee's Training File or Main Personnel File.). This is also referred to as a "Supervisory Conversation" when such conversation is intended as a coaching or verbal counseling. (Refer to DCSES SOP 2016-07 Supervisory Conversations) (Replaces "Oral Reprimand" SOP 2010-22 and DPS SOP 2014-02 Supervisory Conversations)
- F. Counseling: Consultation between a supervisor and an employee regarding skills/habits, may require remedial training as documented by the supervisor and referred to the Training Division through appropriate command staff. Counseling may also include referral to the Faculty and Staff Assistance Program (FSAP). A letter of counsel is also referred to as a "Supervisory Conversation Form" when such form is used for documenting counseling.
- G. Written Reprimand: A written form of progressive discipline for less serious or minor first time offenses documented in the offender's Main Personnel File which may refer to past incidents of a similar nature, verbal counseling/coaching, referral to remedial training, FSAP referrals, or a last letter stipulation.
- H. Suspension: The act of temporarily denying an officer or employee the privilege of performing his/her duties in consequence of violation of Department rules and regulations or written directives.
- I. Discharge: The act of permanent separation from the Department with cause. Discharge is also referred to as "Termination".
- J. Main Personnel File: A Departmental file that is managed by the DPS Administration and includes documentation on hiring, terminations, awards/commendations and formal disciplinary actions. **(4.3.1 d)**
- K. Training File: A file that is managed by the DPS Training Unit and includes Departmental training, certifications and remedial training related counseling or discipline.
- L. Central Personnel File: A central record of the employee's work history stored and managed with the Office of Human Resources.

## **V. PROCEDURES: ADMINISTRATION OF DISCIPLINE:**

- A. **Dealing with Problem Behavior: Progressive Discipline Philosophy**: All forms of discipline shall be administered so that the level of discipline is commensurate with the severity of the offense, and the previous performance and record of the employee. When a problem persists despite minor discipline, the proper course is to increase gradually the level of discipline to encourage correction in a progressive manner. An offense may call for suspension or even discharge if the employee has a history of similar offenses and has not responded to lesser discipline.
- B. **Administration of Discipline**: In order to be most effective, discipline must be certain for even the mildest infraction, it must be provided quickly after detection and a finding of fault, and it must be administered impartially.

- C. Suspension from Duty:** When any employee is formally suspended from work, the supervisor conducting the suspension will take appropriate actions to immediately terminate electronic access to all secure areas at the DPS Headquarters, as well as collect the employee's issued keys, University identification and/or commission cards and will reinstate those once the term of the suspension is complete.
- D. Discharge (Termination of Employment):** If the employee is discharged and/or is not reinstated, in addition to the above actions, all issued equipment and uniforms will be collected. Any items not collected at the time of the discharge will be the subject of a letter to be issued by a DPS Commander or above, directing the former employee to return said equipment to the DPS Quartermaster or other designee, within a period not to exceed five days. Such letter will be sent registered mail or hand delivered with the delivering officers documenting the date and time successful delivery was made.

## **VI. PROCEDURES: NON PUNITIVE / FORMAL DISCIPLINE:**

### **A. Training as an Option of Discipline: (4.3.1 b) (26.1.4 a)**

1. Remedial or specific training may be considered as an option to improve employee productivity and effectiveness when poor performance or non-compliance with Department written directives is identified. Application of the training option should be in accordance with the Departmental policy regarding corrective discipline as defined in this policy and should, whenever possible, follow the principle of progressive discipline. Training activities shall be documented, and recorded in the members Training File. Assignment to training is not discipline.

### **B. Coaching and Counseling as a Function of Discipline: (4.3.1 c) (26.1.4 b)**

1. Supervisory conversations intended as coaching or verbal counseling may be effectively used in a performance situation before it becomes serious in nature. Refer to DCSES SOP 2016-07, Supervisory Conversations.
2. Supervisors and command officers are encouraged to coach or counsel subordinates when a minor rule infraction or performance issue is observed and more formal action is not necessary. Supervisory conversations, coaching, verbal counseling and the issuance of a Supervisory Conversation Form does not constitute discipline.
3. Procedures, processes and forms related to supervisory conversations of this nature are detailed in DCSES SOP 2016-07 "Supervisory Conversations"

## VII. PROCEDURES: PUNITIVE / FORMAL DISCIPLINE: (4.3.1 d) (26.1.4 c)

- A. In cases involving serious Duty Manual violations, orders, standards and temporary operating procedures, violations of law, or in those instances in which non-punitive methods have been tried and failed, supervisory officers shall request punitive measures to correct an employee's behavior. Supervisors initiating a request for punitive action shall:
1. Prepare a "Disciplinary Inter-Department Memorandum" as described in SOP 2010-07 Internal Affairs / Professional Standards. The memorandum should include:
    - a. A 'Heading' wherein the supervisor authoring the memorandum is identified, the person to whom the memorandum is directed is identified, those individuals being copied the report are listed and the date is provided.
    - b. A 'Complaint' that provides a brief description of the alleged infraction and specifics providing the: who, what, where, when and how the alleged misconduct is believed to have occurred. Refer to SOP 2006-12 Duty Manual for specific sections of proscribed behavior to be named, or "charged" in a formal, punitive disciplinary action.
    - c. A 'Synopsis', when required, providing a summary and overview of the investigation.
    - d. An 'Investigation' segment that details the occurrence and subsequent investigation in a comprehensive manner and provides a finding of fact. The investigation must incorporate specific sections and sub-sections of the Duty Manual that were violated.
    - e. A 'Recommendation', when requested, providing a rationale for punitive sanctions and providing, where applicable, the fact that non-punitive and/or progressive corrective action had been attempted and had been unsuccessful.
  2. Compensation to Department for Property Damaged or Lost due to Negligence (Cross Reference SOP 2011-15 Uniform, Equipment, Grooming & Appearance)
    - a. Consistent with the existing labor contract, employees may be required to reimburse the department, or replace an item at the their own expense, and/or be subject to disciplinary action for issued equipment and property that has been lost, damaged, or destroyed due to carelessness, negligence, failure to follow procedures, or neglect.
    - b. Lost or damaged items will be replaced at fair market value.
    - c. In instances where the value of damage associated with property damaged due to negligence amounts meets or exceeds \$3,000.00 and relates to a "Preventable" motor vehicle accident involving a DPS vehicle, the following sliding scale will be used to apply the forfeiture of annual leave and/or accumulated compensatory time necessary to address the reimbursement amount (This reimbursement schedule applies only to damage suffered by the

Departmental vehicle, not to other property or another vehicle damaged):

- i. \$3,000 - \$5,000 Loss of one leave day
- ii. \$5,001 - \$8,000 Loss of two leave days
- iii. \$8,001 + Loss of three leave days

3. The supervisory officer shall forward the request for punitive action through the chain of command identified in the department's policy governing "Internal Affairs / Professional Standards".
4. The appropriate DPS level of command shall review the case and forward it to the next level with an appropriate recommendation that the requested disciplinary action be:
  - a. Endorsed with a recommendation to go forward as proposed.
  - b. Not endorsed: If the action is not endorsed, commentary shall be provided to explain the reasons for such decision and a recommendation for an alternative course of action.
  - c. When negative discipline is the result of an investigation into inappropriate job related conduct, the findings are referred to the Deputy Chief, who consults with Human Resources to ensure consistency with past resolutions, and makes a recommendation to the Chief.
  - d. The Chief is the final authority regarding punitive discipline and will be responsible for approving, modifying, or disapproving requests for punitive actions against members, or for referring disciplinary actions to the University's Office of Human Resources for review.
  - e. The Chief or a designee shall authorize punitive disciplinary actions.
  - f. Written reprimands, loss of leave and loss of pay, must be authorized and/or approved by the Chief shall be executed by the Chief, Deputy Chief, or a designee.
  - g. The Chief or the Deputy Chief, shall execute suspensions, demotions and termination; and these may be done in conjunction with a representative from the Human Resource Department.
  - h. In cases involving union represented employees, unless the employee does not want union representation, the Chief or designee, may review the case with appropriate union leaders, and develop a settlement agreement regarding final disposition and sanction. Such agreement must be acceptable to both the employee and HR.

#### **VIII. RESPONSIBILITIES OF SUPERVISORY OFFICERS: (4.3.1 e, f)**

- A. Supervisor's Responsibilities in General:** All DPS supervisory officers are responsible for ensuring that all members of the Department perform their duties in accordance with the policies, procedures, and rules and regulations of the department and all applicable Federal, State and local laws. Supervisors are

required to initiate discipline in response to the acts of commission or omission of personnel who:

1. Are assigned to their command
2. Are under their supervision
3. Come to their attention

**B. Role of the Immediate Supervisor:** With regard to the discipline process, an immediate supervisor has the responsibility to:

1. Discover the strengths, efficiencies, weaknesses, deficiencies, failures or overt acts of a subordinate demonstrating exceptional performance, or conversely, that indicate the need for corrective action.
2. Analyze all the factors involved in order to decide the most suitable action or recommendation.
3. Initiate, and in most instances, to execute non-punitive discipline.
4. For either serious or repeat violations initiate and prepare a "Disciplinary Inter-Department Memorandum" as described in the SOP 2010-07 Internal Affairs / Professional Standards through the chain of command to the Chief for punitive actions.
5. Document any remedial training/counseling and submit associated documentation to the Deputy Chief for Law Enforcement and Community Policing. Supervisory members holding the rank of Sergeant, Detective (when assigned to supervise staff), or civilian rank Supervisor, Coordinator or above are authorized to initiate non-disciplinary action for members of their commands to include:
  - a. Remedial or supplementary development and training
  - b. Counseling
  - c. Recommending punitive disciplinary action through the chain of command to the Chief

**C. "Non-Disciplinary" Actions:** Supervisory members holding the rank of Sergeant, Detective (when assigned to supervise staff), or civilian rank Supervisor, Coordinator or above are authorized to initiate non-disciplinary action for members of their commands to include:

1. Recommendation for commendation or a performance reward for exceptional performance, **(4.3.1.a)**
2. Remedial or supplementary development and training,
3. Counseling, or
4. Recommend punitive disciplinary action through the chain of command to the Chief.

**D. Punitive Discipline:** When a Supervisor believes punitive discipline is appropriate he/she will forward the completed Disciplinary Inter-Department Memorandum and



full Internal Affair case to their immediate Commander noting “punitive discipline is appropriate.”

No written or oral recommendation relative to the level of punitive discipline will be made. The Commander will present the case to the Chief or his/her designee and provide copies of all related documents.

Following a full review and consultation with appropriate internal/external partners the Chief or his/her designee will determine the level of punitive disciplinary action. This could include but not limited to the following:

1. Written reprimand;
2. Loss of leave;
3. Suspension with commensurate loss of pay;
4. Last Chance Agreement;
5. Demotion;
6. Dismissal pending satisfaction of probationary status;
7. Dismissal;
  - a. The Chief, in coordination with the Syracuse University Department of Human Resources will provide a written statement to the employee as to the reason and the effective date for the dismissal as well as; **(26.1.7 a, b) (08/25/23)**
  - b. A statement of the status of accrued employee benefits after dismissal. **(26.1.7 c) (08/25/23)**
8. Criminal prosecution.

#### **IX. DISCIPLINARY RECORDS: (26.1.8)**

- A. Records of written disciplinary actions shall be placed in the member’s Main Personnel file. A copy will be forwarded to the Office of Human Resources for central filing.
- B. As outlined in the existing labor contract, written discipline will be declared inactive when the employee works twelve (12) calendar months without discipline. This period will be extended by any time of unpaid leave, vacation, or disability leave that is longer than one (1) work week in duration. The life of discipline may be extended by mutual agreement of the parties.
- C. Records of training and counseling shall be maintained in the employee’s Training and Main Personnel Files accordingly.

#### **X. APPEALS PROCESS: (4.3.2)**

- A. **Appeal of Written Reprimands and other Disciplinary Sanctions:** Written reprimands and other disciplinary sanctions may be appealed to the Chief.
  1. Using the chain of command, the employee will notify their supervisor that they will be sending an appeal to the Chief.



2. The employee must provide a prepared written request detailing why he/she feels that the written reprimand or other disciplinary sanction was improper or unwarranted.
  3. The Chief shall either deny the appeal, or sustain it and overrule, or modify the disciplinary action.
    - a. The appeal shall be ruled upon within five working days of receipt.
- B. External Appeals:** Employees may also avail themselves of any viable process available through the Office of Human Resources, and/or any provisions outlined in an appropriate Collective Bargaining Procedure.
- C. Annual Analysis:** The Deputy Chief of Public Safety will conduct an annual analysis of all grievances and appeals of written reprimands and other disciplinary sanctions reported to the Chief of Public Safety and the Syracuse University Department of Human Resources. The analysis will include the total number of grievances filed, status of each grievance, nature of each grievance, and any noted trends in filed grievances. The analysis will be forwarded to the Chief of Public Safety for review. **(22.4.3) (TS)**

#### **POLICY REVISION HISTORY**

<b>NO</b>	<b>SECTION REVISED</b>	<b>DATE ISSUED</b>
1	Formatted and Revised Titles	11/05/12
2	Revised/Formatted- See highlights	03/18/14
3	Revised/Formatted- See highlights throughout	09/02/14
4	Revised re IACLEA	03/15/16
5	Revised Punitive Discipline, Pg. 7	06/12/17
6	Reviewed/Revised re IACLEA & CALEA LE-1	02/15/18
7	Revised Negative Discipline; Title Changes	03/31/21
8	Revised re: CALEA ADV – Annual Analysis	06/27/23
9	Revised re: CALEA ADV – Dismissal	08/25/23