


**Department of Public Safety
Policies and Procedures**

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Employee Conduct and Discipline

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University of Cincinnati Department of Public Safety (UCDPS) Discipline Philosophy

Public trust is formed when the community entrusts the UCDPS to provide community service, protection, and law and order. Any responsibility delegated to any member of the department carries with it the implicit authority to fulfill that responsibility. Each member is accountable for the use of delegated authority. The authority to deprive persons of their liberty, serve search and arrest warrants, and investigate a person's activities can be abused. The public trusts its Public Safety Department to operate within the law. All public employees have a duty to serve the public well.

Vision Statement

Be a preeminent leader in urban campus policing, grounded in core principles and driven by innovative solutions.

Mission Statement

The mission of the UCPD is to maintain a safe and secure campus environment, where the pursuit of academic excellence can prosper. We provide service with compassion; treat everyone, including ourselves, with dignity and respect; and work collaboratively to solve problems. We enforce the law with fairness and impartiality. We value a diverse and inclusive work environment. We support our personnel and invest heavily in our training and education to enhance the quality of service we provide. We make decisions that are moral, constitutional, and respectful of individual rights and community interests.

The Purpose of Discipline

The UCDPS must employ an open, effective, and efficient philosophy of discipline. Three factors form the first of two triads that managers must balance to maintain an effective disciplinary system: public trust, the public safety agency, and the public safety employee. All employees must be informed, and trained, in the system in order to be accountable to the agency. Positive reinforcement should be employed to the greatest extent possible. The individual who wills to do the right thing, in the right way, receives the greatest reward. Self-discipline generates the positive benefits associated with being a member of a professional group: pride, esprit de corps, and high morale.

The vast majority of employees abide by the law, policy, procedure, and rule. Most employees will follow the rules when given a clear set of expectations. The nature of public safety work involves the application of discretionary judgments, accumulated expertise, and the use of guiding values to solve a variety of problems. Public safety work is not conducive to the formation of a comprehensive list of permissible and prohibited acts. Managers and supervisors must recognize that training, education, conduct, rewards, and discipline are interrelated and not separate elements.

The public's trust is impacted, however slightly; each time a manager adjudicates a complaint investigation or finds that an employee's conduct did not conform to law, policy, procedure, or

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rule. When an allegation of misconduct is sustained by the UCDPS, corrective or disciplinary action imposed serves three purposes:

- To modify the employee's conduct.
- To set expectations for other employees.
- To assure the public that the department strives to maintain the public trust by holding employees accountable to the Departments Values and Mission Statement.

Supervisory personnel are accountable for the activities of employees under their immediate control. In many cases, the supervisor can convert a negative occurrence into a positive action by using the situation as a training vehicle or exercise. By comparing what the individual did that was less than acceptable with what should have been done, the supervisor is achieving several goals:

- The supervisor fulfills the responsibility to detect errors by employees.
- The supervisor brings the conduct to the attention of the employees and reinforces the employees' awareness that the supervisor cares about how the employees perform.
- The supervisor compares proper and improper methods and techniques and imparts to the employees the right way to perform.

It is better to prevent unprofessional conduct than to deal with it after the fact. Managers and supervisors must ensure that values and expectations are reinforced and discussed on a daily basis. Managers must ensure that their employees and supervisors are reiterating the organization's philosophy, values, and expectations presented in the Departments Values and Mission Statement. Conducting periodic discussions regarding the disciplinary process can be valuable in helping to alleviate employees' anxiety.

Fairness, Consistency and Clear Expectations

Fairness, consistency, and clear expectations form the second triad of an effective discipline system. Employees will understand discipline when it is imposed fairly and consistently. However, employees may incorrectly equate fairness and consistency as synonymous; they are not. The disciplinary matrix is a guide for fairness and consistency. When using the matrix, one must take into account an employee's violations of different rules within the same section rather than just repeated violations of the same rule. The matrix does not abrogate the authority and discretion of the Public Safety Director or Chief of Police to impose any appropriate discipline when he/she believes the employee's misconduct exhibits a lack of fitness for duty.

Consistency within a discipline system means holding every employee equally accountable for unacceptable behavior. Unacceptable behavior for one is unacceptable for all, regardless of rank, status, or tenure.

Fairness within a discipline system means understanding the myriad of circumstances that contributed to the misconduct. Thus, disciplinary penalties for various infractions are

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expressed as ranges so that mitigating factors can be given appropriate consideration.

Discipline Philosophy

The effectiveness of the discipline system is dependent on the manager's ability to balance the triad of expectation, fairness, and consistency with the triad of public trust, public safety agency, and public safety employee. An important objective of any discipline system is to make the corrective or disciplinary action fit the conduct. This requires the review of five factors: motivation, damage, knowledge, intent, and history. Speed and certainty of corrective action are critical features for negative consequences to have any beneficial effect as deterrence. Managers must ensure that the discipline process proceeds in a timely manner. Proper case management from investigation to adjudication is important.

Administering discipline must be accompanied by frequent discussion of values and principles to help employees understand what they are and what they represent.

I. Definitions

The following definitions apply throughout the Rules of Conduct of the University of Cincinnati Department of Public Safety (UCDPS).

A. PUBLIC SAFETY DIRECTOR – The Chief Executive Officer of the University of Cincinnati Department of Public Safety.

B. CHIEF OF POLICE – The Chief Executive Officer of the University of Cincinnati Police Division. This is a division of the University of Cincinnati Department of Public Safety. The term shall also apply to the Chief's designee, acting in his/her absence.

C. DEPARTMENT – University of Cincinnati Department of Public Safety (UCDPS).

D. DIRECTIVE - Any rule, regulation, procedure, policy, order or other written statement or instruction, issued by the UCDPS, or by the Public Safety Director, Chief of Police (or his/her designee) and made applicable to any and/or all employees of the Department.

E. EMPLOYEE - Any person, either sworn or non-sworn, who is employed by the UCDPS in any capacity, or who works at any task under the direction and supervision of the UCDPS or any of its personnel.

F. OFFICER - Any sworn law enforcement officer or non-sworn security officer of the UCDPS.

G. ORDER - Any instruction or command given by an employee of the department to another employee of the department who is under his/her supervision or direction.

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H. PROPER AUTHORITY - That officer, supervisor, or other person who in a given situation bears decision making responsibility as defined by the department's rank structure and table of organization.

I. SUPERVISOR - Any employee who has authority to direct and/or to oversee the activities of other employees.

J. CITIZEN - Any member of the general public including UCDPS employees, University students, faculty and staff, and any other person.

II. Code of Ethics

All UC Public Safety Personnel shall be issued this directive, prior to assuming operational duties. In addition, entry-level and annual ethics refresher training, appropriate to each job function, shall be conducted for all UCDPS personnel.

Public Safety is an honorable calling. Service in this field commands a professional rather than an occupational philosophy. Personal honor, a desire for professional status, and devotion to service above self, are the motives which impel police officers and public safety personnel to discharge their responsibility in full measure.

Police officers' lives are ones of self-sacrificing service to a high ideal, based upon their recognition of the responsibilities entrusted to them and the belief that policing is an honorable vocation. They fully accept their responsibilities to protect the weak, aid the distressed, and apply the law without prejudice. They accept the obligation to report facts and testify without bias or display of emotion, and to consider all information coming to their attention by virtue of their position as a sacred trust to be used for official purposes only. They give their loyal and faithful attention to the service of the University community. They perform the functions of their office without cowardice, favor, or prejudice and do not engage in unlawful or improper practices.

They are respectful and courteous to all citizens. They serve their university community with zeal, courage, dedication, and fidelity. They are faithful and loyal to their organization, constantly striving to cooperate with and to promote better relations with all regularly constituted law enforcement agencies in matters of mutual interest and obligation.

There must be a moral philosophy, or strong appreciation of the need for obligatory service associated with any profession. Unwavering adherence to such a moral philosophy will earn Public Safety employees the respect and support of the public. Each employee of the UCDPS is required to conform to a high standard of personal conduct. Employees shall:

- Be honest in all matters.
- Face their problems with determination and persistence.
- Avoid the use of obscene, profane, or violent language.

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- Maintain a level of general health and fitness which allows them to properly execute their duties.
- Be loyal to the law enforcement service and to their associates, and neither divulge nor tolerate gossip detrimental to any employee of the Department.
- Encourage their associates to fully discharge the obligation of their office and assist associates promptly and energetically.
- Foster in all personnel sensitivity to misconduct and have the courage to strive against it.
- Take their oath of office or duty of affirmation without reservation or evasion.

III. Rules of Conduct

Following are the rules of conduct of the Cincinnati Department of Public Safety.

Section 1. Knowledge of Regulations

- a. Employees shall familiarize themselves with and understand all rules, regulations, directives and written procedures of the department.
- b. Employees who do not understand their duties or responsibilities shall read the relevant directives, rules, etc. and shall consult their immediate supervisor for clarification and explanation.
- c. When dealing with a situation for which there are no regulations or established procedures, employees shall consult their immediate supervisor in advance for direction, if feasible. In any event, the supervisor shall be informed no later than the end of the employee's next tour of duty.
- d. If a supervisor gives an order, the supervisor is responsible for that order. If the employee perceives an apparent conflict between the supervisor's order and the rules, regulations, directives, or written procedures of the department, the employee shall seek clarification or confer with a higher authority. Criminal activity or rule violations by any employee can be reported to the Public Safety Director, Chief of Police, or other appropriate authority.

Section 2. Violation of Rules

- a. Employees shall not commit any acts or make any omissions, which constitute a violation of any of the rules, procedures, or other directives of the department.
- b. If an employee receives a suspension as discipline, the department identification, issued firearm, and badge will be confiscated until the suspension is completed. The suspension will be listed on the employee's schedule as (AL) for Administrative Leave.

Section 3. Chain of Command

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a. Employees shall conduct departmental business through accepted channels unless written procedures or orders from proper authority permit otherwise. This rule does not prohibit any employee from reporting apparently unlawful or improper conduct to any appropriate person.

Section 4. Insubordination

a. Employees shall promptly and courteously obey any lawful order of a supervisor, whether received verbally, in writing, or electronically. This will include orders relayed from a supervisor by an employee of the same or lesser rank.

b. Employees shall not intentionally insult any supervisor.

Section 5. Employee-In-Charge

a. When two or more employees of equal rank are simultaneously employed in the same operation, the senior employee shall be in charge, except when otherwise directed by proper authority. This shall be determined by date of hire or by date of last promotion.

Section 6. Unsatisfactory Performance

a. Employees shall maintain sufficient competence to properly perform their duties and assume the responsibilities of their position.

b. Employees shall perform their duties in a manner, which will maintain the highest standard of efficiency in carrying out the functions and objectives of the department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws to be enforced; unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for an employee's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; neglect of duty; the display of cowardice; or absence without leave and will be determined through the disciplinary process. Unsatisfactory performance can also be displayed by the physical or mental inability to perform required duties as determined by University Health Services.

* See Policy 22.3.101, Fit for Duty

c. In addition to other indications of unsatisfactory performance, the following will be considered unsatisfactory performance: repeated poor evaluations and records of repeated violations of orders, rules, procedures or other directives of the department.

Section 7. Unbecoming Conduct

a. Employees shall conduct themselves at all times, both on and off duty, in a manner, which is in keeping with the highest standards of the public safety profession.

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b. Conduct unbecoming of an employee shall include that which brings the department into disrepute, reflects unfavorably upon the employee as a member of the department, damages or affects the reputation of any employee of the department, or impairs the operation or efficiency of the department or any of its personnel.

Section 8. Telephone and Residence Notification Requirements

a. Employees shall have a functional telephone by which they can be contacted.

b. Employees shall inform the UCDPS Business Office of any change in their permanent address and/or telephone number before the end of the next business day after making such change.

c. A list of the telephone numbers of all departmental personnel will be compiled. This list is considered confidential. No telephone number of an employee may be released to any person, organization or business without the expressed consent of the employee.

Section 9. Reporting for Duty

a. Employees shall report on time for all duty assignments, including court, Grand Jury appearances, and training, at the time and place required by assignment or orders, and they shall be physically and mentally prepared and properly equipped to perform their duties.

b. Employees shall only use departmental timeclocks to clock in and out. The use of remote clocking in or clocking out may only be done with prior approval from a supervisor. An employee shall only clock in or clock out in accordance with their established work schedule. Deviations from those times shall be preapproved by the employee's supervisor.

c. Employees assigned to non-patrol assignments shall have a uniform and all issued equipment ready for use if the need arises to assist with field operations.

Section 10. Absence from Duty

a. Employees shall not be absent from duty without first obtaining permission from proper authority.

b. Employees who are unable to report for duty shall notify the appropriate supervisor prior to the beginning of their scheduled duty tours. This notification shall occur at least 2 hours prior to the scheduled beginning of the tour of duty, unless the employee is unable to do so. In such cases, the notification must be as far in advance of the scheduled tour as possible.

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c. Employees shall not feign illness or injury, falsely report themselves sick, ill or injured, or otherwise deceive or attempt to deceive any proper authority of the department as to the condition of their health or that of their families.

d. Employees shall not enter into a no pay status (where the employee does not have enough time paid time off accrued to cover the leave being requested or taken) exclusive of FMLA-certified events.

Section 11. Neglect of Duty

a. While on duty, employees shall not engage in any activities or personal business, which would cause them to neglect or be inattentive to their assigned responsibilities.

b. Employees shall remain awake, alert and attentive while on duty. If unable to do so, they shall so report it to their supervisor, who shall determine the proper course of action.

c. Employees shall take any official action required by federal, state, or local law, applicable city ordinances, and University rules or by department directive or by a particular duty assignment. (This includes, but is not limited to: conducting investigations and related activity; preparing and submitting appropriate reports and documentation; responding to emergencies, calls for service, or any other circumstances indicating a need for public safety involvement.)

d. Employees shall not leave their assigned duty post during a tour of duty or when on a detail except as authorized by proper authority.

e. Employees shall be attentive to and take any action, which is required or is responsible and appropriate, in connection with performance of their assigned duties. Employees shall fulfill proper requests for information or assistance or they shall aid the person in otherwise obtaining the requested information or assistance. Employees shall not belittle a seemingly trivial request, complaint or piece of information. Employees shall act in an official and courteous manner and the action shall be prompt and judicious.

f. Employees shall take prompt and responsible action in any emergency situation, or in any situation in which substantial and irreversible damage would result from the failure to take police action even though the incident would ordinarily be dealt with by some other officer or unit whether on or off duty in UCDPS jurisdiction.

g. Employees shall assist any University of Cincinnati employee involved in an emergency situation, in which assistance would be critical to the successful performance of a UC function.

h. Employees shall respond to all calls for service directed to them in a timely manner. Employees must respond and render appropriate service without unnecessary delay.

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Section 12. Attitudes

- a. Employees must display an attitude of confidence, impartiality, tolerance, and friendliness and present a desire to be of real assistance.
- b. Employees will not be intolerant, officious, meddling, arbitrary, abusive, sarcastic, discourteous or threatening.
- c. Employees shall remain professional and not give evidence of disinterest or lack of confidence by their actions, facial expressions, words or tone of voice.

Section 13. Conflicting or Illegal Order

- a. Employees who are given an otherwise proper order that is in conflict with a previous order, rule, regulation, or directive shall inform the supervisor issuing the order of the conflict. If the supervisor issuing the order does not alter or retract the order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the supervisor. Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued. Employees shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, the employee shall request the issuing supervisor to clarify the order or confer with higher authority.

Section 14. Employment Outside the Department

- a. Employees shall adhere to all regulations, procedures, and other directives governing off-duty employment whether established by the UCDPS or UC Department of Human Resources.

Section 15. Labor Activity

- a. Employees shall not engage in any unlawful strike, work slowdown, unreasonable or selective enforcement of the law, or other concerted failure to report for duty for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

Section 16. Political Activity

- a. Classified civil service employees are prohibited from becoming candidates for or actively campaigning for partisan elective public office, as provided for in Ohio Administrative Code, Section 123:1-46-02 and Ohio Revised Code, section 124.57.

Section 17. Conformance to Laws

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a. Employees shall obey all laws of the United States and of any state and local jurisdiction in which they may be present. Employees shall obey all applicable administrative regulations promulgated pursuant to local, state, or federal law.

*Listed below (1-3) are the varying levels of offense when a person is convicted of, admitted to, or based upon an internal investigation the preponderance of evidence concludes a violation of federal, state or local law occurred.

1. A minor misdemeanor criminal law violation.
2. A 1st through 4th degree misdemeanor traffic law or criminal law.
3. A felony traffic/criminal law violation.

b. Employees shall not obey any order, which they know or should know, requires them to commit an illegal or unconstitutional act.

c. An employee does have a clear duty to report any other employee for a violation of the law, or for any infraction for which an officer could be disciplined or dismissed which are listed in the Internal Investigations Policy.

*See Policy 4.2.100, Internal Investigations and Complaints for notification to police administration concerning criminal or traffic actions against employees.

Section 18. Associations

a. Employees shall avoid associations or dealings with persons whom they know or should know are under criminal investigation or indictment, or who engage in continuing criminal behavior, except as necessary to the performance of official duties, or where unavoidable due to family relationships.

Section 19. Visiting Prohibited Establishments

a. Employees shall not knowingly visit, enter, or frequent a house of prostitution, gambling house or establishment wherein the laws of the United States, the State, or the local jurisdiction are regularly violated, except in the necessary performance of duty.

Section 20. Gambling

a. Employees shall not engage or participate in any form of illegal gambling except in the necessary performance of duty and while acting under orders.

Section 21. Possession or Use of Alcohol While on Duty

a. Employees shall not consume intoxicating beverages while in uniform or on duty, except in the performance of duty and while acting under orders.

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b. Employees shall not appear for duty, or be on duty, while under the influence of intoxicants, or with the odor of intoxicants about their person.

Section 22. Possession and Use of Drugs While on Duty

a. Employees shall not possess or use any controlled substances, narcotics, hallucinogens, or prescription drugs, except when prescribed by a physician or dentist.

b. When controlled substances or narcotics are prescribed, employees shall notify their supervisor prior to reporting for duty under the influence of such medication so appropriate leave time or duties may be assigned.

c. Employees shall not store, or bring into any police facility, intoxicants, controlled substances, narcotics, or hallucinogens, except when such materials are held as evidence, seized property, or found property. This does not apply to employee's possession of any drug prescribed for that employee.

Section 23. Personal Appearance

a. Employees on duty shall wear uniforms and other clothing and equipment, in accordance with established departmental procedure.

b. Except when acting under orders from proper authority, employees on duty shall maintain a neat, well-groomed appearance as specified in Policy 4.1.100, Uniforms, Business Attire, Equipment and Grooming Standards.

Section 24. Use of Tobacco

a. Employees shall not use tobacco in any form in the following circumstances:

1. On duty while engaged in any activity involving direct contact with someone not employed by the UCDPS, unless that other person is a University employee who is using tobacco.
2. On duty while engaged in traffic direction or control.
3. Any place where law or policy prohibits the use of tobacco.

Section 25. Identification

a. Officers shall carry their badges and law enforcement identification cards while on duty, except when impractical, dangerous or harmful to the progress of a criminal investigation.

b. Officers shall furnish their names and badge numbers, to any person requesting that information when they are on duty or presenting themselves as police officers, except

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when withholding of such information is necessary to the performance of police duties, or is authorized by proper authority.

Section 26. Abuse of Position

a. Employees shall not use their official position or identification for:

1. Personal or financial gain;
2. Obtaining privileges not otherwise available to them except in the performance of their duty;
3. Avoiding the consequences of illegal acts.

b. Employees shall not lend to another person, their official identification cards or badges, or permit them to be photographed or otherwise reproduced without the prior approval of the Public Safety Director or Chief of Police.

c. Employees shall not permit the use of their names, photographs, or official titles, which identify them as police officers or as employees of the UCDPS in connection with testimonials or advertisements of any commodity or commercial enterprise without the prior approval of the Public Safety Director.

d. Employees shall take no part, either directly or indirectly, in sales promotions, solicitations, fund raising campaigns, or similar activities while representing themselves as police officers or as employees of the department, or authorize others to conduct themselves in a manner that would leave the impression they are representing the department, without the prior approval of the Public Safety Director or Chief of Police.

e. In the absence of prior department approval, employees who are on duty or acting in an official capacity shall not recommend or suggest (except in the transaction of personal business with family and close friends) a particular product, professional service, or commercial service. In cases where such a service is necessary and the person needing the service is unable or unwilling to procure it or request assistance, officers shall proceed in accordance with established departmental procedures.

f. Employees shall not interfere with, or attempt to influence, the lawful business of any person.

g. Employees shall not knowingly make false accusations or false criminal charges.

Section 27. Gifts and Gratuities

a. Employees shall not use their position to solicit any form of gift, gratuity or service for gain.

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- b. Employees shall not accept from any person, business, or organization, any gift, if it may reasonably be inferred that the person, business, or organization:
 - 1. Seeks to influence an official action, or to affect or avoid the performance of an official function;
 - 2. Has an interest that may be substantially affected, either directly or indirectly, by the performance or non-performance of an official function.
- c. Employees may not accept any form of reward for the performance of an official duty or function without the prior approval of the Public Safety Director or Chief of Police.
- d. Supervisors must not accept gifts from employees. Exception is noted for special events such as retirement, illness, birthdays, and Christmas.

Section 28. Public Statements and Appearances

- a. Employees shall treat the official business of the department as confidential and shall disseminate information regarding departmental operations only in accordance with established departmental procedures.
- b. Employees shall not divulge the identity of persons giving confidential information in a criminal investigation, except as required to do so for official reasons by proper authority or by court order.
- c. Employees shall not publicly criticize or ridicule the University, the department or its personnel.
- d. Employees shall not address public gatherings; appear on radio or television; prepare any article for publication; act as correspondents to a newspaper or other periodical; release or divulge investigative information; or release any other information concerning the activities of the department while holding themselves out as representing the department in such matters, without permission from proper authority.
- e. Employees shall not disseminate any information in violation of Ohio law.

Section 29. Courtesy

- a. Employees shall be courteous and tactful in the performance of their duties and shall promptly respond to all requests for assistance in accordance with department procedures.
- b. In performing their duties, employees shall not express any prejudice concerning race, religion, national origin, sex, or other personal characteristics.

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c. Employees shall not use profane or intentionally insulting language toward any other employee of the department or any University employee.

d. Employees shall promptly return phone calls from citizens and/or University employees.

Section 30. University Employee/Citizen Complaints

a. Employees shall follow established procedures for processing complaints.

b. Employees may attempt to amicably answer questions or resolve issues raised about UCDPS policies or the performance of any UCDPS employee with an explanation of Department policies and procedures, but they shall not attempt to prevent any complainant from lodging a complaint against any individual employee or against the department if the person desires to do so.

Section 31. Use of Weapons

a. Officers shall carry, store and use firearms only in accordance with law and established department procedures and directives. Employees shall not use, store, carry or handle firearms in a careless or imprudent manner.

Section 32. Use of Force

a. Officers shall use no more force than reasonably necessary in the performance of their lawful duties and shall then do so only in accordance with applicable law and department directives.

b. Officers shall comply with department procedures and directives concerning the documentation, reporting, and investigation of the use of physical force.

Section 33. Arrest, Search and Seizure

a. Officers shall not make any arrest, search or seizure, which they know, or should know, is not in accordance with the law and department procedure or directives.

Section 34. Intervention

a. Officers shall not interfere with, or take action in, cases being handled by other officers of the department or by other governmental or police agencies unless:

1. Authorized to intervene by proper authority; or

2. The intervening officer reasonably believes that a grave injustice would result from failure to take immediate action. The intervening officer shall notify his/her supervisor as soon as reasonably possible.

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b. Officers shall not undertake any investigation or other official action, which is not part of their regular, assigned duties without obtaining permission from their supervisor, unless the exigencies of the situation require immediate action. Any officer taking such an action must notify his or her immediate supervisor as soon as possible after the incident occurs.

Section 35. Processing, Improper Use or Theft of Property and Evidence

a. Property or evidence, which has been discovered, gathered or received in connection with departmental responsibilities, will be processed in accordance with established departmental procedures. Employees shall not convert to their own use; manufacture; conceal; destroy; remove; tamper with; or withhold any property or evidence; in connection with an investigation or other police action; and shall not steal any University property; or convert to their own use; except in accordance with established department procedures and/or directives.

Section 36. Use of Department Equipment

a. Employees shall utilize department equipment, including vehicles, only for its intended purpose in accordance with all laws and department procedures and/or directives and shall not abuse, damage, or through negligence lose department equipment, or convert any University property to their own use. Employees shall operate official vehicles in a careful and prudent manner, shall obey all laws and departmental orders pertaining to such operations.

Section 37. Radio/Video Communications

a. Officers shall keep available radio communications equipment turned on and operating and will remain attentive to radio traffic at all times while on duty, unless authorized by proper authority to do otherwise.

b. Officers shall utilize body worn and in-car video equipment according to its intended use and in accordance with policy 9.1.700, Body Worn Camera Digital Recording System and 9.1.701, In-Car Video Recording System.

Section 38. Department Reports

a. Employees shall submit all necessary reports on time and in accordance with established department procedure and/or directives.

b. Reports submitted by employees shall be accurate and complete.

c. No employee shall knowingly enter or cause to be entered any inaccurate, false or improper information.

Section 39. Participation in Administrative Investigations

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a. In an administrative investigation, any employee who has been informed that any compelled statement(s) cannot be used against him/her in a criminal prosecution shall, if ordered to do so by the Public Safety Director or Chief of Police or his/her designee:

1. Truthfully answer all questions, which are specifically directed and narrowly related to job performance and/or fitness for duty and shall not attempt to conceal, divert, or mitigate any culpability of theirs by falsehoods, omissions or lack of candor.
2. Submit to a polygraph examination or computer voice stress analyzer.
3. Submit to any medical, ballistics, chemical, or other test, submit to being photographed, or participate in any line-up(s) required in a particular administrative investigation being conducted by the department in order to assess job performance and/or fitness for duty.

Section 40. Civil Proceedings Brought Against Employees

a. Employees shall provide written notification to the supervisor and forward it to the Police Chief or Public Safety Director via the chain of command, all civil claims brought against them and all other non-criminal court actions brought against them which relate to the performance of duty or which involve the employee's fitness for duty. This notification will be made the same day the employee is notified if working or within forty-eight hours if the employee is on time off.

Section 41. Supervision

a. Supervisors are charged with ensuring compliance with all applicable laws, the department's policies, directives, Standard Operating Procedures and General Orders by those employees under their supervision. Supervisors are responsible for investigating and reporting all known infractions to their immediate supervisor.

Section 42. Truthfulness

- a. Employees are prohibited from intentionally making any materially false statement(s) in connection with their performance of official duties or with their fitness for duty.
- b. Employees are prohibited from failing to disclose material information in connection with the performance of their duties.

Section 43. Sexual, Ethnic, Racial or Religious Harassment

a. No employee shall intentionally subject any person to harassment with respect to his or her race, sex, age, national origin, religion, disability, or sexual preference.

Section 44. National Colors and Anthem

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a. All officers of the department shall salute the official National Colors as they pass in public parades, ceremonies or other occasions or when carried into any buildings, room or other place where they are present.

b. Whenever the National Anthem is played at any place where any officers of the department are present, they shall stand at attention, facing a flag or towards the music. If the officer(s) is (are) in uniform, they shall salute during its playing. If not in uniform but have a hat, they shall remove the hat and hold it over the heart during its playing.

Section 45. Treatment of Persons in Custody

a. Employees are responsible for any person in their custody and shall take reasonable measures to protect a person in their custody from mistreatment or injury. Employees shall handle such persons in accordance with the law and divisional policy 2.2.200, Arrest, Processing, and Transportation of Detainees

Section 46. Personnel Files

a. Each employee may request to inspect his/her official personnel file maintained by the employer. Inspection of the individual's personnel file shall be by scheduled appointment requested in writing or by phone call to the employer or designee. Appointments shall be during the regular scheduled work hours of the administrative staff of the employer.

IV. Disciplinary Process

A supervisor may initiate a request for disciplinary action or a request for an investigation as a result of personal knowledge or information from another source. In such cases, the request will be routed through the normal chain of command unless such routing would jeopardize the information or investigation. In any such cases, the request may be given directly to any person in the chain of command. Any supervisor can issue a written reprimand subject to review and approval by the affected section commander.

1. Table of Authority

The following table illustrates the authority attendant to each level of supervision and command relative to disciplinary actions. The issuance of a Written Counseling/Reprimand will be approved by the Police Chief prior to issuance.

	Temporary Relieve From Duty	Corrective Actions	Request Written Counseling /Reprimand	Issue ⁱ Written Counseling/ Reprimand	Suspension	Demotion	Dismissal	Withdrawal of Outside Work Privileges
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Sergeant	X	X	X					
Lieutenant	X	X	X					
Captain	X	X	X					
Assistant Chief	X	X	X					
Chief	X	X	N/A	X	X			X
Public Safety Director	X	X	N/A	X	X	X	X	X

2. Investigation Process

In accordance with the UCPD Internal Investigations and Complaints policy, any employee who is the subject of a formal investigation shall be notified of the investigation by the Professional Standards and Strategic Development Bureau, unless such notification would jeopardize and/or hinder the investigation.

In addition to notifying the employee who is the subject of the investigation, the Professional Standards and Strategic Development Bureau will notify the appropriate section commander regarding the investigation. A copy of the Citizen Complaint Form shall be routed in accordance with current procedures. A notation in the complaint investigation log will be placed, advising the receipt of the complaint, denoting the name of the complaining citizen, unless such notation would hinder the complaint investigation. All complaints handled through the Conflict Facilitation Process shall be recorded in accordance with current procedures.

At the direction of the Public Safety Director, Chief of Police, or his/her designee, a complaint may be investigated either by the Professional Standards and Strategic Development Bureau or involved employee's unit. In any interrogation conducted by the UCDPS Professional Standards and Strategic Development Bureau or similar Police Division unit, an accused employee shall have the right to receive a copy of the recording of his/her entire interrogation, including comments prior to and following the actual questioning. The interrogation shall not be unreasonably delayed because of the request for a recording.

Upon conclusion of the investigation, the Investigating Officer will prepare a written report [Internal Investigation/Complaint Report Form 15 E](#) containing/listing all allegations, all witness statements, documentation of any evidence to include relevant video and/or summaries of tape recorded interviews, and a summary of the completed investigation. The Investigating Officer will **not** make any recommendations for classification of the allegations. The completed report will be forwarded to the Captain of the involved UCPD employee.

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a. The Captain will review the investigation for completeness and sufficient evidence to support a conclusion and recommendation regarding each allegation. The Captain can and should return the investigation to the assigned Investigating Officer for clarification or follow-up where the Captain believes there is a need for additional information.

b. Once the packet is complete the Captain will make a recommendation on [Internal Investigation/Complaint Report Form 15 E](#) as to the classification for each of the included allegations. Additionally, the Captain will make a recommendation for penalty on any sustained allegation(s)

c. The Captain recommendation regarding each allegation will be one of the following classifications:

SUSTAINED - Where the allegation is supported by a preponderance of evidence to determine that the incident occurred and the actions of the officer were improper.

NOT SUSTAINED - Where there are insufficient facts to decide whether the alleged misconduct occurred.

EXONERATED - Where a preponderance of the evidence shows that the alleged conduct did occur but did not violate policies, procedures, or training.

UNFOUNDED - Where the investigation determined no facts to support that the incident complained of actually occurred.

SUSTAINED-OTHER - Sustaining of violation or misconduct other than the allegation of the original complaint.

Upon completion and approval of the investigation, the Professional Standards and Strategic Development Bureau will notify the employee and his/her commander of the disposition of the complaint.

3. Disciplinary Hearings

If complaint is sustained and could result in the possible suspension, demotion, or dismissal, a disciplinary hearing shall be conducted. The primary objective of a Disciplinary Hearing is to afford administrative justice. It is an administrative process and is governed by administrative law, which dictates that the primary objective of the hearing is the furtherance of the public interest rather than the neutral arbitration of differences, which is the purpose of a court of law. Legal technicalities will not be permitted to defeat the achievement of this objective. All Disciplinary hearings will be conducted by a hearing officer assigned by Human Resources and in accordance with labor agreements and established department policy.

The Professional Standards and Strategic Development Bureau will coordinate the disciplinary hearing with UC Human Resources and will advise the employee and the employee's bureau commander. The employee's bureau commander will make sure the

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stipulated penalty has been completed whereupon the Professional Standards and Strategic Development Bureau will so notify the Public Safety Director or Police Chief.

If the employee is suspended, demoted, or terminated such proceedings will be in accordance with labor agreements.

4. Appeal

Appeals to any discipline shall be in accordance with applicable UC policies or labor agreements.

5. Temporary Relief from Duty

A supervisor may, for a period not to exceed the employee's regular or remaining tour of duty, temporarily relieve from duty an employee under his or her supervision on the grounds that the employee is unfit for duty. "Unfit for duty" may include any physical or mental condition which might, in the judgment of the supervisor, render the employee incapable of adequately performing duties; or performing them in such a way as to embarrass or discredit the Department, or jeopardize the safety of any person or property. The supervisor shall immediately notify the employee's respective Bureau Commander/Director/Manager. This action is not considered corrective or disciplinary in nature and the employee will be carried on the personnel report as "Administrative Leave" until returning to full duty and/or an internal investigation has been completed and adjudicated.

If a supervisor determines that an employee may not be fit for duty, the employee shall be restricted to the station. The Bureau Commander/Director/Manager shall notify the Chief of Police/Public Safety Director and make necessary determinations as to the employee's duty status. If it is determined the employee should be temporarily relieved from duty, the supervisor will complete [UCPD Temporary Relief from Duty, Form 15 I](#), and provide a copy to the employee. The form will include:

- The factual basis for relief from duty.
- Give the employee an opportunity to respond in writing to include any explanation and rebuttal as to why he/she should not be relieved from duty. (Request the employee submit a Form 5 stating all pertinent information about the incident which lead to the temporary relief from duty.)
- Direct the employee when to report to the office of the Public Safety Director/Chief of Police or as otherwise directed by the Public Safety Director or Chief of Police.

If circumstances warrant, the employee will be relieved of his/her official identification, all issued weapons and ammunition. These circumstances may include alleged criminal activity, under the influence of alcohol or drugs, violent behavior or threats, or mental health concerns.

Ensure the employee is safely removed from the UC Public Safety facilities.

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The Public Safety Director, Chief of Police, or his/her designee, will determine whether to suspend the employee without pay or return the employee to duty.

6. Suspension

Any officer suspension will require that the officer immediately surrender all department issued equipment including issued weapons, badge, identification card, ammunition. A receipt will be issued to the officer for the items held. The officer will be notified of the suspension dates, with admonishment that the police powers are suspended and the carrying of or use of any police equipment is prohibited.

7. Dismissal

In accordance with University policy and any applicable state law, any employee may be dismissed from the Department when any investigation results in a sustained allegation of any one of the following:

- Incompetency
- Inefficiency
- Dishonesty
- Substance Abuse
- Insubordination
- Immoral Conduct
- Neglect of Duty
- Failure of Acceptable Behavior
- Discourteous Treatment of the Public

8. Probationary Personnel

A probationary employee may be removed or demoted, in accordance with the University's Personnel Policies and Procedures.

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V. Corrective Measures

The intent of corrective measures is to improve employee performance. Corrective measures are not considered discipline.

Corrective Measures include:

- Referral to Employee Assistance Program (EAP)
- Coaching (documented via Guardian Tracking)
- Training
- Tardy documented via Guardian Tracking
 - Tardy shall only be used to document violations of Section 9 Reporting for Duty. Three (3) violations for same or similar offense within a 90 period will be documented as a coaching.
- Supervisor Documentation* (SD) documented via Guardian Tracking
 - *Supervisor Documentation shall only be used to document violations of Sections 23 a & b Personal Appearance (equipment and grooming). Three (3) violations for same or similar offense within a 90 period will be documented as a coaching.*

VI. Employee Performance and Discipline Matrix

Following the completion of an investigation, the possible outcomes for sustained allegations include, disciplinary actions, or some combination thereof.

Disciplinary Actions include:

- Written Counseling
- Written Reprimand
- Suspension
- Demotion
- Dismissal
- Withdrawal of outside employment privileges when the outside employment is the subject matter of the disciplinary proceeding or action

Employees shall be notified of corrective measures or disciplinary action prior to entry in their personnel file or Guardian Tracking. All Guardian Tracking entries will be automatically removed from the system after one year from the date of creation.

The following employee performance and discipline matrix to include the below table “*Rules of Conduct Violations*”; *Section 1 – 46*, provides guidance regarding the corrective measures and disciplinary outcomes as listed below in “A”, “B”, or “C” for rules violations by employees and uses a graduated level of discipline for subsequent offenses.

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- A Any Corrective Measure Outlined above, in Section V
- B Written Counseling/Reprimand
- C Hearing (1-3 days suspension)
- D Hearing (3-5 days suspension)
- E Hearing (5-7 days suspension)
- F Hearing (Demotion or Dismissal)

Force and effect period for any disciplinary action will be in accordance with any applicable UC policies and/or corresponding collective bargaining agreements. Records of disciplinary action will be maintained in accordance with Ohio Public Records Law (149.43) and UC records retention schedule.

Table of Rules of Conduct Violations

The following table lists violations of the Rules of Conduct described in Section III and includes the corresponding level of recommended disciplinary action. When determining the level of discipline for any sustained allegation in Section 17, “*Conformance to Laws*”, the level of offense (“1” “2” or “3”) for the conviction, admission to, or based upon an internal investigation the preponderance of evidence concludes a violation of federal, state or local law occurred shall be considered and applied as indicated in the below table, Section 17. The Director of Public Safety and the Chief of Police retain the authority to deviate from the matrix based on the aggravating or mitigating circumstances of a violation, however disciplinary outcomes that deviate from the below table must be explained in the adjudication documentation.

RULES OF CONDUCT VIOLATIONS						
Section One – Knowledge of Regulations	1st offense	2nd offense	3rd offense	4th offense	5th offense	6th offense
1.a	A	B	C/F	D/F	E/F	F
1.b	A	B	C/F	D/F	E/F	F
1.c	A	B	C/F	D/F	E/F	F
1.d	A	B	C/F	D/F	E/F	F
Section Two – Violation of Rules						
2.a	A	B	C/F	D/F	E/F	F
2.b	A	B	C/F	D/F	E/F	F
Section Three – Chain of Command						
3.a	A	B	C/F	D/F	E/F	F
Section Four – Insubordination						
4.a	A/B	B/C/F	D/F	E/F	F	F
4.b	B	C/F	D/F	E/F	F	F
Section Five – Employee-In-Charge						
5.a	A	B	C/F	D/F	E/F	F
Section Six – Unsatisfactory Performance						

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6.a	A	B	C/F	D/F	E/F	F
6.b	A	B	C/F	D/F	E/F	F
6.c	A	B	C/F	D/F	E/F	F
Section Seven – Unbecoming Conduct						
7.a	A/B	B/C/F	D/F	E/F	F	F
7.b	A/B	B/C/F	D/F	E/F	F	F
Section Eight – Telephone and Residence Notification Requirements						
8.a	A	B	C/F	D/F	E/F	F
8.b	A	B	C/F	D/F	E/F	F
8.c	A	B	C/F	D/F	E/F	F
Section Nine – Reporting for Duty						
9.a	Tardy*	Tardy*	A	B	C/D	E/F
9.b	A	B	C/F	D/F	E/F	F
9.c	A	B	C/F	D/F	E/F	F
Section Ten – Absence from Duty						
10.a	A/B	B/C/F	D/F	E/F	F	F
10.b	A	B	C/F	D/F	E/F	F
10.c	B	C/F	D/F	E/F	F	F
10.d	A	B	C	D/F	E/F	F
Section Eleven – Neglect of Duty						
11.a	A/B	B/C/F	D/F	E/F	F	F
11.b	A/B	B/C/F	D/F	E/F	F	F
11.c	A/B	B/C/F	D/F	E/F	F	F
11.d	A/B	B/C/F	D/F	E/F	F	F
11.e	B	C/F	D/F	E/F	F	F
11.f	B	C/F	D/F	E/F	F	F
11.g	B	C/F	D/F	E/F	F	F
11.h	A	B	C/F	D/F	E/F	F
Section Twelve – Attitudes						
12.a	A	B	C/F	D/F	E/F	F
12.b	A	B	C/F	D/F	E/F	F
12.c	A	B	C/F	D/F	E/F	F
Section Thirteen – Conflicting or Illegal Order						
13.a	A	B	C/F	D/F	E/F	F
Section Fourteen – Employment Outside the Department						
14.a	A	B	C/F	D/F	E/F	F
Section Fifteen – Labor Activity						
15.a	A	B	C/F	D/F	E/F	F
Section Sixteen – Political Activity						
16.a	B	C/F	D/F	E/F	F	F
Section Seventeen– Conformance to Laws						
17.a.1	A/B	B/C	D/F	E/F	F	F
17.a.2	C/F	F	F	F	F	F
17.a.3	C/F	F	F	F	F	F
17.b	B	C/F	F	F	F	F
17.c	A/B	B/C/F	D/F	E/F	F	F
Section Eighteen – Associations						

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18.a	A/B	B/C/F	D/F	E/F	F	F
Section Nineteen – Visiting Prohibited Establishments						
19.a	B	C/F	D/F	E/F	F	F
Section Twenty – Gambling						
20.a	B	C/F	F	F	F	F
Section Twenty One – Possession or Use of Alcohol While on Duty						
21.a	C/F	D/F	E/F	F	F	F
21.b	C	D/F	E/F	F	F	F
Section Twenty Two- Possession and Use of Drugs While on Duty						
22.a	C/F	D/F	F	F	F	F
22.b	C/F	D/F	F	F	F	F
22.c	C/F	D/F	E/F	F	F	F
Section Twenty Three – Personal Appearance						
23.a	SD*	SD*	A	B	C/D	E/F
23.b	SD*	SD*	A	B	C/D	E/F
Section Twenty Four – Use of Tobacco						
24.a.1	A	B	C/F	D/F	E/F	F
24.a.2	A	B	C/F	D/F	E/F	F
24.a.3	A	B	C/F	D/F	E/F	F
Section Twenty Five – Identification						
25.a	A	B	C/F	D/F	E/F	F
25.b	A/B	B/C/F	D/F	E/F	F	F
Section Twenty Six – Abuse of Position						
26.a.1	B/C/F	D/F	E/F	F	F	F
26.a.2	B/C/F	D/F	E/F	F	F	F
26.a.3	A/B/C	B/C/F	D/F	E/F	F	F
26.b	B/C	C/F	D/F	E/F	F	F
26.c	A	B	C/F	D/F	E/F	F
26.d	A	B	C/F	D/F	E/F	F
26.e	A	B	C/F	D/F	E/F	F
26.f	B/C/F	C/F	D/F	E/F	F	F
26.g	B/C/F	D/F	E/F	F	F	F
Section Twenty Seven – Gifts and Gratuities						
27.a	A/B/C	B/C	D/F	E/F	F	F
27.b.1	B/C	D/F	E/F	F	F	F
27.b.2	B/C	D/F	E/F	F	F	F
27.c	A	B	C/F	D/F	E/F	F
27.d	A	B	C/F	D/F	E/F	F
Section Twenty Eight – Public Statements and Appearances						
28.a	A/B	B/C	D/F	E/F	F	F
28.b	B/C	D/F	E/F	F	F	F
28.c	A/B	B/C	D/F	E/F	F	F
28.d	A	B	C/F	D/F	E/F	F
28.e	B/C	C/F	D/F	E/F	F	F
Section Twenty Nine – Courtesy						
29.a	A	B	C/F	D/F	E/F	F
29.b	C/F	D/F	E/F	F	F	F
29.c	A	B	C/F	D/F	E/F	F

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29.d	A	B	C/F	D/F	E/F	F
Section Thirty – University Employee/Citizen Complaints						
30.a	A	B	C/F	D/F	E/F	F
30.b	A/B	B/C/F	D/F	E/F	F	F
Section Thirty One – Use of Weapons						
31.a	A/B	B/C	D/F	E/F	F	F
Section Thirty Two – Use of Force						
32.a	B/C	D/F	E/F	F	F	F
32.b (Negligent)	A/B/C	B/C/F	D/F	E/F	F	F
32.b (Intentional)	B/C	D/F	E/F	F	F	F
Section Thirty Three – Arrest, Search and Seizure						
33.a	B/C	D/F	E/F	F	F	F
Section Thirty Four – Intervention						
34.a	B	C	D/F	E/F	F	F
34.b	A/B	B/C	D/F	E/F	F	F
Section Thirty Five – Processing, Improper Use or Theft of Property and Evidence						
35.a	B/C	D/F	E/F	F	F	F
Section Thirty Six – Use of Department Equipment						
36.a	A	B	C/F	D/F	E/F	F
Section Thirty Seven – Radio/Video Communications						
37.a (Negligent)	A	B	C/F	D/F	E/F	F
37.a (Intentional)	B/C	D/F	E/F	F	F	F
37.b (Negligent)	A	B	C/F	D/F	E/F	F
37.b (Intentional)	B/C	D/F	E/F	F	F	F
Section Thirty Eight – Department Reports						
38.a	A	B	C/F	D/F	E/F	F
38.b	A	B	C/F	D/F	E/F	F
38.c	B/C	C/F	D/F	E/F	F	F
Section Thirty Nine – Participation in Administrative Investigations						
39.a.1	B/C/F	D/F	E/F	F	F	F
39.a.2	B/F	B/F	C/F	D/F	E/F	F
39.a.3	B/F	C/F	D/F	E/F	F	F
Section Forty – Civil Proceedings brought by or Against Employees						
40.a	A/B	B/C/F	D/F	E/F	F	F
Section Forty One – Supervision						
41.a	A/B	B/C	D/F	E/F	F	F
Section Forty Two – Truthfulness						
42.a	B/C/F	F	F	F	F	F
42.b	B/C/F	F	F	F	F	F
Section Forty Three – Sexual, Ethnic, Racial or Religious Harassment						
43.a	B/C/F	D/F	E/F	F	F	F
Section Forty Four – National Colors and Anthem						
44.a	A	B	C/F	D/F	E/F	F
44.b	A	B	C/F	D/F	E/F	F
Section Forty Five – Treatment of Persons in Custody						
45.a	B	B/C	D/F	E/F	F	F
Section Forty Six – Personnel Files						
46.a	A	B	C/F	D/F	E/F	F

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References

UCPD policy 4.2.100 Internal Investigations and Complaints
UC Human Resources Conduct Policy 15.02

ⁱ Once a Written Counseling/Reprimand has been approved by the Police Chief, it can be presented to the employee by a Sergeant/Supervisor or above.