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| University of Pennsylvania Police Department 4040 Chestnut Street, Philadelphia, Pa 19104 | |   |
| Directive: 48 | Subject: Code of Conduct and Disciplinary Procedures | Effective Date: 07/15/1999 |
| Order of: Gary Williams, Chief of Police | | Amended Date: 08/01/2023 |

I. Purpose

The purpose of this directive is to establish a code of conduct and procedures concerning informal and formal disciplinary practices within the University of Pennsylvania Police Department (UPPD), to include commendations and corrective actions.

II. Policy

It is the policy of the UPPD to resolve questionable actions or behavior by its members as expeditiously as possible. The UPPD will administer discipline in an impartial manner as deemed necessary and just. Members shall be regularly told of any performance deficiencies. When sanctions are applied, they will be consistent with the seriousness of the offense, and with the employee’s prior disciplinary employment record. Employees shall adhere to the rules and regulations set forth in the code of conduct of the UPPD and any other UPPD or University orders or directives. It is further the policy of the UPPD to consistently recognize and reward its employees for outstanding performance.

III. Scope

This directive shall affect all UPPD employees.

IV. Definitions

- A. Code of Conduct: A systematic collection of regulations and rules of procedure or conduct.
- B. Discipline: Training intended to correct, mold, and strengthen, thereby producing a specified pattern of behavior. Discipline may also be defined as mental or moral training or education, subjection to control and regulation and finally, punishment.

V. Procedures

- A. Code Of Conduct

1. Code of conduct and appearance guidelines will be included in all UPPD Directives Manuals. All sworn members of the UPPD shall be issued a CD-ROM containing the UPPD Directives Manual, including the code of conduct and appearance guidelines. Additional copies of the code of conduct and appearance guidelines shall be made readily available to all other employees in accordance with UPPD guidelines.
2. UPPD appearance guidelines are contained within **Directive 45, "Appearance Standards, Uniforms And Equipment."**

B. Disciplinary Actions

1. For sworn unionized officers, refer to the appropriate article of the Collective Bargaining Agreement (CBA) between the Penn Police Association and the Trustees of the University of Pennsylvania.
2. For all non-unionized members of the UPPD, whether sworn or non-sworn, refer to University Policy No. 621, "Performance Improvement/ Discipline" and related policy as referenced.
3. Disciplinary action shall only be imposed upon an employee for just cause.
4. If employee misconduct results in dismissal, the following information shall be provided to the employee:
 - a. a written statement citing the reason for dismissal;
 - b. the effective date of dismissal; and
 - c. a statement of the status of fringe and retirement benefits after dismissal.
5. Employees may grieve any disciplinary action in accordance with **Directive 43, "Grievance Procedures."**

C. Positive Disciplinary Actions

The task of implementing disciplinary action is the responsibility of all UPPD supervisors. However, supervisors should attempt to use positive disciplinary techniques as much as possible, in order to minimize the need for negative, punitive disciplinary procedures. Positive disciplinary actions can include but are not limited to: Official Commendations; Training; Counseling; and Reassignment.

1. Official Commendations

Official commendations shall be awarded to deserving employees in recognition of, and appreciation for outstanding acts of public service in accordance with **Directive 49, "Commendations, Awards, And Ceremonies."**

2. Training

a. Remedial Training

- 1) Training can be a positive, constructive method to improve an employee's ability to perform a task, or can be used to instruct persons in the proper action/ behavior. The first task a supervisor should accomplish when an employee under his/her supervision performs in an unacceptable manner or displays a lack of understanding of a process and/or procedure is to determine the employee's actual knowledge in the problem area. If it is determined that a knowledge or understanding deficiency exists, remedial training can be a positive mechanism to overcome the weakness.
- 2) Remedial training will provide for the improvement of employee skills.
- 3) Remedial training may be accomplished by scheduling suitable training outside the department or performing the training on an inter-departmental basis.
- 4) Remedial training received will be documented in the employee's personnel and training files.

b. Specialized Training

- 1) The UPPD Training Coordinator will provide additional information relative to specialized training and development and will respond directly to any employee or supervisor's request for training. Varieties of training courses, programs, audio-visual programs, etc. are available and can be obtained to respond to training needs.

3. Counseling

a. Supervisor/Employee Counseling Session

- 1) A counseling session will refer to an informal meeting for purposes of exchange of opinions concerning a specific matter.
- 2) A counseling session may result in:
 - (i) Immediate resolution of a problem.
 - (ii) Initiation of remedial training.
 - (iii) Consideration for employee transfer.
 - (iv) Referral of an employee for professional counseling.
- 3) A counseling session may be initiated by either a supervisor or an employee and will not be documented in the employee's personnel file.

b. Professional Counseling

- 1) Professional counseling may take a variety of forms. Practitioners (including physicians, mental health counselors, and clergy) may be utilized in resolving personal problems that affect job performance.
- 2) An employee needing such assistance may:
 - (i) Be referred by the rank of Captain and above to the Employee Assistance Program (EAP).
 - (ii) Seek assistance on his/her own, either through the EAP or other source.

4. Reassignment (Transfer)

- a. The reassignment of an employee to another shift, shift assignment or unit, as a remedial action, may be pursued in order to:
 - 1) Improve employee productivity.
 - 2) Honor an employee's request.
 - 3) Serve the best interests of the UPPD and/or the employee.
- b. Any reassignment of an employee, as a remedial action, MUST be done in accordance with the CBA and/or University policies and procedures.

Note: Any of the above positive disciplinary actions may be implemented in conjunction with any negative disciplinary actions.

D. Disciplinary Authority

1. Line Supervisors Role

- a. The primary responsibility for enforcing UPPD policies rest with the line supervisors. Since lieutenants, sergeants, corporals and detective supervisors are in close contact with rank and file members of the UPPD, and have immediate supervisory authority over them; they are responsible for the employee's adherence to University and UPPD policies and procedures. Line supervisors must take action when violations of these policies and procedures occur. Line supervisors may impose the following forms of disciplinary action:
 - 1) Oral Warning
 - 2) Written Warning

- 3) Suspension: (When a gross infraction of the rules and regulations occurs, a line supervisor may immediately relieve an employee from duty. The relieving supervisor must notify his/her superior as soon as practical.) Further, per the CBA, when it becomes necessary to remove an officer from his/her assigned duties, a letter will be provided to the officer (and The Penn Police Association) within twenty-four (24) hours of the removal including a brief written statement explaining the reason(s) for the removal.
 - b. Line supervisors will investigate allegations of employee misconduct when the allegations are within the scope of their authority and responsibility.
 - c. Supervisors shall recommend, to the pertinent Captain or Deputy Chief, the most effective method of discipline, taking into consideration the behavior history, personality traits, and work ethics of the personnel under their supervision.
2. Captains and Deputy Chiefs Role
- a. The Captains and Deputy Chiefs are responsible for managing the disciplinary process within their respective units. Through close contact with line supervisors, the Captains and Deputy Chiefs will review the requested disciplinary action in order to ensure that a fair and impartial progressive disciplinary system is maintained. The Captains and Deputy Chiefs may impose the following forms of disciplinary action:
 - 1) Oral Warning
 - 2) Written Warning
 - 3) Probation: (All regular staff members)
 - 4) Suspension: (All collective bargaining unit members). The Chief of Police must be advised and approve of this recommendation.
 - 5) Termination: (The Captains and Deputy Chiefs may recommend the termination of an employee for just cause; the Chief of Police must be advised and approve of this recommendation.)

3. The Chief of Police

- a. The Chief of Police may impose the following forms of disciplinary action:
 - 1) Oral Warning
 - 2) Written Warning
 - 3) Probation: (All regular staff members)

- 4) Suspension: (All collective bargaining unit [FOP] members)
 - 5) Termination: (In consultation with OHR/Staff Relations)
4. All officers who are subject to a pre-disciplinary hearing Will Not be armed during the course of the hearing. Weapons of any kind will not be permitted to be carried by officers during the course of such a hearing.
 5. With the exception of the Oral/Written Warning, a representative of OHR/Staff Relations must be consulted prior to initiating a Probation, Suspension or Termination.
 6. **All Forms of Disciplinary Action Must Be In Accordance With The CBA and/or University and UPPD Policies and Procedures.**

E. Records of Disciplinary Actions

1. The Division of Human Resources/Information Management/ Records (OHR/IM/Records) will be the central repository for employee disciplinary actions. In addition to the OHR/IM/Records central repository, the UPPD maintains a personnel file on each of its employees in the Office of the Vice President for Public Safety.
2. Written records of disciplinary actions shall be maintained in accordance with the CBA and University Policy No. 201, "Records-Review and Correction."
3. All records of disciplinary actions, with the exception of Oral Warnings, will be secured and maintained separately by the Office of the Chief of Police and the OHR/IM/Records.

F. Compliance

1. Violations of this directive, or portions thereof, may result in disciplinary action.

G. Officers Assigned to Other Agencies

1. Officers of this department assigned to or assisting other law enforcement agencies will be guided by this directive.

H. Application

1. This directive constitutes departmental policy and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law. Violations of policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.