





POLICIES AND PROCEDURES MANUAL

	DISCIPLINE	
	POLICY NUMBER: 26-1	ISSUING AUTHORITY 
	EFFECTIVE DATE: October 28, 2018	Michael A. Davis Chief of Police

I. GENERAL CONSIDERATIONS AND GUIDELINES

In most circumstances, the term discipline is defined as punitive actions taken after an employee has committed a violation of policy, rule or law. CALEA advises to take a broad view and to define discipline also in the positive sense as in highly disciplined. In this understanding, discipline is associated with intentional and voluntary compliance to a set of policies, code of ethics and high standards of conduct. Taking both definitions together, department disciplinary policy then relies on the recognition and rewarding of positive performance, the use of counseling and training to correct performance deficiencies, and the provision for a system of punitive consequences for intentional acts of misconduct.

Just as the principles of procedural justice guide the police department in its external operations, so too do the same principles guide the police department in its administration of discipline. These principles include fairness, transparency, impartiality and inclusion.

II. POLICY

It is the policy of the Northeastern University Police Department to treat disciplinary matters with the following understanding.

- A. Discipline will be administered in a fair, transparent and impartial manner consistent with the provisions of the Collective Bargaining Agreement for members of the Northeastern University Police Association and with the provisions of the University Administrative Manual for all other members of the department.
- B. When appropriate, discipline will be directed toward ensuring that employees have an opportunity to correct deficient performance.
- C. Employees are regularly told of their performance deficiencies and when sanctions are to be applied.
- D. Discipline is consistent with the seriousness of the offense and the employee's prior record.

- E. The department's disciplinary process includes training, rewarding, counseling and punitive actions in the interest of discipline.
- F. The disciplinary process can be a positive process that is used to train and develop by instruction.

III. DEFINITIONS

- A. *Discipline*: Any one of several actions designed to produce a pattern of behavior including, but not limited to, reprimand (oral and written), suspension, demotion, discharge, as well as reward, recognition, training and counseling.
- B. *Competent Authority*: Any person authorized by law or policy to issue orders or directives.

IV. PROCEDURES

- A. Adherence to Directives
 - 1. Employees will, at all times, adhere to the Laws of the Commonwealth, all department and University codes of conduct, the procedural guidelines set forth in this Policies and Procedures manual, and all other department directives. (See *Code of Conduct*) [26.1.1]
 - 2. All sworn and non-sworn personnel, upon appointment to the Police Department, shall have access to and shall become familiar with the police department's Policy and Procedures manual and other directives issued by the Chief of Police or other competent authority.
 - 3. Employees are required to obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank.
 - 4. Failure to adhere to the Policies and Procedures of the police department, to obey the orders of a superior, or to obey any other directives issued by a competent authority may result in disciplinary action against an employee.
 - 5. Failure to abide by all Federal and State laws may result in termination and possible criminal prosecution.
- B. The NUPD shall have an awards program that recognizes employees for exceptional performance. (See *Awards and Recognitions*) [26.1.2]
- C. The Northeastern University Police Department strictly prohibits sexual and other forms of unlawful harassment in the workplace. The procedures for reporting such harassment, including a means by which it can be reported if the offending party is in the complainant's chain of command, are included in a separate policy titled *Unlawful Harassment and Other Discrimination*. [26.1.3]
- D. Role and Authority of the Supervisor [26.1.5]
 - 1. First Line Supervisors

- a. A first-line supervisor's familiarity with subordinates allows the best opportunity to observe or foresee disciplinary problems and to determine the most appropriate methods to deal with them.
 - b. First line supervisors bear the primary responsibility for the conduct, discipline, and performance of all personnel under their supervision and the basic accountability for failure to take warranted disciplinary action.
 - c. They shall be responsible for recognizing poor performance and for uncovering any evidence of corruption, dishonesty, or malfeasance by personnel under their command.
2. All supervisors have a duty to promote behavior that reflects a high level of in the department. Discipline can be positive in nature and may include recognizing and rewarding exemplary performance, training, and counseling.
 3. The following is an outline by rank and command level of the authority of supervisors to discipline their subordinates.
 - a. Sergeants have the authority to counsel, evaluate, praise, and make recommendations for letters of commendation, awards and decorations. They also have the authority to orally reprimand, issue letters of counsel, and recommend a formal written reprimand or more serious punitive disciplinary action when necessary.
 - b. Lieutenants have all of the above authority and the authority to issue letters of reprimand and letters of commendation in recognition of individual or group achievements.
 - c. The Deputy Chief of Police has all the above authority and the authority, in accordance with the law, University Policy and the provisions of the collective bargaining agreement, to impose punishment.
 - d. The Chief of Police has all of the above authority and the authority to terminate an employee in accordance with the law, the provisions of University Policy and the Collective Bargaining Agreement.
 - e. Any superior officer who is directed to act in the capacity of a rank above his/her ordinary or usual rank shall, for that period of time, possess the authority of that rank.
 4. All supervisors have the authority to initiate an emergency suspension with pay and relieve from duty an employee who they deem to be unfit for duty. Supervisors may suspend any employee for the balance of a work day under any of the following conditions.
 - a. Use of impairing prescription drugs or controlled substances.
 - b. Insubordination or misconduct.
 - c. Any violation of criminal law.
 - d. Any violation of department rules and regulations that would subject the violating employee to discipline.
 - e. Falsifying a statement or record.

- f. Abusing, stealing, damaging, destroying, or defacing property or equipment of the department or others.
 - g. Any offense listed in the Collective Bargaining Agreement as grounds for immediate dismissal.
 5. Supervisors shall notify the Deputy Chief of Police in any instance when an employee has been suspended under any of the above circumstances. The suspending supervisor shall submit a detailed report to the supervising Lieutenant and Deputy Chief of Police as soon as possible.
- E. Awards & Recognition
 1. Letters of Commendation are given for exemplary performance or achievement and in conjunction with awards and decorations for accomplishments or heroism. (*See Awards and Recognitions*)
 2. Any employee may submit a written recommendation and appropriate supporting documentation through the chain of command to a superior who is authorized to issue such letter, award or decoration.
 3. In some cases, positive recognition may be received by the department from external sources. In these cases, the supervisor may post the recognition on a bulletin board and will enter it into the Guardian Tracking System.
- F. Disciplinary System
 1. Remedial Training [26.1.4(a)]
 - a. Remedial training is warranted when training, job knowledge, or experience is at the root of performance deficiency. Timely recommendations for such training shall document the employee's shortcomings, deficiencies, or lack of expertise.
 - b. In cases when an employee incorrectly followed procedures, violated a rule or regulation, or inappropriate performance has taken place, the supervisor may take training steps that are either formal or informal as appropriate based upon the nature and severity of the identified problem.
 - c. Informal Training
 - (1) Informal training actions are most often taken as a result of minor infractions or performance problems. Informal training should take the form of:
 - (i) corrective guidance;
 - (ii) direction and explanation;
 - (iii) information.
 - (2) Informal training may be in a documented form through an evaluation or memo to be placed in the employee's personnel file.

- (3) It would be impractical for a supervisor to write a memo for every instance when (s)he provides guidance. Therefore, the decision to document training provided, either informal or formal, is largely a judgment call.

d. Formal Training

- (1) The Lieutenant of Administration and Professional Standards, in consultation with the Deputy Chief, will determine appropriate remedial training and assign such to the intended officer.
- (2) The officer shall show evidence of compliance by providing written documentation of satisfactory completion of the required training and that document will be entered into Guardian Tracking.

2. Counseling [26.1.4(b)]

- a. Counseling may be used to correct code of conduct or performance deficiencies. A Supervisor may:

- (1) In minor or routine cases, conduct informal coaching without documentation;
- (2) In habitual or more serious cases, counsel the employee and document the condition(s) that prompted the counseling session and expected corrective action in Guardian Tracking.
- (3) These "Counseling" entries are not considered part of the employee's personnel file.

3. Punitive action [26.1.4(c)]

- a. Punitive action may be used to correct serious code of conduct or performance deficiencies.
- b. First line supervisors will alert the appropriate Lieutenant when there is a situation that requires evaluation and possible disciplinary action.
- c. It will be the decision of the Deputy Chief of Police to determine if punitive action is warranted.
- d. All serious matters and decisions related to employment status shall be forwarded to the Chief of Police.

G. Imposition of Punishment

1. Notice of Disciplinary Action: In all cases where punitive discipline is imposed, Notice of Disciplinary Action will be served in writing prior to the effective date of imposition. The Notice will include violation(s) specifications, the disciplinary action to be taken, and the effective date of imposition of discipline.
2. If punishment is warranted, the type of punishment and effective date of imposition will also be determined as follows.

- a. Counseling: (informal conference and/or oral reprimand) the lowest level of punishment which may be appropriate when other methods have failed to bring about an appropriate change in performance or in response to minor intentional misconduct.
 - b. Written warning or deficiency notice: the second level of punishment for minor offenses with some recent disciplinary action, or moderately serious offenses with little or no recent, prior disciplinary action. Written warnings will be documented in Guardian Tracking, is considered part of the personnel file, and should include the following.
 - (1) Details of violation including dates, times, persons present, and location.
 - (2) Violation type including the policy, procedure or code of conduct in question.
 - (3) Requirements for future conduct.
 - (4) Signatures; the supervisor shall sign and request the employee to sign acknowledging *receipt* only. Note that a refusal by an employee to sign the receipt may be considered insubordination and may result in additional discipline.
 - (5) Comments by the employee if any. The written warning shall provide space for employee comments or rebuttal, or may afford the employee the opportunity to submit a written reply and have it attached to the written notice/warning.
 - c. Punishment duty: Extra, unpaid duty may be allowed in lieu of punishment in accordance with the Collective Bargaining Agreement.
 - d. Suspension: the University retains the right to suspend an employee who has completed the probationary period for just cause. See the Collective Bargaining Agreement for a list of example offenses.
 - e. Demotion: in lieu of dismissal the Chief of Police may demote a supervisor one or more ranks for just cause.
 - f. Dismissal: for the most serious of offenses, patterns of misconduct or deficient performance. The discharge of an employee may be directed only by the Chief of Police.
3. In the event that an employee is dismissed, the Chief of Police or designee shall provide to the employee a written notice advising of the following.
 - a. The reason for dismissal. [26.1.7a]
 - b. The effective date of dismissal. [26.1.7b]
 - c. The status of fringe and retirement benefits after dismissal. [26.1.7c]

H. Appeals [26.1.6]

1. Employees may appeal any disciplinary action imposed in accordance with the Collective Bargaining Agreement. Appeal procedures are the same for disciplinary actions as they are for grievances, as specified in the CBA.

I. Records [26.1.8]

1. The records of all disciplinary actions shall be stored electronically in the employee's personnel file which is securely hosted in the Guardian Tracking Software and will be maintained indefinitely.
2. Any document used in determining the disposition of a disciplinary matter will be maintained by the Lieutenant of Professional Standards in a secure and access protected sub-folder of the Internal Affairs folder on the Q Drive.