Purpose

The purpose of this policy is to define the standards of conduct for employees of this agency. It is the policy of USMPD to administer disciplinary action for just cause and in a fair and equitable manner to all employees.

Policy

It is the policy of the University of Southern Maine Police Department (USMPD) that all employees espouse the highest moral standards, always conducting themselves in a manner that is fair, ethical, legal and that portrays a sense of duty and honor. All USMPD members are committed to the administration of law and order based on the constitutional ideal of justice for all where every citizen will be treated with dignity, fairness and respect. All employees of USMPD are components of a team working together with the primary objective of serving the university mission. Those employees who fail to follow the necessary rules and regulations governing conduct not only penalize themselves, but do a disservice to all other employees of USMPD. Rules and regulations governing conduct are not intended to restrict the privileges of anyone but are designed to ensure the rights and safety of all employees and to provide working guidelines to encourage professional conduct.

Procedure

Definitions:

Accountability: The duty of all officers to truthfully acknowledge and explain their actions and decisions when requested to do so by an authorized member of this agency without attempting to conceal, divert, or mitigate any culpability by falsehoods or omission - and an obligation or willingness to accept responsibility for such actions.

A. General Conduct

1. Officers shall be truthful in all matters and shall not lie, falsify, conceal, purposely distort, diminish, embellish, or fail to fully disclose facts associated with any law enforcement business.

   a. Was the employee given advance warning / knowledge of possible or probable disciplinary consequences of the employee's conduct?
   b. Was the rule or managerial order reasonably related to the orderly, efficient, and safe operation of the job function?
c. Before administering discipline to an employee, was an effort made to discover whether the employee did, in fact, violate or disobey a rule of management?

d. Was the investigation conducted fairly and objectively?

e. Do the rules, orders, and penalties apply to all employees?

f. During the investigation, was there developed proof that the employee was guilty of the offense as claimed?

g. Is the degree of discipline reasonably related to the seriousness of the proven offense and the employee's record of service with USMPD?

B. Consistency of Discipline

1. As well as internal consistency in administering discipline, several factors must be considered in determining the appropriate level of discipline to be assessed at each successive step:

   a. Time intervals between offenses, effectiveness of prior disciplinary actions, willingness to improve; overall work performance, and job attitude.

   b. A repetition of the same offense by the same employee.

   c. The seriousness of the offense.

C. Corrective Actions Options

1. Work Performance Improvement Plans – When an employee is performing at a substandard or below an acceptable level the supervisor shall develop a work performance improvement plan with the employee. The plan will outline critical areas of performance and what is acceptable performance for that area. See the Work Performance Improvement Plans outline provided by University of Maine Human Resources.

2. A well-managed organization requires that a range of disciplinary actions may be administered, and the manner and extent to which disciplinary action may betaken, except that greater or lesser penalties may be imposed, dependent upon the seriousness of the offense and any aggravating or mitigating circumstances as outlined in Police Unit agreement Article 13, or as otherwise required by law.

3. Disciplinary actions may include positive corrective action (i.e. training, retraining) or negative correction action (i.e. reprimand, suspension/termination). All corrective action taken shall be administered within HR policy and any collective bargaining agreements. The types of corrective actions include:

   a. Written Counseling Letter - When it has been determined that an employee's work-related infraction warrants counseling (i.e. training, remedial training)
instead of formal disciplinary action, the supervisor shall meet with the employee and discuss the basis for the counseling. A written counseling letter is appropriate in those cases involving minor infractions that can be resolved without having to resort to formal disciplinary action. The counseling session subsequently shall be confirmed in writing to the employee with a written counseling letter that shall include the performance level or behavior that is expected, the actions the employee should effect to exhibit improvement, and what the consequences will be should the employee fail to resolve his/her deficiencies. The employee also shall be informed that a copy of the written counseling letter will be placed in his/her personnel file.

b. Oral Warning - When it has been determined by a supervisor that there is just cause for issuing an employee an oral warning, which is the least severe form of disciplinary action, the employee's supervisor should arrange a meeting with the employee in order for the employee to be advised of the oral warning. This formalized meeting will help negate the possibility of the employee's claiming, at a later date, that he/she has no knowledge of receiving the Oral Warning. At this meeting, the employee should be given a written confirmation of the Oral Warning and informed that a copy of the warning will be placed in his/her personnel file maintained by USMPD and the University of Southern Maine Human Resources. Oral Warnings are grievable through the Grievance procedure or through an appropriate collective bargaining agreement.

c. Written Warning - A Written Warning provides a formal statement of confirmation of a discussion between a supervisor and an employee regarding the employee's violation of established rules or policies, unsatisfactory performance of duties and responsibilities, or other deficiencies that must be corrected. The Written Warning officially recognizes that a problem exists and identifies actions that should be taken by the employee to resolve the problem and to avoid recurrence. The Written Warning also serves as official notice to the employee of future consequences should the problem not be corrected or should new problems develop. The Written Warning should be issued to the employee as soon as possible after the event(s) which precipitated the Warning. The supervisor shall meet with the employee to review the Warning and inform that a copy of the Warning will be placed in their personnel file maintained by USMPD the University of Southern Maine Human Resources. Written reprimands are grievable through the Grievance procedure or through an appropriate collective bargaining agreement. The Warning shall remain in effect for a period of no longer than twelve(12) months from the date of the occurrence upon which a complaint and warning are based provided that the employee has received no other Oral or Written Warnings during such period.

d. Suspension, Dismissal or Demotion - An employee may be suspended without pay, dismissed or involuntarily demoted for just cause in accordance with the provisions of Article 13 of the Police Unit agreement, Article 8 of the UMPSA agreement or Article 6 of the COLT agreement. An employee will have the right to appeal a suspension, dismissal or involuntary demotion to grieve under an appropriate collective bargaining agreement or in accordance with University policy.
4. Probationary Employees – During the first six (6) months of employment an employee may be disciplined up to and including dismissal without cause.
   a. Probationary employees do not have the right to grieve a disciplinary action under a collective bargaining agreement.

D. Application of Corrective/Disciplinary Measures
   1. It is the decision of the Chief of Police to determine need for corrective/disciplinary action and the type of disciplinary action to be administered.
   2. The Chief of Police is the only USMPD member authorized to administer suspensions and dismissals.
   3. Supervisors shall recommend in a written report to the Chief of Police other corrective/disciplinary action to be taken against an employee.
   4. The report shall contain:
      a. The full name and rank of the individual involved;
      b. The date, time, and location of the misconduct;
      c. The directive number and section of the violation;
      d. A complete statement of the facts surrounding the misconduct;
      e. The corrective/disciplinary action recommended;
      f. The written signature of the person recommending the corrective/disciplinary action.
   5. Upon written authorization from the Chief of Police, the supervisor may administer corrective/disciplinary action, up to and including:
      a. Retraining;
      b. Written counseling letter;
      c. Oral reprimand;
      d. Written Reprimand.
   6. Predetermination Procedures for USMPD Employees with Regular Status – When the University of Southern Maine believes there may be cause to terminate or suspend without pay an employee, a disciplinary hearing will be held prior to the implementation of the suspension or discharge.
a. If the circumstances mandate that such action be taken, so as to protect the University, its employees or the affected employee, the Chief may do so prior to the Predetermination Hearing.

b. The University of Southern Maine shall notify the employee, the steward (of the representing employee group) and the Union official of the hearing. All efforts will be made to arrange a mutually agreeable time for all parties to meet.

c. At the hearing the University of Southern Maine shall provide the employee and Union representation with an explanation of any adverse evidence and allow an opportunity for the employee and/or the Union representative to respond.

d. Prior to the suspension, dismissal or involuntary demotion of an employee who has attained regular status with the University, Human Resources shall give the employee written notice as follows:

   i. The employee shall be provided a written notice, delivered by hand or certified mail, of the proposed action at least five (5) working days prior to the date the action is to be effective.

   ii. The person authorized to make the final decision shall sign the notice or his/her designated representative and shall include the effective date of the proposed final action and the specific charges or reasons for the action.

   iii. A copy of the suspension, dismissal or involuntary demotion action taken against an employee shall be placed in the employee’s personnel file maintained by USMPD and shall be placed in the employee’s official personnel file maintained by the University of Southern Maine Human Resources office.

E. In the event the employee is disciplined; written counseling letter, oral warning, written warning, suspended, dismissed or involuntarily demoted the employee shall be provided their appeal rights to grieve the action in accordance with the provisions of their collective bargaining unit, if applicable.

   1. Police and Communications Officers see Fraternal Order of Police Lodge#100 Police Unit agreement.

   2. Represented Classified employees see Associated C.O.L.T. Staff of the Universities of Maine agreement.

   3. Non-represented Classified employees see Handbook for University Supervisors and Confidential Employees.

   4. Professional employees see UMPSA Bargaining Agreement.

   5. An employee who is dismissed shall have the right to continue their fringe benefits in accordance with applicable Federal and State law.
6. An employee who is dismissed shall have the right to any applicable retirement funds, wages, unused leave and holiday pay, if any, available to them.

7. In recognition of the fact that each instance of misconduct differs from somewhat similar actions, the Chief retains the right to treat each occurrence on an individual basis without creating a precedent for other cases which may arise in the future.

F. University of Southern Maine Non-Discrimination Notice – “In complying with the letter and spirit of applicable laws and pursuing its own goals of diversity, the University of Southern Maine shall not discriminate on the grounds of race, color, religion, sex, sexual orientation, including transgender status or gender expression, national origin, citizenship status, age, disability, or veteran's status in employment, education, and all other areas of the University of Southern Maine. The University provides reasonable accommodations to qualified individuals with disabilities upon request. The University will regard freedom from discriminatory harassment as an individual employee and student right which will be safeguarded as a matter of policy. Any employee or student will be subject to disciplinary action for violation of this policy. Retaliation against anyone who makes a complaint of discrimination or harassment or who is involved in a complaint process will not be tolerated.”

G. Employees will receive initial Harassment/Discrimination training during their orientation process and bi-annual training thereafter.

1. Discrimination or Harassment Complaint Procedure - The following is a summary of the procedure that shall be followed when an internal charge of discrimination or harassment is made. The full procedure is available online at http://www.maine.edu/about-the-system/system-office/human-resources/equal-oppurtunity-complaint-procedure-

2. Any employee or student of USMPD with a concern about discrimination or harassment should contact the campus Equal Opportunity Director as soon as possible after the alleged incident.

a. The Equal Opportunity Director will provide information about the options for filing a complaint informally or formally. If the employee or student wishes to pursue an informal resolution, the Equal Opportunity Director will work with the parties involved to reach a mutually acceptable resolution of the complaint.

b. Investigations will be conducted as confidentially as possible to protect the privacy and due process rights of both the complainant and the individual accused. Consultation with and involvement of other employees, supervisors and others will be strictly limited to those who may have information about the alleged incident, who need to know that a complaint has been made, or whose job responsibilities include equal opportunity matters. All those involved in a complaint process are strongly encouraged not to discuss information about the complaint within the University in order to protect their privacy, the privacy of others, and the effectiveness of the process. The complainant and the person accused may discuss the matter with family and others outside the University as necessary for
support and guidance and may obtain assistance from University counseling professionals.

c. The Office of Equal Opportunity will inform the person accused of discrimination/harassment in a formal complaint in writing within seven (7) days both the allegations and the complainant’s identity.

d. The Investigations Coordinator will meet with the complainant and the person accused and may request to meet with them together. The Investigations Coordinator may also interview witnesses, supervisors or other persons who have information about the alleged incident and may review personnel or other records relevant to the complaint. Prior allegations or findings about prior incidents of discrimination or harassment shall not be considered in determining whether the present allegation has been substantiated.

e. The Investigations Coordinator will assess whether a violation of the University’s non-discrimination or harassment policy has occurred and will submit findings in writing to the responsible administrator, the complainant, and the person accused within thirty (30) days of receiving the formal complaint. A copy of the findings will also be provided to the Equal Opportunity Officer. If the finding is that discrimination or harassment occurred, the Investigations Coordinator may discuss or provide information about appropriate remedies to the responsible administrator.

f. The responsible administrator is the line administrator (for example, the dean, director, vice president, or president), who is responsible for acting on the findings and for making a decision regarding discipline of the person accused. Appropriate discipline may range from an oral reprimand up to and including termination, or any other appropriate remedial action.

g. In making a decision regarding discipline, the responsible administrator may consider properly established records of previous conduct and the seriousness of the violation. A complaint made more than twelve (12) months after the incident shall not be the basis for disciplining any person accused of discrimination or harassment. However, where there are allegations of discrimination or harassment made within the twelve (12) month period and a longer pattern or practice of discrimination or harassment exists, the responsible administrator shall consider the totality of events in determining appropriate discipline.

h. Before any disciplinary action is taken the responsible administrator shall discuss the findings and recommendations with the Investigations Coordinator, shall meet with the accused person and shall offer to meet with the complainant. The responsible administrator may also interview other witnesses and review other relevant evidence.

i. The accused person, the Investigations Coordinator and the Equal Opportunity Officer will be notified of the decision of the responsible administrator in writing within fourteen (14) days. The complainant will be notified at the same time whether the allegations have been substantiated, what corrective action, if any, will
be taken and, in general, whether any discipline will be imposed. An employee who is disciplined after a complaint has been substantiated may grieve the discipline by filing a grievance according to the procedures in the appropriate collective bargaining agreement or non-represented employees’ grievance procedure.

j. Either the complainant or person accused may file an appeal if:
   i. the findings include relevant factual errors or omit relevant facts, relevant procedural errors are alleged, or
   ii. relevant issues or questions concerning interpretation of University policy are raised.

k. An appeal must be made in writing to the Equal Opportunity Director for the University System within seven (7) days of being notified of the responsible administrator’s decision. The appeal must state the reason(s) for the appeal. The Equal Opportunity Director will review the written record and may request additional information from the Investigations Coordinator, complainant, person accused, responsible administrator, or others with direct knowledge about the complaint. The Equal Opportunity Director’s review will be completed within fourteen (14) days and will be reported in writing to the complainant, person accused, Investigations Coordinator, Equal Opportunity Officer, responsible campus administrator, and University president. The final decision on an appealed complaint rests with the University President. During an appeal, the University shall not impose any discipline on a respondent for the behavior, which is the subject of the appeal.

3. At any point in the complaint process if the University believes that the accused person represents a danger to individuals or to operations of the University, the accused may be placed on a leave with pay.

H. Standards for Performance and Conduct

All employees, sworn and non-sworn, shall comply with the University of Southern Maine System Administrative Practice Letter IV-J “Reporting Workplace Wrongdoing.” In addition, there are some Standards of Conduct and Performance that are applicable to all employees as listed below. The following list of offenses is not to be construed as a limitation upon the retained rights of the Chief of Police but is to be used as a guide.

1. Duty to Intervene - All members must recognize and act upon the Duty to Intervene in order to prevent or stop any member from conducting any act that violates law or policy (including, but not limited to excessive or unlawful force, unlawful behavior, abuses of authority or major violations of department policy or procedure).
   a. Such interventions shall be reported to an appropriate supervisor without delay.
   b. Successful intervention does not negate a duty to report.
c. Consistent with established policy and training, if medical attention is required by any individual, ensure that medical attention has been provided and/or summoned.

d. Failure to intervene or report may subject a member to disciplinary action. (Category varies by severity of violation)

i. Types of Intervention

Employees should examine the circumstances surrounding the incident to determine the appropriate form of Intervention. Intervention may be verbal or physical, depending on the circumstances.

a. Preventative: Take a preventive approach, whenever possible, if observing behavior that suggests that another member is about to conduct or engage in inappropriate behavior.

b. Active: Take an active approach to intervene; in order to stop any behavior or misconduct that violates policy or law, when such conduct is being committed by another member.

e. Supervisor Role

Consistent with applicable policy, when an intervention occurs, the supervisor shall initiate an appropriate inquiry or investigation, consistent with applicable policy.

2. Gratuities/Bribes/Rewards/Gifts - Employees shall not accept any gift, gratuity or reward in money or other consideration for services rendered in the line of duty or because of the employee's position except lawful salary.

3. Address Notification - It is necessary to have current information concerning the location of employees in the event of emergency call out. All sworn employees will provide a current physical address of their residence. Post Office Boxes and/or rural route numbers are not sufficient. At no time shall an employee's home telephone number or address be given to anyone outside the agency without permission.

a. Sworn employees shall notify USMPD within twenty-four (24) hours of any permanent change of address to the employee's immediate supervisor. The supervisor shall forward this information to the Chief.

b. Telephone Number Notification - All sworn employees shall maintain a method of contact by telephone.

4. Impartial Attitude - All employees, while charged with enforcement of the law, must remain completely impartial toward all persons coming to the attention of the department.

5. Standards for Grooming and Appearance - Violations of grooming and appearance standards shall be considered as violations of USMPD policy and will subject the
employee to appropriate corrective action. See Policy Uniform, Attire/Personal Appearance. All employees shall be in compliance with the provisions of these directives.

6. Alcohol and Drug Use – Employees shall not consume intoxicating beverages while in uniform or on duty. The only exception shall be in the performance of duty and while acting under proper and specific order from a supervisor. Employees shall not report for duty or be on duty while under the influence of intoxicants to any degree whatsoever or with an odor of intoxicants on or about their person.

   a. The University of Southern Maine provides assistance to their employees in the area of drug and alcohol use. See EAP’s web site.

   b. It is prohibited for employees to possess or use any controlled substance, narcotics or hallucinogens, except when prescribed in the treatment of an employee by a physician or dentist or when such substances are being handled as evidence in pending court cases. The only exception shall be in the performance of duty and while acting under proper and specific order from a supervisor.

      i. As a concern for an employee’s work performance and for the need to make a reasonable accommodation for the employee within the work place when controlled substances, narcotics or hallucinogens are prescribed for an employee, the employee shall notify the division supervisor immediately. The supervisor shall notify the Human Resource Department’s Health and Benefit Officer or their immediate supervisor. A determination shall be made as to the employee’s ability to perform their job safely during the course of the treatment.

7. Advertising - Employees shall not permit the use of their names or photographs for advertising, testimonial, recommendation or other purposes relating to or based upon their employment with the department without the approval of the Chief of Police.

8. Attorneys and Bondsmen - No employee shall directly or indirectly, recommend the employment of any person as attorney or counsel. No employee shall suggest or recommend the name of any bondsman to any prisoner or suspect. No employee shall post bond for persons under arrest without notification to a command officer.

9. Business Cards - No employee shall utilize any business card, personal card or other form of communication inscribed with any message which purports to grant the bearer any special privileges not enjoyed by all citizens. The Chief of Police shall approve of the type and style business cards utilized by employees.

10. Civil Proceedings - Employees shall not institute any civil proceedings arising from their official duties without first notifying the Chief of Police. Employees shall not use their position as a means of forcing or intimidating persons with whom they are engaged in civil matters to settle the case in favor of the employee. Employees shall avoid entering into civil disputes while performing their police duties. In such cases,
employees shall prevent breaches of the peace and the commission of crimes. Employees shall refer civil disputants to the appropriate agencies.

11. Special Privileges - No employee shall use their badge, uniform, identification card or official position to solicit special privileges for themselves or others. An employee may use their official position to obtain admission to any public gathering when such use is in the furtherance of official duties.

12. Compensation - Within the scope of their employment no employee shall accept any fees or compensation of any kind from any person, agency, court, court official or any other person except those fees and compensation specifically provided and authorized by labor agreement, law and with the authorization of the Chief of Police.

13. Contributions - Employees are prohibited from soliciting or collecting any money or other things of value nor shall they circulate subscription papers, sell anything of any kind or collect money from any person for any purpose without the specific authorization of the Chief of Police and as allowed by Title 25, sec. 3702-C.

14. Correspondence – Department letterhead shall not be used for personal and/or private correspondence, nor may an employee use the official Department mailing address for purposes of receiving personal mail not connected with official Department business.

15. Court Attendance - Every employee shall be present at the time specified for court appearance. If an emergency or other exigent circumstance prevents an employee from appearing at the appointed time, the employee will notify the on-duty supervisor, who will promptly notify the D.A.’s office.

The D.A.’s notice of trial or subpoena shall have priority over an order issued by a supervisor; however, the affected employee shall inform the supervisor that a notice or subpoena is in effect in those instances where a conflict would exist.

Court appearance shall be in conformity with the dignity of the occasion. If civilian clothing is worn, male employees shall wear a coat and tie. Female employees shall dress in similarly appropriate clothing. If employees appear in uniform, it shall be complete including sidearm, unless stipulated otherwise by the court. Employees shall not make themselves conspicuous while awaiting their turn to testify. While on the witness stand, employees shall sit erect in an attentive attitude, face the judge and/or jury while testifying and speak in a clear, pleasant and audible tone. Each employee shall be familiar with the rules of criminal procedure and the laws of evidence.

Each employee shall testify truthfully and fairly, whether being questioned by the prosecution, defense or the court and not attempt to exert improper influence. Employees shall refrain from assuming the role of prosecutor during case presentation and shall be non-partisan and objective, except as authorized bylaw.

16. Subpoena - Any employee subpoenaed to testify for the defense in any trial or hearing shall notify the Chief of Police through the chain of command upon receipt of the subpoena.
17. Failure to Appear - An employee that fails to appear without prior approval, when subpoenaed for court, may be subject to disciplinary action.

18. Courtesy - Every employee shall accord courtesy, consideration and cooperation to every other employee. Employees shall avoid the manifestation of unfriendliness to other employees.

19. Criminal Cases - No employee shall interfere with the proper administration of criminal justice. No employee shall attempt to interrupt the legal process except where a manifest injustice might otherwise occur. No employee shall participate in or be concerned with any activity which might interfere with the due process of law.

Except in the interest of justice, employees shall not attempt to have any traffic citations, notices to appear or final warnings reduced, voided or stricken from the records or files. Any employee having knowledge of such action and failing to inform the appropriate supervisor shall be subject to disciplinary action.

Employees receiving or possessing facts or information relative to a criminal offense or case shall not retain such facts or information through ulterior motives, desire for personal credit or aggrandizement. Such facts or information shall be reported.

No employee shall provide, directly or indirectly, any information which might assist persons suspected of criminal or civil infraction acts to escape arrest or punishment.

No employee shall provide, directly or indirectly, any information which may enable persons suspected of criminal or civil infraction acts to dispose of or secrete evidence of unlawful activity or money, merchandise or other unlawfully obtained property.

20. Criminal Records - Except as authorized by a command officer, contents of criminal record or reports shall not be exhibited or divulged to any person except as follows:
   a. When necessary in the investigative process;
   b. To another duly authorized law enforcement officer;
   c. Under due process of law.

21. Criticism of University/Agency - Constructive criticism of any department, operation, employee or policy is encouraged. Whenever there are any such constructive criticisms, they shall be discussed only with employees of the agency and shall be forwarded up the chain of command for appropriate action.

Every employee shall refrain from making any statements or allusions which discredit or disparage another employee, except when reporting to a superior as required.

22. Agency Property - Employees shall immediately report to their supervisor the loss of or damage to agency property assigned to them. In addition, supervisors shall be advised of any property defects and hazardous conditions. Employees shall use the appropriate documentation when filing such reports.
No employee shall use and / or operate University property in an improper or careless manner.

23. University Keys - No employee, unless authorized by the Chief of Police or designee in the performance of their duties, shall have in their possession keys to any premises on the campus that are not issued to them.

Keys shall not be made available to any individual not employed by USMPD unless expressly authorized by a command officer.

24. Dissemination of Information/Release of Records - All employees shall treat the official business as confidential. Information regarding official business shall be disseminated only to those for whom it is intended. All requests for information regarding crimes, criminal offenders, persons arrested and victims shall be referred to the appropriate individual. No employee shall release any information on the aforementioned topics without proper authorization. Requests for release of records, to include arrests and reports, shall be handled in accordance with state statute and USMPD policies.

25. False Official Reports - No employee shall make a false official report or make a false statement about another employee or the business of the agency to the discredit or detriment of the other employee or agency as a whole. No employee shall make false official reports or knowingly enter or cause to be entered in any official book, record or report any inaccurate, false or improper police information or other material matter.

26. Non-Discrimination and Harassment - Employees will not discriminate against any person because of their race, creed, color, religion, age, disability, sex, sexual orientation, marital status, national origin, political opinions or affiliations, or veteran status. Sexual, ethnic, racial, or religious harassment is an offense, first against the University and, secondly, an offense against a specific employee or group of employees. "Offense" refers to physical or verbal actions that have the purpose or effect of creating a hostile, offensive or intimidating working environment or has an ethnic, racial, religious or sexual basis. Examples would include but not be limited to: physical contact of a sexual nature; racial, ethnic or religious jokes, comments, insults, cartoons, innuendoes or personal conduct or mannerisms that could be construed by a reasonable person as offensive.

27. Feigning Illness - Employees shall not feign illness or injury or falsely report themselves ill or injured. Employees shall not attempt to deceive any other employee to the condition of their health.

28. Identification - All members shall be civil, orderly and courteous in their conduct and deportment. An employee shall give their name in a respectful manner to any person(s) who may request such. This agency provides all employees with photo identification cards. If requested, employees shall display their agency-issued identification card. If during an official investigation, revealing such information would cause an officer safety issue or jeopardize the investigation, such as in undercover or covert operations, the information may not be revealed.
29. Improper Association - Employees shall avoid association or dealings with individuals whom they know are under criminal investigation, indictment or who are known to the employee to have a reputation in the community or to USMPD for personal involvement in illegal criminal behavior.

When permissible exceptions are necessary to the performance of official duties and where unavoidable because of family relationships with the employee.

Employees shall not engage or participate in any form of illegal gambling at any time.

30. Improper Investigations - Employees shall not undertake any investigation or other official action that is not part of their regular duties without obtaining authorization via chain of command, unless the exigencies of the situation require immediate police action.

31. Incompetence - Employees shall maintain sufficient competency to perform their duties and to assume the responsibilities which are assigned to their position. Incompetence may be demonstrated by the following:

   a. A lack of knowledge of the application of laws required to be enforced;
   b. An unwillingness or inability to perform assigned tasks;
   c. A failure to conform to work standards established for the employee’s rank or position;
   d. Repeated poor evaluations:
   e. Repeated violations of Departmental directives.

32. Neglect of Duty - Employees shall not engage in any activities or personal business, including sleeping, internet surfing or social networking, watching television, which would cause them to neglect or be inattentive to duty. Employees who are unable to stay awake will report to their supervisor who will determine the proper course of action. This section is not applicable during periods of authorized breaks.

33. Injury Payments - Employees shall not accept or agree to accept anything for personal injury incurred in the line of duty, except as authorized by the employee’s benefit package.

34. Insubordination - Employees shall promptly obey all lawful orders of a supervisor, including orders relayed by an officer of the same or lesser rank.

35. Refusal to Work - Because of the nature of the services provided by this agency, employees can be required to work as necessary. This may include both emergency and non-emergency situations. Any employee directed to work when needed and fails to do so may be subject to disciplinary action up to and including dismissal. An exception would be verifiable medical emergencies.
36. Reporting for Duty - Employees shall report for duty at the time and place required by assignment or orders. Employees shall follow established work schedules, to include reporting for duty on time, not returning late from lunch breaks or rest breaks and not leaving work early at the end of the work schedule.

Employees shall be physically and mentally fit to perform their duties.

Employees shall be properly equipped and cognizant of information required for the proper performance of duty in order that they may assume that duty.

Judicial subpoenas, notice of trial, as well as pre-set court appearances by either warrant or summons shall constitute an order to report for duty under this sub-section.

37. On-Duty Availability - Employees on duty shall not conceal themselves except for specified police purposes. Employees shall be immediately and readily available to the public during duty hours.

38. Interference in Private Business - Employees shall not interfere unnecessarily with the lawful business of any person.

39. Loyalty - Loyalty is a two-way process between management and employees. Management, including all supervisors, must have a concern for the welfare of their employees and responsibility to support them in their proper actions. This does not include protecting them from the consequences of their misdeeds.

Employees shall maintain a loyalty to the University and the department, consistent with professional standards.

40. Notices/Marking/Defacing - No employee shall mark, deface or alter any printed or written notice relating to agency or other University business. All notices of a derogatory character related to official transactions with USMPD or the University or regarding any unit or person are prohibited.

41. Professional Attitude - The attitude of employees shall be objective toward persons and situations encountered. Professional police officers have been trained to understand the impulses in both themselves and the people with whom they deal. This understanding also eliminates their own expressions of prejudice and any unjustifiable action, thereby inspiring in the citizen a greater degree of respect and cooperation.

42. Efficiency/Coordination - In carrying out the functions of USMPD, employees shall direct and coordinate their efforts in such a manner as to establish and maintain the highest standards of efficiency and effectiveness.

43. Property - No employee shall convert to personal use or claim any university property, abandoned/found property, recovered property or property held as evidence.

44. Telephone Use – Cellular and office telephones are for official use only. No employee shall charge personal long distance or personal toll calls to USMPD. The practice of
making personal calls and subsequently reimbursing the department for the cost of those calls is not authorized.

45. Solicitation Unauthorized - The solicitation of an employee by another employee, including the distribution of material for any purpose not specifically authorized by University of Southern Maine or the Chief of Police while either employee is on duty is not permitted.

46. Smoking/Tobacco Products - Use of tobacco products is prohibited within the boundaries of the University of Southern Maine and USMPD vehicles.

47. Stationery - No employee shall use agency stationery for personal correspondence without the approval of the Chief of Police.

48. Student Judicial Affairs Hearings - While attending proceedings of Student Judicial Affairs [Community Standards, Rights and Responsibilities] employees shall wear appropriate professional attire or the department uniform.

49. Testimony (Departmental Investigations) - Employees shall answer questions or render material and relevant statements to a competent authority in agency personnel investigations as directed.

50. Unbecoming Conduct – Employees shall not conduct themselves, whether on or off-duty, at any time in such a manner that would be detrimental to the image of the agency or to the University. Unbecoming conduct shall include any act or conduct, whether specifically prohibited or not, that brings the agency or University into disrepute or reflects discredit upon the individual as an employee.

51. Inappropriate Remarks - No employee shall make inappropriate remarks (written or verbal), use threatening or abusive language in regard to any member of the department or to any citizen.

52. Responding to Calls - Employees shall respond without delay to all calls for police assistance from citizens or other employees. Emergency calls take precedence; however all calls shall be answered as soon as possible, consistent with normal safety precautions and vehicle laws.

53. Immediate Action - Except where circumstances make it necessary for employees to report a matter or refer a complaint to a more suitable employee or agency, employees shall be attentive to take suitable action on reports and complaints by a person. Proper requests for information or assistance shall be fulfilled and employees shall aid the person in otherwise obtaining the requested information.

54. Loitering (on-duty) - Employees shall not loiter in or around the Communications Center, front desk or records sections, Squad Room or Conference Room. Complete business in these areas as efficiently as possible.
55. Damaged/Inoperative/Lost Property or Equipment - Employees shall immediately report to their supervisor on designated forms the loss of or damage to departmental property assigned to or used by them. The immediate supervisor will be notified of any defects or hazardous conditions existing in any departmental equipment or property.

56. Truthfulness - Employees shall be truthful at all times, whether under oath or not, in the official performance of their duties. Exceptions to the rule could include truthfulness that would be detrimental to a specific police purpose (e.g. undercover operations, interviews of suspects, interrogations of suspects).

57. Recognition of Exemplary Performance - Self-discipline, as embodied in such attributes as composure and restraint, is crucial in law enforcement professionals. Employees who demonstrate these qualities by performing in an exemplary manner should receive official USMPD recognition in accordance with the employee recognition program.

58. Remedial Training - When remedial training is necessary to correct an employee’s work performance, the employee’s supervisor shall schedule or direct the employee to such training.

59. Maintenance of Disciplinary Actions - Copies of all written disciplinary actions taken against employees shall be placed in the employee’s personnel file for a duration as dictated by the employee’s respective collective bargaining agreement.

60. Appeal Procedure - All disciplinary actions can be appealed as provided for in this policy according to the process specified in the employee’s respective bargaining unit’s agreement or applicable employee handbook.

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This document has been reviewed and approved by **Ronald G. Saindon**

(print)

who is an authorized representative of the University of Southern Maine Department of Public Safety.

Date: 6/18/2020  Signature:  

Title: **Chief of Police & Director of Public Safety**