CITY OF **MADISON**

Code of Conduct

Elected and Appointed Official Code of Conduct

Purpose and Guiding Principles

The City of Madison and its elected and appointed officials, including the mayor, alders, and members of City boards, commissions, and committees ("BCCs"), share a fundamental responsibility to serve the community with integrity, dignity, and accountability. Guided by the City's vision of being inclusive, innovative, and thriving, and its mission to provide exceptional service to residents and visitors alike, officials are expected to uphold the highest standards of ethical behavior in all aspects of public service.

The City's democratic process depends on participation from individuals with diverse backgrounds, perspectives, and experiences. To sustain public confidence and ensure effective governance, City elected and appointed officials must conduct themselves with honesty, fairness, and civility, while avoiding impropriety and refraining from any behavior that undermines trust in public service.

Scope

The Code of Conduct applies to all elected and appointed City officials. It governs any conduct or interaction that occurs while the official is doing City business, whether on or off City premises, including at City-sponsored events or other events which the alder or BCC member attends in their official capacity. It governs any conduct in the workplace or in any setting reasonably considered an extension of the workplace, including but not limited to communications via telephone, voicemail, text message, video conferencing, social media, or other online platforms.

Implementation

All elected and appointed City officials will receive the Code of Conduct upon taking office and sign to acknowledge its receipt. Lack of signature does not exempt an official from its requirements. Any time the Code of Conduct is amended, the updated version shall be emailed to all City elected and appointed officials.
The City will provide ongoing training and resources to support compliance with the Code of Conduct and to promote an inclusive and effective City government.

Standards of Expected Conduct

City elected and appointed officials shall create and maintain a welcoming, courteous and inclusive environment in the performance of their duties. They shall not engage in abusive, violent, bullying, harassing, discriminatory, or other threatening or intimidating behavior or language.

- **Bullying** is repeated, unwanted, aggressive physical or verbal behavior which hurts another individual, physically, mentally, or emotionally.
- **Harassment** is repeated or egregious unwelcome, intimidating, hostile or offensive actions, words, jokes, or comments based on any City protected class status or statuses referenced in the Madison General Ordinances or Administrative Procedure Memorandum (APM) 3-5 *PDF*.
- **Discrimination** is unfair treatment of an individual or members of a group based on their protected City protected class status or statuses as referenced in the Madison General Ordinances or Administrative Procedure Memorandum (APM) 3-5 *PDF*.

Bullying, harassment, and discrimination diminish public trust, damage relationships, and hinder effective governance.

Conduct Toward City Staff

Effective governance of the City depends on the collaboration between the elected and appointed officials who set policy and the City staff who implement it. Mutual respect, professionalism, and clear communication are essential to this relationship.

- City elected and appointed officials shall treat all staff as professionals with valuable expertise, experience, and contributions.
- Communication should be clear, honest, and measured.
- Concerns about staff behavior or performance must be raised privately and professionally with the staff member's direct supervisor. If unresolved, concerns may be referred to the relevant agency director or the Human Resources Director. Personnel matters shall not be discussed in public forums.

Nothing in this section prohibits discussion of City affairs by the Common Council or a BCC in a duly-convened meeting.

Conduct Toward Participants in Public Meetings

Public participation is a cornerstone of democracy. Elected and appointed officials play a key role in fostering an environment where all individuals feel welcome to engage.

- City elected and appointed officials shall treat members of the public with attentiveness during public meetings.
- Questions to members of the public should be used to seek clarification or expand on information, not to demean or interrogate.
- City elected and appointed officials should express appreciation for public input and ensure that meeting environments remain orderly and inclusive.
- If a participant strays from the topic, exceeds allotted time, or uses inappropriate language, any Common Council or BCC member may request the issue be addressed using appropriate parliamentary procedures.

Points of Order During Meetings

Violations occurring during a public meeting may be addressed by raising a point of order. The Chair shall rule on the point of order, subject to challenge and reversal by a majority of the members present.

Conduct Toward the Media and Press

When speaking with the media, elected and appointed officials must ensure statements do not misrepresent City policy or undermine public trust in City governance.

- Identify when they are speaking in their official role and avoid misrepresenting City actions or decisions.
- When speaking in a personal capacity, officials should make clear that their views are their own and not those of the City, while ensuring such statements do not undermine public trust or create a perception of acting in an official capacity. This is to avoid misrepresentation, not limiting opinions or statements of officials.
- Avoid discussing personnel matters or the performance of individual staff members with the media or press.

Sexual Harassment Complaints

If a person experiences or witnesses sexual harassment by an alder or member of a City BCC while such official is on City business, whether on or off City premises, including at City-sponsored events or other events which the alder or appointed individual attends in their official capacity, the Common Council encourages the following steps:

- If the person feels comfortable and safe, the person can address the matter informally with the alder or appointed individual.
- The person can report the matter to another alder; the alder will connect the person with the Common Council Chief of Staff, who will then connect the person with the appropriate personnel to file the complaint.
- The person can contact the Common Council Chief of Staff; the Chief of Staff will connect the person with the appropriate personnel to report their claim.

Prohibited Conduct Examples

Examples of actions that could constitute sexual harassment include, but are not limited to:

- Preferential treatment in return for submitting to or engaging in sexual conduct
- Making derogatory or demeaning comments about someone's sexual orientation or gender identity (including but not limited to consistently misgendering an individual)
- Name-calling or using slurs with a gender/sexual connotation
- Making sexual comments about appearance, clothing or body parts

- Rating a person's sexuality
- Asking for sex or sexual conduct
- Asking a person for dates in a coercive manner, or repeatedly asking for a date after having been turned down
- Staring in a sexually suggestive manner
- Unwelcome touching, including pinching, patting, rubbing, or purposefully brushing up against a person, making inappropriate sexual gestures
- Unwelcome sharing of sexual or lewd anecdotes or jokes
- Unwelcome sending of sexually suggestive communications in any format
- Sharing or displaying sexually inappropriate images or videos in any format not necessary for work purposes
- Attempted or actual sexual assault

Enforcement and Accountability

Communication, Informal Resolution and Reconciliation

When concerns arise, individuals are encouraged to seek timely and collegial resolution. Informal resolution and self-correction should be pursued whenever possible; formal action may be taken when other approaches are unsuccessful or inappropriate.

City elected and appointed officials who believe a violation has occurred should first attempt to resolve the matter privately and professionally. If unresolved, either party may seek assistance from the Common Council Chief of Staff or other appropriate City personnel to connect them with available resources or options for next steps.

Formal Sanctions

Violations of the Elected and Appointed Official Code of Conduct may result in formal sanctions, including:

- **Censure** by the Common Council or a BCC.
- **Removal of a BCC member from their body** by the appointing authority, or by the Common Council for cause.

- **Removal from office** of a Common Council member in accordance with Wis. Stat. § 17.001 for cause (inefficiency, neglect of duty, official misconduct, or malfeasance in office).

Censure Process

Any alder may draft and introduce a censure resolution regarding a Code of Conduct violation on the Common Council agenda. Adoption of a censure for a Code of Conduct violation requires a majority vote of the Common Council.

BCC members may censure a member of their body by making a motion to censure that individual. Such motion may be accompanied by a censure statement in a form equivalent to a Council resolution which, if passed, would be attached to the BCC minutes. If the motion receives a second, the BCC then votes on the motion. In this case as well, adoption of a motion to censure an individual requires a majority vote of the BCC members.

Complaint Reporting and Investigation

A person who feels that the Code of Conduct has been violated by an alder or an appointed individual while acting in their official capacity, and who has attempted informal resolution without success or determined that informal resolution is not appropriate, may report the matter to the organizer of the event or relevant meeting authority or the Common Council Chief of Staff. The organizer of the event or the meeting authority will be expected to take appropriate action by its applicable policies, regulations, and rules and shall notify the Common Council Chief of Staff.

Examples of appropriate action may include, but are not limited to:

- Requesting that the perpetrator stop the offending behavior immediately
- Indicating the behavior is unwelcome
- Conveying a complaint to the Common Council Chief of Staff

The Common Council Chief of Staff will connect the individual reporting the conduct with appropriate personnel in the Department of Civil Rights, Human Resources Department, and the City Attorney's Office. After talking to the complainant and, if different, the person who was the alleged subject of the Code of Conduct violation, the Department of Civil Rights, the Human Resources Department, and the City Attorney will decide if an internal

investigation or referral to an outside investigator is needed. Any action taken as a result of an investigation shall be under the applicable Federal, State or City law or applicable City procedure.

Debriefing

Upon completion of the investigation, and, in the case of an outside investigation, after being briefed by the outside counsel, the Department of Civil Rights, Human Resources, and the City Attorney shall debrief the complainant, the respondent, the Common Council President and the Common Council Chief of Staff on the findings of the investigation.

Release of Summary of Findings or Related Documents

After consideration of safety-related concerns and confidentiality needs related to the investigation, the Common Council President may issue a public summary of findings.

The City will ensure compliance with Wisconsin's Public Records Laws in release of any required documents, redacting such information as required by law.

Retaliation Prohibited

Threats, intimidation, or any other form of retaliation against a person who has made a complaint or provided information supporting a complaint are prohibited. An alder or appointed individual or any other entity responsible for Common Council or BCC events will take any reasonable and appropriate action to prevent and respond to retaliation per its applicable policy, regulations, and rules.

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