

Elected and Appointed Official Code of Ethical Conduct (Updated)

The City of Madison and its elected and appointed officials (alders, mayor, and City board, commission, or committee members) share a commitment to ethical conduct and service to the city and its residents. In alignment with the City of Madison vision to be inclusive, innovative, and thriving, and its mission to provide the highest quality of service for our residents and visitors, City elected and appointed officials shall maintain the utmost standards of personal integrity, trustfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their position to bully, harass, or abuse others. Individuals with a wide variety of backgrounds, personalities, values, opinions, lived experiences and goals participate in the democratic process in Madison, whether on the Council, on a board, commission, or committee, or providing public comment at a Council meeting or City event.

It is vital to recognize that all Council members and BCC members choose to serve in public office and, therefore, have the obligation to preserve and protect the well-being of the community and its residents. In all cases, this common goal should be acknowledged, and elected and appointed officials must recognize that certain behavior is counterproductive, while other behavior will lead to success. Elected and appointed officials are expected to demonstrate, both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct.

This Code is designed to communicate the expectation that City elected and appointed officials shall treat members of the public, City staff, and each other with respect and courtesy at all times. This policy is intended to promote an inclusive and positive work environment and working relationships and prevent unlawful discrimination.

Elected and Appointed Official Expected Conduct

This policy applies to all elected and appointed City officials and applies to any conduct or interaction that occurs at the workplace and at any location or on any platform that can be reasonably regarded as an extension of the workplace, including but not limited to the use of a telephone, voicemail, text messages, video meeting, and/or any social media or online platforms. City staff members, including department and division heads, are governed by [APM 3-5](#) and [APM 2-33](#).

City elected and appointed officials, in the performance of their duties, shall create and maintain a welcoming, respectful, and inclusive work environment and shall not engage in abusive, violent, bullying, harassing, discriminatory or other threatening or intimidating behavior or language. Bullying, harassment of, or discrimination against any person on the basis of any [City protected class](#)* status or statuses is expressly prohibited.

- **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 protected class status or statuses.
- **Discrimination** is unfair treatment of an individual or members of a group based on their protected class status.

Bullying, harassment, and discrimination are demeaning to others and undermine the integrity of relationships. In the event that these shared objectives are not met, effort shall be taken to notify the individuals of the substance of the issue so that they can resolve it. Self-correction or informal resolution between parties in a timely manner is strongly encouraged, with formal sanctions only as a rare and last option if informal communication and resolution is unsuccessful.

Elected and Appointed Official Conduct with City Staff

Governance of the City relies on the cooperative efforts of elected and appointed officials who set and recommend policy and the City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community.

Council members and members of boards, commissions, and committees (BCCs) shall treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable. Council and BCC members should refer to staff by their title or formal salutation followed by the individual's last name in public meetings when first introduced.

All employee performance issues shall be forwarded to the Mayor, the Human Resources Director or the employee's Department/Division Head through professional, private correspondence or conversation.

Elected and appointed officials shall not attempt to unethically influence or coerce City staff concerning either their actions or recommendations to Council.

Nothing in this section shall be construed, however, as prohibiting the Council or a BCC while in session from fully and freely discussing with or suggesting to Department Heads or City employees anything pertaining to City affairs or the interests of the City.

Elected and Appointed Official Conduct Toward Participants in Public Meetings

Making the public feel welcome is an important part of the democratic process and a City strategic objective is to increase desired public participation and diverse viewpoints. For many residents, speaking in front of the Council or a committee is a new and difficult experience. Elected and appointed officials are expected to treat members of the public with care and respect during public meetings by committing full attention to

the speakers or any materials relevant to the topic at hand. Questions directed to members of the public testifying should seek to clarify or expand information, not to insult or interrogate. All elected and appointed officials should convey to the public their respect and appreciation for the public's participation, input, and opinions. In an instance where a member of the public addressing the body strays from the topic under consideration, exceeds their allotted speaking time, or exhibits behavior or language a Council or BCC member finds inappropriate, they may call point of order and request the issue be addressed.

Elected Official Conduct with the Media

When communicating with the media, elected and appointed officials should clearly differentiate between personal opinions and the official position of the City. Until a vote on any issue is taken, Council members' positions are merely their own. Council or BCC members should not discuss personnel issues or other matters regarding individual City staff in the media.

Enforcement

Formal sanctions include formal censure by the Common Council or committee of one of its members, removal of a committee member from the body, or, in limited cases pursuant to [Wis. Stat. § 17.001](#), removal of a Common Council member from office. Per state statute, alders and appointees to BCCs can only be removed by a vote of the Council for cause, meaning "inefficiency, neglect of duty, official misconduct or malfeasance in office."

Points of Order During Meetings

Violations of this Policy, when made during a chaired public meeting, may be noted promptly after their occurrence by raising a point of order and stating the violation or concern. The Council President or Chair of the meeting shall rule on the point of order, which does not need a second and is not debatable. The Chair's decision shall stand unless challenged and reversed by a majority vote of the members present and voting as an open session of the Common Council or BCC.

Communication and Reconciliation Between Council or BCC Members

Any Council or BCC member who feels a violation of this Policy has occurred during or outside of a public meeting may raise the issue privately with the other relevant member. Attempts should be made to resolve any issue in a professional, private manner. If unsuccessful, either member may ask for the assistance of the Common Council Chief of Staff or other appropriate City staff in mediating the issue or conflict.

Censure – Complaint Process and Action by Common Council

If the matter remains unresolved, the complaining Alder, City employee or community member may file a sworn written complaint with the City Clerk. The Clerk shall provide a copy of the complaint to the party alleged to be in violation. The Clerk shall provide a copy of the complaint to the Department of Civil Rights and Human Resources for review and possible further investigation or mediation, which will then provide a report on their findings to the Common Council Executive Committee.

Complaints shall first be heard by the Common Council Executive Committee, giving each party to the dispute the opportunity to be heard. If the Common Council Executive Committee, by a majority vote, so recommends, a Censure resolution shall be prepared by the City Attorney stating the findings as directed by the Committee.

If the Censure resolution is sponsored by at least two Alders, it shall be considered by the Common Council. Censure shall only be made upon a majority vote of the entire Common Council.

Elected or appointed City officials, upon entering office or being appointed as a BCC member, shall be provided a copy of this policy and shall acknowledge receipt. Failure to acknowledge receipt does not exempt an individual from the requirements of this policy.

The City shall offer trainings and other supports to promote an inclusive and welcoming environment and provide elected and appointed officials with resources to assist them in resolving any issues that may arise.

Please refer to [MGO 3.35 Code of Ethics](#) for regulations on additional aspects of conduct, such as conflicts of interest, use of public office, political activity, and receiving gifts and favors.

*City protected classes: age, arrest record, citizenship status, color, conviction record, credit history, disability, domestic partners, familial status, gender identity, genetic identity, HIV status, homelessness, less than honorable discharge from military, marital status, military/veteran status, national origin/ancestry, non-religious, physical appearance, political beliefs, race, religion, sex, sexual orientation, source of income, student status, unemployment, use or non-use of lawful products off the employer's premises during non-work hours

Appendix A

If a person has experienced or witnessed sexual harassment by an alder or member of a City board, commission or committee 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 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.
- The person can contact the Council Chief of Staff; the Chief of Staff will connect the person with the appropriate personnel to report their claim.

Prohibited Conduct:

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

Reporting:

A person who feels that they have been harassed by an alder or an appointed individual while acting in their official capacity may report the matter to the organizer of the event or relevant meeting authority or the Council Office 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 Council Office Chief of Staff.

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

- Requesting the perpetrator to stop the offending behavior immediately
- Conveying the complaint to the Council Office Chief of Staff

The Council Office Chief of Staff will connect the individual reporting the conduct with the Department of Civil Rights, Human Resources, and the City Attorney. After talking to the

complainant and, if different, the person who was the alleged subject of the sexual harassment, the Department of Civil Rights, the Human Resources Department, and the City Attorney will decide if an investigation or referral to any other agency 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:

If the Department of Civil Rights, Human Resources, and the City Attorney complete an investigation upon completion of their investigation they shall debrief the complainant, the respondent, the Council President and the Council Office 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:

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 Council events will take any reasonable and appropriate action to prevent and respond to retaliation per its applicable policy, regulations, and rules.