

# Elected and Appointed Official Code of Expected Conduct

*Proposed Revision, Govindarajan Alternate*

## 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 (“BCC”), share a fundamental responsibility to serve the community with integrity, respect, 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, avoiding impropriety and refraining from any behavior that undermines trust in public service.

## Scope

The Code of Expected Conduct applies to all elected and appointed City officials. It governs any conduct or interaction that occurs 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.

## Standards of Expected Conduct

City elected and appointed officials shall create and maintain a welcoming, respectful, 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](#)<sup>1</sup>.

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<sup>1</sup> 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

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

Bullying, harassment, and discrimination diminish public trust, damage relationships, and hinder effective governance. When concerns arise, individuals are encouraged to seek timely, respectful resolution. Informal resolution and self-correction should be pursued whenever possible; formal action may be taken when other approaches are unsuccessful.

### **Conduct with City Staff**

The effective governance of the City depends on the collaboration between 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 and demonstrate respect for their expertise, experience, and contributions.
- Communication should be clear, honest, and professional
- Concerns about employee behavior or performance must be raised privately and professionally with the employee's direct supervisor. If unresolved, concerns may be referred to the Human Resources Director. Personnel matters shall not be made public or gossiped about.

Nothing in this section prohibits open 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 respect and attentiveness during public meetings.
- Questions to speakers 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.

### **Conduct with the Media and Press**

When speaking with the media, elected and appointed officials must:

- 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 of officials.
- Avoid discussing personnel matters or the performance of individual staff members.

- Ensure statements do not misrepresent City policy or undermine public trust in City governance.

## Enforcement and Accountability

Violations of this Code of Expected 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 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).

## 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.

## Communication and Reconciliation

Outside of meetings, 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 appropriate City personnel for mediation.

## Complaint and Censure Process

If informal efforts fail, a sworn written complaint may be filed with the City Clerk. Complaints will be reviewed by the Department of Civil Rights and Human Resources, which may provide recommendations to the Common Council President, Common Council Vice President and the Mayor.

Any alder or BCC member may draft and introduce a censure resolution on the agenda, however such a resolution must be sponsored by at least two members for a vote to be in order. Adoption of a censure requires a majority vote of all Common Council or BCC members.

## Implementation

All elected and appointed City officials will receive the Code of Expected Conduct upon taking office and must acknowledge its receipt. Lack of acknowledgment does not exempt an official from its requirements. Anytime the Code of Expected 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 Expected Conduct and to promote an inclusive, respectful, and effective City government.

Officials are also subject to the City's **Code of Ethics (MGO 3.35)**, which governs conflicts of interest, use of public office, political activity, and the acceptance of gifts or favors.

## Appendix A – Sexual Harassment Complaints

If a person has experienced or witnessed sexual harassment by an alder or member of a City boards, commissions or committees 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.
- 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

## Reporting and Investigation

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 Common 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 Common 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 Common Council Office Chief of Staff

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