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<b>Owner:</b>	<i>Lynn Gram: Exdir2-Assthospadm2-Mhc</i>
<b>Policy Area:</b>	<i>Division Administration</i>
<b>References:</b>	

## Code of Conduct

Approved by the Mental Health Board on 12/17/15

### Purpose:

This Code of Conduct (“Code”) is a statement of the ideals and principles which govern personal and professional behaviors at the Milwaukee County Behavioral Health Division (“BHD”). Adherence to the ideals and principles stated in this Code advances the mission of the BHD and its commitment to the core values of respect, integrity, stewardship and excellence. All Covered Persons are expected to, at all times, adhere to the BHD’s Core Values of:

- **Respect:** To respect the dignity of every person.
- **Integrity:** To be honest, fair and trustworthy.
- **Stewardship:** To manage resources responsibly.
- **Excellence:** To work at the highest level of performance, with a commitment to continuous improvement.

Consistent with these values, this policy sets forth the standards for acceptable, non-disruptive, and appropriate behaviors and communication, professionalism, and interpersonal relationships within the BHD. This policy is intended to supplement other BHD policies which outline responses to and management of unacceptable personal and professional conduct by Covered Persons.

### Scope:

This Code applies to all “Covered Persons”, which includes but is not limited to, Administrators, Hospital Staff, Medical Staff (psychiatrists, psychologists, nurses, certified nursing assistants, social workers, etc.), and members of the Milwaukee County Mental Health Board, and persons providing patient care or other services within or for the benefit of the BHD (such as students, contractors, and individuals with temporary clinic privileges), regardless of employer (“other Covered Persons”).

### Policy:

**DECORUM AT MILWAUKEE COUNTY MENTAL HEALTH BOARD MEETINGS:** Covered Persons, other Covered Persons and all others who may attend and/or participate at Governing Body meetings are entitled to the greatest measure of respect and courtesy. All Covered Persons and other Covered Persons must be ever mindful of the obligation to be temperate, courteous, attentive and patient so as to advance these ideals of

conduct and to avoid offensive or discourteous remarks or verbal chastisement which are offensive in nature and detract from the dignity and decorum expected while conducting the public's business, and thereby eventually degrade the atmosphere within the public meeting. All Covered Persons and other Covered Persons should bear in mind the need for scrupulous adherence to the rules of fair play and the necessity of being considerate and courteous to each other and to all others in attendance.

## Definitions:

**“Acceptable Behavior”** means any reasonable conduct to advocate for patients, to recommend improvements in patient care, to participate in the operations, leadership or activities of the organization. Examples of acceptable behavior include, but are not limited to, the following:

- Criticism communicated in a reasonable manner and offered in good faith with the aim of improving patient care and safety;
- Encouraging clear communication;
- Actively upholding public confidence in County government;
- Maintaining a respectful attitude toward Covered Persons and other Covered Persons;
- Expressions of concern about a patient's care and safety;
- Expressions of dissatisfaction with policies through appropriate grievance channels or other civil non-personal means of communication;
- Use of cooperative approach to problem resolution;
- Constructive criticism conveyed in a respectful and professional manner, without blame or shame for adverse outcomes;
- Professional comments to any Covered Persons and other Covered Persons about patient care or safety provided by others;
- Active participation in the BHD and Organizational meetings (i.e., comments made during or resulting from such meetings will not be used as the basis for a complaint under this Code);
- Membership on other medical staffs; and
- Seeking legal advice or the initiation of legal action for cause.

Acceptable behavior is not subject to corrective action or discipline under this policy.

**“Behaviors that Undermine a Culture of Safety”** means any abusive conduct including sexual or other forms of harassment, or other forms of verbal or non-verbal conduct that harms or intimidates others to the extent that quality of care or patient safety could be compromised. Examples of such behavior include, but are not limited to, the following:

- Physically threatening language directed at anyone in the BHD including Covered Persons or other Covered Persons;
- Physical contact with another individual that is threatening or intimidating;
- Throwing instruments, charts or other things;
- Threats of violence or retribution;
- Sexual harassment; and,
- Other forms of harassment including, but not limited to, persistent inappropriate behavior and repeated threats of litigation.

Behaviors that undermine a culture of safety by a Covered Person is prohibited.

**“Inappropriate Behavior”** means conduct that is unwarranted and is reasonably interpreted to be demeaning or offensive. Persistent, repeated inappropriate behavior can become a form of harassment and thereby

become disruptive, and subject to treatment as “Behaviors that Undermine a Culture of Safety.” Examples of Inappropriate Behavior include, but are not limited to, the following:

- Belittling or berating statements;
- Name calling;
- Use of profanity or disrespectful language;
- Inappropriate comments written in the medical record;
- Blatant failure to respond to patient care needs or Staff requests;
- Personal sarcasm or cynicism;
- Deliberate lack of cooperation without good cause;
- Deliberate refusal to return phone calls, pages, or other messages concerning patient care or safety;
- Intentionally condescending language; and
- Intentionally degrading or demeaning comments regarding patients and their families, Covered Persons or other Covered Persons and/or the BHD, whether occurring within the BHD or in the community.

Inappropriate behavior by a Covered Person is strongly discouraged.

**“Harassment”** means conduct toward others based on their race, color, religion, creed, age, sex, gender, gender identity, sexual orientation, nationality or ethnicity, physical or mental disability, veteran status, genetic information, or any other basis protected by federal, state or local laws, which has the purpose or direct effect of unreasonably interfering with a person’s work performance or which creates an offensive, intimidating or otherwise hostile work environment.

**“Sexual harassment”** means unwelcome sexual advances, requests for sexual favors, or verbal or physical activity through which submission to sexual advances is made an explicit or implicit condition of employment or future employment-related decisions; unwelcome conduct of a sexual nature which has the purpose or effect of unreasonably interfering with a person’s work performance or which creates an offensive intimidating or otherwise hostile work environment.

Also refer to the BHD’s Sexual Harassment Policy at

<http://county.milwaukee.gov/SexualHarassmentPoli17546.htm>

## Procedure:

Interventions should initially be non-adversarial in nature, if possible, with the focus on restoring trust, placing accountability on and rehabilitating the offending Covered Person and protecting patient care and safety. The BHD supports tiered, non-confrontational intervention strategies, starting with informal discussion of the matter with the appropriate supervisor. Further interventions can include an apology directly addressing the problem, a letter of admonition, addressing the issue through the human resource process or corrective action if the behavior is or becomes disruptive. [1]

[1] Members of the Milwaukee County Mental Health Board/Governing Body are subject to removal pursuant to Article III of its By-Laws and state statutes.

The use of summary suspension should be considered only where the Covered Person’s Behavior Undermines a Culture of Safety and presents an imminent danger to the health of any individual. At any time rehabilitation may be recommended. If there is reason to believe a Behavior that Undermines a Culture of Safety is due to illness or impairment, the matter may be evaluated and managed confidentially according to established procedures of the BHD.

### A. Covered Persons:

Complaints about a Covered Person regarding alleged Inappropriate or Behaviors that Undermine a

Culture of Safety should be in writing, signed and directed to the BHD Administrator or Medical Director ("Senior Leader(s)"), and include to the extent feasible:

1. The date(s), time(s) and location of the Inappropriate or Behaviors that Undermine a Culture of Safety;
2. A factual description of the Inappropriate or Behaviors that Undermine a Culture of Safety;
3. The circumstances which precipitated the incident;
4. The name and medical record number of any patient or patient's family member who was involved in or witnessed the incident;
5. The names of other witnesses to the incident;
6. The consequences, if any, of the Inappropriate or Behaviors that Undermine a Culture of Safety as it relates to patient care or safety, or the BHD personnel or operations; and\
7. Any action taken to intervene in, or remedy, the incident, including the names of those intervening.

At the discretion of the Senior Leader(s), the duties here assigned to the Senior Leader(s) can, from time to time, be delegated to another elected member of the Covered Persons ("designee"). The complainant will be provided a written acknowledgement of the complaint. In all cases, the subject of the complaint shall be provided a copy of this Code of Conduct and a copy of the complaint in a timely fashion, as determined by the Senior Leader(s), but in no case more than 30 days from receipt of the complaint by the Senior Leader(s). The subject of the complaint will be notified that attempts to confront, intimidate, or otherwise retaliate against the complainant is a violation of this Code of Conduct and may result in corrective action. An ad hoc committee consisting of three (3) individuals selected by the Senior Leader(s) shall make such investigation as appropriate in the circumstances which may include seeking to interview the complainant, any witnesses and the subject of the complaint. The subject of the complaint shall be provided an opportunity to respond in writing to the complaint.

The ad hoc committee will make a determination of the authenticity and severity of the complaint. The ad hoc committee shall dismiss any unfounded complaint and may dismiss any complaint if it is not possible to confirm its authenticity or severity, and will notify both the complainant and the subject of the complaint of the decision reached. If the ad hoc committee determines the complaint is well founded, the complainant and the subject of the complaint will be informed of the decision, and the complaint will be addressed as follows:

1. If this is the first incident of inappropriate behavior, the Senior Leader(s), shall discuss the matter with the offending Covered Person, and emphasize that the behavior is inappropriate and must cease. The offending Covered Person may be asked to apologize to the complainant. The approach during this initial intervention should be collegial and helpful.
2. Further isolated incidents that do not constitute persistent, repeated inappropriate behavior will be handled by providing the offending Covered Person with notification of each incident, and a reminder of the expectation the individual comply with this Code.
3. If the ad hoc committee determines the offending Covered Person has demonstrated persistent, repeated inappropriate behavior, constituting harassment (a form of Behavior that Undermines a Culture of Safety), or has engaged in Behaviors that Undermine a Culture of Safety on the first offense, a letter of admonition will be sent to the offending Covered Person, and, as appropriate, a rehabilitation action plan developed by the ad hoc committee, with the advice and counsel of the Senior Leader(s).

4. If, in spite of this admonition and intervention, Behaviors that Undermine a Culture of Safety recurs, the ad hoc committee shall meet with and advise the offending Covered Person such behavior must immediately cease or corrective action will be initiated. (As noted previously in footnote 1, such procedures do not apply to the Governing Body.) This “final warning” shall be sent to the offending Covered Person in writing.

5. If after the “final warning” the Behaviors that Undermine a Culture of Safety recurs, corrective action (including suspension or termination of privileges) shall be initiated pursuant to the Senior Leader(s).

6. If a single incident of Behaviors that Undermine a Culture of Safety or repeated incidents of Behaviors that Undermine a Culture of Safety constitute an imminent danger to the health of an individual or individuals, the offending Covered Person may be summarily suspended as provided in the Milwaukee County BHD Employee Handbook.

7. If no corrective action is taken, a confidential memorandum summarizing the disposition of the complaint, along with copies of any written warnings, letters of apology, and written responses from the offending Covered Person, shall be retained in the Covered Person’s file for two (2) years, and then must be expunged if no related action is taken or pending. Informal rehabilitation, a written apology, issuance of a warning, or a referral to the Health and Wellbeing Committee (or equivalent committee) will not constitute corrective action.

8. At any time during this procedure the Covered Person has a right to personally retain and be represented by legal counsel.

B. Other Covered Persons (e.g., persons providing patient care or other services within or for the benefit of the BHD such

as Contractors:

Complaints about other Covered Persons regarding allegedly Inappropriate or Behaviors that Undermine a Culture of

Safety should be in writing, signed and directed to the Senior Leader(s) and include to the extent feasible:

- A. 1. The date(s), time(s) and location of the Inappropriate or Behaviors that Undermine a Culture of Safety;
2. A factual description of the Inappropriate or Behaviors that Undermine a Culture of Safety;
3. The circumstances which precipitated the incident;
4. The name and medical record number of any patient or patient’s family member who was involved in or witnessed the incident;
5. The names of other witnesses to the incident;
6. The consequences, if any, of the Inappropriate or Behaviors that Undermine a Culture of Safety as it relates to patient care or safety, or the BHD personnel or operations; and
7. Any action taken to intervene in, or remedy, the incident, including the names of those intervening.

The complainant will be provided a written acknowledgement of the complaint. The individual who is the subject of the complaint will be notified that attempts to confront, intimidate, or otherwise retaliate against the complainant is a violation of this Code and may result in termination of their services (or the contract under which they function) from the BHD.

The Senior Leader(s) will lead a thorough investigation of the complaint to determine its authenticity and

validity, and the severity of the complaint. The Senior Leader(s) will dismiss any unfounded complaint and may dismiss any complaint if it is not possible to confirm its authenticity or severity, and will notify both the complainant and the subject of the complaint (other Covered Person) and the Contractor, as applicable, of the decision reached. If the Senior Leader(s) determines the complaint is well founded, the complainant and other Covered Person (the subject of the complaint) will be informed of the decision, and, as appropriate to the other Covered Person's behavior, either be officially counseled in writing or their services terminated. Should the services of the other Covered Person be covered under a contract with a Contractor, the Contractor will either be officially counseled in writing or their services will be terminated.

### **ABUSE OF PROCESS**

Consistent with the Code requirements stated above, the BHD strives to maintain an environment that is free from Inappropriate Behavior and Behaviors that Undermine a Culture of Safety, whether implicit or explicit, which is used to adversely control, influence or affect the well-being of any Covered Person or other Covered Person, BHD's patients or their families. Such behavior compromises performance and threatens patient safety by disrupting teamwork, communication, and collaboration.

Threats or actions directed against the complainant by the subject of the complaint will not be tolerated under any circumstance. Retaliation or attempted retaliation by Covered Persons against complainants will be addressed through the progressive disciplinary process. Retaliation or attempted retaliation by Covered Persons against complainants will give rise to corrective action. Retaliation or attempted retaliation by other Covered Persons (e.g., Contractors) against complainants will result in immediate termination of the contract. Individuals who falsely submit a complaint shall be subject to corrective action per the BHD's policies.

### **PROMOTING AWARENESS OF CODE OF CONDUCT**

The BHD shall promote continuing awareness of this Code among the Covered Persons by:

1. Sponsoring or supporting educational programs on Inappropriate Behaviors and Behaviors that Undermine a Culture of Safety;
2. Disseminating this Code to all Covered Persons, and other Covered Persons (e.g., Contractors) upon its adoption; and
3. To all new BHD employees and Governing Body members during initial orientation.

## **References:**

N/A

## **Monitors:**

N/A

## **Attachments**

No Attachments

## Approval Signatures

Step Description	Approver	Date
	Michael Lappen: 11008000-BHD Administrator	11/26/2018
	Linda Oczus: 11006007-Chief Nursing Officer-BHD	11/20/2018
	Jennifer Bergersen: 11005001-Chief Operations Officer	11/20/2018
	Lynn Gram: 11003002-Safety Officer	11/19/2018