

	UNIFIED FIRE AUTHORITY ORGANIZATIONAL POLICY MANUAL	
	Affiliation: Administration Policies	
	Title: Professional Standards, Investigations, and Complaints	
	Number: 900 – 430	
	Approved: 4/1/2025	By: Fire Chief Dominic Burchett
	Last Reviewed: 3/11/2025	By: HR Director Kiley Day

REFERENCE:

[UFA Policy and Procedure – Administrative Leave With or Without Pay](#)
[UFA Policy and Procedure – Harassment, Sexual Harassment, Discrimination and Retaliation](#)
[UFA Policy and Procedure – Confidentiality of Personnel Records](#)
[UFA Policy and Procedure – Discipline](#)
[UFA Policy and Procedure – Reporting of Criminal Activity](#)
[UFA policy and Procedure – BEMSP Notification](#)
[UFA Policy and Procedure – Breach Notification Policy](#)
[UFA Complaint Record Form](#)
[UFA Recorded Interview and Garrity Warning Form](#)
[Government Records Access and Management Act UCA 63G-2-101 et seq.](#)
[Utah Protection of Public Employees Act](#)

DEFINITIONS:

Complaint: An allegation(s) against an employee of Unified Fire Authority (“UFA”) that alleges a policy violation or misconduct.

Complainant: A person claiming to be a victim, a witness, or someone who became aware of a policy violation or misconduct of an employee of UFA. A complainant may remain anonymous.

Disposition: The resulting characterization of an allegation and the conclusion of the report. Dispositions will fall into one of the following four categories:

Unfounded: No facts to support the allegation.

Exonerated: Happened as stated and was appropriate, within the law, policy, etc.

Not Sustained: May or may not have occurred, but there is not sufficient evidence to sustain the complaint.

Sustained: The investigation resulted in substantial evidence from one or more sources to conclude the allegation to be true and occurred as alleged.

Investigation: A searching inquiry for ascertaining facts; detailed or careful examination.

**Notice of Intent
to Provide**

Representation: A written notification to UFA that the individual desires a designated representative to be included in all communication and appointments scheduled with the employee and identifies whom the representative will be.

Review: A formal assessment or examination of something with the possibility or intention of instituting change if necessary.

LEADER'S INTENT:

This policy establishes guidelines for conducting Professional Standards Investigations and reviewing citizen or UFA employee complaints.

UFA is committed to high standards relating to delivery of services, employee performance and conduct, and public perception of UFA. All employees have an obligation to perform their responsibilities in a manner that supports and advances UFA's mission, vision, and values. As part of this commitment, UFA has established an Administrative Professional Standards Group that meets regularly to monitor and evaluate personnel complaints to determine the best course of action for consistency and compliance with policy. The group consists of the three Assistant Chiefs, Chief Legal Officer, Human Resources (HR) Director, Human Resources Deputy Director, Senior Human Resources Analyst, Fire Marshal, and the Operations Chief.

Any person, civilian or employee, who believes that any UFA employee or volunteer has been involved in improper conduct, has the right to file a complaint. These persons can expect such complaints to be thoroughly and objectively investigated by UFA. In addition, UFA reserves the right to conduct a fact-finding process of any matter involving a violation of law or UFA policies.

The intent of a complaint investigation is three-fold:

- Protection of the public: The public has a right to a fair and efficient means of having their complaints heard and investigated.
- Protection of the department: The department's reputation is directly reflected in and evaluated by the conduct of its employees. To maintain confidence in the community, allegations of misconduct must be consistently, fairly, and honestly investigated.
- Protection of the employee: Employees of the department must be provided fair treatment and with due process as much as possible against false allegations of misconduct. Employees should also be confident that the investigation process is complete, fair, and consistent through all ranks and assignments of the department.

POLICY:

- 1.0 The policy of UFA is to accept and investigate all complaints, and follow-up on any concern, made from internal or external sources of alleged policy violations or

misconduct of an employee and to investigate such complaints to determine if the conduct/criticism alleged in the complaint was accurate and merits further action.

- 1.1 Any employee who receives or wishes to make a formal complaint will notify the Assistant Chief of Administration and Planning or a member of the Administrative Professional Standards Group and, if applicable, the appropriate individuals in the employee's chain of command and provide any supporting materials, if available.
 - 1.1.1 In the event the alleged policy violation or misconduct is against an employee who is in the Assistant Chief of Administration and Planning's chain-of-command, the complaint may be taken directly to the Fire Chief. If the person making the complaint is uncomfortable taking the complaint to the Fire Chief, they can report the incident to the Chief Legal Officer ("CLO") or any member of the UFA Board. If the alleged complaint is against the Fire Chief or CLO, the complaint may be taken directly to the UFA Board.
 - 1.1.2 The complaint will be logged into a system for tracking complaints and resolutions.
 - 1.1.3 The confidentiality of the complainant will, to the extent practical under the law and under the necessities of disciplinary action, be protected.
- 1.2 Upon receipt of the complaint, the Assistant Chief of Administration and Planning or designee will classify the complaint under one of three categories:
 - 1.2.1 The first category "**Concern**" will be assigned to situations such as: 1) citizen complaints about the conduct of non-UFA personnel (e.g. a fire code violation or a neighbor burning trash); 2) complaints regarding general policies or practices of UFA as an organization (e.g. use of lights and sirens, station locations, etc.); or, 3) complaints about conduct by UFA personnel which, even if sustained, would not merit discipline (e.g., displeasure with a chosen hospital destination or employees seen at a restaurant while on duty).
 - 1.2.2 The second category, "**Procedural Inquiry**" is assigned to informal situations or complaints of a minor nature. If sustained, this complaint would generally be resolved with discipline at or below the level of a written reprimand and resolved with training and/or education of an employee. Procedural Inquiries would also include formal complaints from an external source directed toward department procedures or operations (e.g. minor citizen property damage, employee driving complaint, patient care). Persons wishing to make a formal complaint would be directed to fill out a [UFA Complaint Record Form](#) available on the UFA website. A "Procedural Inquiry" can be upgraded to an "Allegation of Misconduct" if further information arises during the course of the initial investigation.
 - 1.2.2.1 Conduct that potentially implicates criminal activity or implicates a potential reporting to the Utah Bureau of Emergency Medical

Services and Preparedness, as described in UFA Policy and Procedure – Occupational Licensure and Certification Requirements, will move the investigation into an “Allegation of Misconduct”.

1.2.2.2 Procedural Inquiries will normally be assigned to the appropriate Division Chief/Manager, Battalion Chief or Operations Chief for investigation. These investigations may also be conducted by individuals assigned by UFA to resolve such complaints (e.g. the Safety Officer or the Quality Assurance Officer) in accordance with paragraph 2.0 of this policy.

1.2.3 The third category, “**Allegations of Misconduct**” is assigned to allegations of criminal wrongdoing, serious misconduct by an employee, or serious policy violations. If sustained, this complaint would generally result in discipline which may include suspension, demotion, or termination.

1.2.3.1 Allegations of Misconduct will be reviewed by the Administrative Professional Standards Group prior to initiating any investigation.

1.2.3.2 Investigations of Allegations of Misconduct will be assigned to an investigator designated by the Administrative Professional Standards Group under the direction of the Fire Chief.

1.2.3.2.1 If the complaint is against the Fire Chief or CLO, the UFA Board will determine who will conduct the investigation.

1.2.4 When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment, discrimination, or retaliation, the person receiving the complaint will promptly notify the Human Resources Director for direction.

1.2.5 With regard to complaints involving a HIPAA breach, investigations will be conducted in accordance with UFA Policy and Procedure – Breach Notification. If it is determined that a breach of unsecured protected health information (PHI) occurred, the Compliance Officer will provide a copy of the written documentation to the Administrative Professional Standards Group.

1.3 In certain situations, it may be necessary to conduct a preliminary Professional Standard Review to determine if a Professional Standards Investigation is warranted. An employee may be placed on Administrative Leave With Pay during this process.

1.4 Employees may bring forth good faith complaints about an internal alleged policy violation or misconduct without any fear of reprisal, intimidation, coercion, or retaliation (see UFA Policy and Procedure – Harassment, Sexual Harassment, Discrimination and Retaliation.).

- 1.4.1 Investigations which result in a lack of positive, corroborative evidence will be considered malicious or frivolous and may be subject to discipline if it is determined in the course of an investigation that the complaint was filed without justification and with the intent to inflict professional or personal harm or to obtain personal gain.

2.0 Concerns

- 2.1 Reviews of Concerns will be conducted under the direction of the Assistant Chief of Administration and Planning or designee. All Concerns will be assigned to the most appropriate individual for fact finding and possible resolution. Upon completion, a written summary of the findings will be sent to the Senior Human Resources Analyst.

3.0 Procedural Inquiry

- 3.1 Procedural inquiries will be conducted under the direction of the Assistant Chief of Administration and Planning or designee.
- 3.2 Procedural inquiries which concern department policy violations from an external source or regarding employee conduct or department operations will have an individual other than the employee's supervisor assigned to complete the investigation. The individual who is the subject of the inquiry will be notified that an inquiry has been initiated. The person conducting the inquiry may informally interview employees or other individuals as needed to obtain information regarding the complaint. If a "*Notice of Intent to Provide Representation*" has been provided to UFA, the designated representative will be included in all communication and appointments scheduled with the employee. Once the investigation has been completed, a report of the findings, and any related documents, will be submitted to the Assistant Chief of Administration and Planning or designee.
 - 3.2.1 Employees who are interviewed as part of a Procedural Inquiry will be given a copy of this policy and are expected to cooperate with the investigation process and may be instructed to restrict communication with other employees of UFA or other involved persons. Any employee may request that an informal interview be conducted using the processes provided for in paragraph 4.0.
 - 3.2.2 The Assistant Chief of Administration and Planning or designee will provide written notice of the results of the investigation to the employee.
- 3.3 Any discipline administered as a result of a Procedural Inquiry will be in accordance with UFA Policy and Procedure – Discipline. Any discipline resulting from a Procedural Inquiry will include a general recitation of the facts upon which the discipline is based. If the employee has concerns about any such underlying facts, they may submit a written statement outlining those concerns to the Assistant Chief of Administration and Planning. If warranted, the discipline may be amended.
- 3.4 The individual completing the investigation, or the Assistant Chief of Administration and Planning, will also notify the complainant, and other appropriate parties, when the investigation has been completed and of the

general disposition of the findings. If UFA will be taking additional steps, such as filing an insurance claim to resolve the incident or otherwise reimbursing the complainant for damaged property, that information will also be included in the notification.

4.0 Allegations of Misconduct

- 4.1 Prior to any investigation being initiated, the identified employee(s) involved in an Allegation of Misconduct will be provided with a notice of investigation by the Assistant Chief of Administration and Planning or designee. Additionally, IAFF Local 1696 will then be notified that an Allegation of Misconduct investigation has been initiated against the employee. No details of the allegation will be given, only notification that an investigation has been started.
 - 4.1.1 At a minimum, the notice will provide an overview of the allegations, an explanation of the investigation process including the means by which an employee will be afforded the opportunity to respond, and a suggestion that the employee consult and involve an employee representative or legal counsel. The employee may be further instructed to restrict communication regarding the investigation with other employees of UFA or other involved persons. Failure to comply with stated restrictions may result in disciplinary action in accordance with UFA Policy and Procedure – Discipline.
 - 4.1.1.1 Employees placed on Administrative Leave at any point during the course of the investigation will be in accordance with UFA Policy and Procedure – Administrative Leave With or Without Pay.
 - 4.1.1.2 If a “*Notice of Intent to Provide Representation*” has been provided to UFA, the designated representative will be included in all communication and appointments scheduled with the employee.
- 4.2 The investigator will ensure that an audio recording of the investigative interview session with the subject of the investigation is made. The employee or the employee’s representative may also record the interview session. No recording will take place without the knowledge of all parties present. Any such recording(s) will be provided to UFA, the employee, or the employee’s representative upon request.
 - 4.2.1 Recording of interviews with witnesses will be made and used at the discretion of the investigator and with the full knowledge of the witness.
 - 4.2.2 Witnesses may also request that a representative be present during the interview.
- 4.3 The investigator will routinely provide a Garrity warning to any employee who is the subject of an Allegation of Misconduct investigation. Employees are expected to completely and thoroughly answer questions concerning the investigation as asked by the investigator. Failure or refusal to answer any

questions constitutes grounds for disciplinary action, up to and including termination. Employees will acknowledge this by completing and signing the [UFA Recorded Interview and Garrity Warning Form](#). An employee interviewed as part of an investigation as a witness may request a Garrity warning if they wish to receive one.

- 4.4 Employees who are interviewed as part of an Allegation of Misconduct investigation are expected to cooperate with the investigation process.
- 4.5 The report will be disseminated in the following manner:
 - 4.5.1 Investigations of Allegations of Misconduct will be completed within a reasonable amount of time. Once the investigation has been completed, a report of the findings and any related documents will be submitted to the Assistant Chief of Administration and Planning or designee. Discipline recommendations will not be part of these reports.
 - 4.5.2 The Assistant Chief of Administration and Planning will then provide the report to the Administrative Professional Standards Group, and any others considered by the Fire Chief as necessary to determine the appropriate course of action. The disposition of each allegation (Unfounded, Exonerated, Sustained or Not Sustained) will be determined at this time.
 - 4.5.3 Any discipline administered as a result of an Allegation of Misconduct investigation will be in accordance with UFA Policy and Procedure – Discipline. If the discipline rises to the level requiring a Pre-Disciplinary Meeting, then the relevant information will be provided to the employee, and anyone designated as the employee’s representative, with the notice of the Pre-Disciplinary Meeting. At that meeting the employee will have the opportunity to express any concerns regarding the report and to provide additional relevant information that was not included in the report. If the employee has concerns about any material statements in the report, they may submit a written statement outlining those concerns to the Assistant Chief of Administration and Planning. If warranted, the report may be amended. Any employee written statements made in response to the report by the employee will be attached to the report as an addendum.
 - 4.5.4. If discipline is not administered or if the discipline administered does not rise to the level requiring a Pre-Disciplinary Meeting, the employee, and anyone designated as the employee’s representative, will still be provided with a written notice of the results of the investigation.
 - 4.5.5 When the investigation has been completed, the Assistant Chief of Administration and Planning or designee will also notify the complainant, and other appropriate parties, of the completion and of the general disposition of the findings. If UFA will be taking additional steps, such as filing an insurance claim to resolve the incident or otherwise reimbursing the complainant for damaged property, that information will also be included in the notification.

- 5.0 The Fire Chief at his discretion has the authority to request a criminal investigation by the appropriate law enforcement agency of any allegation of wrongdoing. The criminal investigation may be conducted instead of, or in addition to, any process provided for in this policy. In addition, the Fire Chief may request that an investigation be conducted by an external agency appropriate to avoid the appearance of a conflict of interest or if internal resources are not sufficient or appropriate for the investigation. In the event that a complaint alleges misconduct that is a violation of criminal law, the notification to the accused employee may be delayed if the notification will interfere with the criminal investigation. Criminal investigations should typically precede any UFA investigation; however, it does not prevent UFA from conducting a simultaneous investigation under the provisions of a Garrity Warning provided that such investigation does not interfere with the criminal investigation.
- 6.0 Any discipline will be classified as part of the employee's personnel file and will be managed and maintained in accordance with UFA Policy and Procedure – Confidentiality of Personnel Records and the [Government Records Access and Management Act UCA 63G-2-101](#) et seq. Investigative files and materials, including any files concerning allegations which were not sustained and/or did not result in any discipline, will be kept and classified separately from personnel files for the purposes of records management.
- 7.0 Any act or omission with the intent to hinder, prevent, delay, or interfere with an investigation, including any refusal to appear for, participate in, or answer questions in an investigative interview, may result in disciplinary action, up to and including termination, in accordance with UFA Policy and Procedure - Discipline.
- 8.0 Professionally licensed or certified employees involved in an investigation that are found in violation of, or cannot meet, applicable state or department standards relating to of license or certification(s) will be dealt with in accordance with UFA Policy and Procedure –Occupational Licensure and Certification Requirements.
- 9.0 Employees reporting misconduct under this policy will be governed by the provisions of the [Utah Protection of Employees Act UCA 67-21-3](#) et seq.

Replaces policy dated November 10, 2022