

	Lower Providence Emergency Medical Service Standard Operating Guidelines	
	Subject: <i>Administration- Complaint /Conduct Investigation Process</i>	SOG #100-014
		Initiated: September 2023
Approved: Chief Christopher J. Reynolds	Revised: N/A	

Description: This organization is committed to ensuring that all company-initiated investigations are conducted in a fair, impartial, thorough, thoughtful manner and in compliance with all applicable laws.

Purpose: The purpose of this policy is to provide guidance for conducting internal investigations of alleged unlawful discrimination, harassment and other violations of company policies, rules, and standards of conduct.

Procedure: Whenever a member of Lower Providence EMS (i.e., Officer, Chief, Director) receives a complaint or other information indicating a possible violation of law, PA EMS Protocol, or LPEMS rules/ guidelines; LPEMS will investigate.

Responsibility: LPEMS Management will promptly initiate an appropriate investigation into all possible violations. The Executive Director and Chief of Operations will have primary responsibility for investigating complaints relating to member misconduct.

In certain situations, legal counsel may assume responsibility for certain investigations and instruct other LPEMS personnel to gather information for the investigation. In such cases, the assigned investigator(s) will follow counsel’s instructions relating to communications and evidence to ensure that “attorney-client” and “attorney work product” privileges are preserved.

Situations to be investigated: The following list, while not all-inclusive, provides examples of the types of situations that LPEMS will investigate:

- Alleged conduct that potentially deprives a company member or third party (i.e., patient, vendor, care provider) of rights because of race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, or other characteristics protected by law.
- Alleged verbal or physical conduct that potentially denigrates or shows hostile feelings toward any individual because of race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, or other characteristics protected by law. This includes conduct that has the purpose or effect of any of the following:
 - Creating an intimidating, hostile or offensive work environment.
 - Unreasonably interfering with a member’s work performance.
- Affecting an individual’s membership status at LPEMS.
- Alleged conduct or intentional behavior that potentially violates LPEMS policy or affects the safety or well-being of fellow members, visitors, patients, care givers, or other LPEMS related activities. Such conduct includes threatening communication, physical injury, or potential

physical harm to another, aggressive or hostile action, intentional damage to company property, and possession of any weapon, regardless of government licensing.

- Claims relating to unfair labor practices.
- Conduct that violates LPEMS rules, policies or standards of conduct or the law.

Confidentiality: LPEMS investigator(s) will inform the complainant(s) that the LPEMS initiated investigation will be handled on a need-to-know basis; however, if information is learned that personnel action or legal action is required, there is a potential that disclosure of this information may occur in the process.

Retaliation: LPEMS prohibits retaliation including making threatening communication by verbal, written or electronic means against any individual who reports or provides any information concerning unlawful discrimination, harassment or other violations of company policies, rules and standards of conduct. Any member found to be engaging in retaliation will be subject to disciplinary action up to and including termination.

Investigative Timeline: LPEMS will make all reasonable efforts to initiate an investigation into the allegation(s) and conclude the investigation in a timely fashion, as appropriate.

Investigative Tasks: The following steps should be undertaken as appropriate for the investigation:

Step	Action
1.	Obtain verbal and written statements from all parties involved, including the complainant, and accused. Secure all publicly available reports from police or other agencies concerning the reporting (<i>if applicable</i>).
2.	Take photographs and review all available video recordings (<i>if applicable</i>).
3.	Preserve all evidence and secure the evidence in a locked location. Document all evidence obtained. The Executive Director will be responsible for maintaining the chain of custody for the evidence.
4.	Complete an investigation report, and provide all relevant and necessary information, including findings.

Documentation of Findings: Based on the investigation, LPEMS investigator(s) should determine whether the allegations were found, unfounded or inconclusive. This determination should be documented in writing and made part of the investigative report. The determinations are as follows:

- **Violation found:** Where a violation of LPEMS policies, workplace rules or law is found to have occurred, the accused should be notified of the finding and of the specific or corrective actions to be taken. No details about the nature or extent of disciplinary or corrective actions will be disclosed to the complainant(s) or witness(es) unless there is a compelling reason to do so (e.g., personal safety).

- **No violation found.** In this situation, the complainant and the accused should be notified that LPEMS investigated the allegation(s). No details about the nature or extent of investigation will be disclosed to the complainant(s) or witness(es).
- **Inconclusive investigation.** In some cases, the evidence may not conclusively indicate whether the allegation(s) was founded or unfounded. If such a situation occurs, the notification to the complainant and the accused should state that LPEMS completed a thorough investigation. No details about the nature or extent of investigation will be disclosed to the complainant(s) or witness(es). LPEMS will take appropriate steps to ensure that the person(s) involved understand the requirements of LPEMS's policies and applicable law, and that LPEMS will monitor the situation to ensure compliance in the future.

Retention of Investigative Records: Unless advised otherwise by legal counsel, LPEMS will retain records relative to a LPEMS initiated investigation for the greater of a period of five years or the minimum retention period required by law.

Release of Investigative Records: LPEMS will not release any investigative files, including interviews and findings, unless authorized by legal counsel or pursuant to a court-authorized request (i.e., subpoena, court order).

Notice to Government Agencies: Before notifying any government agency concerning a LPEMS initiated investigation, LPEMS's legal counsel will conduct a full review of the investigation and will determine what information, including documents, should be released to the government agency.

Disclosures to Third Parties: No LPEMS member or agent may make any disclosure to third parties (e.g., lawyers, investigators, insurance representatives, media reporters) regarding the particulars of any LPEMS initiated investigation without prior approval from LPEMS Legal Counsel and the Executive Director.

