

Ethics Committee Policy and Procedures

Purpose: To provide instruction to the Ethics Committee and the Legislative Office on the procedures to follow upon receipt of an Ethics complaint.

Section I. The Legislative Office upon request shall offer a complaint form to a Tribal Citizen. The Legislative Office upon receipt of a complaint or complaint form shall timestamp the complaint and mark the complaint with a statement on how the complaint was received by the office; i.e. mail, hand-delivered, etc and give the complaint a number that is logged within the Legislative Office records.

The Legislative Office shall then forward the complaint to the Ethics Committee members either by mail or electronic means.

The Legislative Office under direction from the Committee Chair will call a meeting of the committee. This meeting may be in person or by phone. The Committee members shall then decide whether they are going to dismiss the complaint, pursue the complaint or turn it over to the Tribal Prosecutor and shall consider the following:

- Did the complaint come from a Tribal Citizen
- Does the complaint involve a Tribal Official or Official specifically named
- Is there a specific section cited as the violation of the Rules of Conduct
- Is the complaint signed, notarized and in writing
- Does the complaint contain a clear and concise statement of the alleged actions and facts
- Are there any supporting documents that support the alleged violation

- Was the complaint filed with the Legislative Office within 60 calendar days of the alleged violation

Section II. If after the initial meeting of the Ethics Committee, it is determined that an investigation for additional facts or veracity of the facts is needed, the Ethics Committee shall develop a schedule that includes who is authorized to gather the information, what information is to be gathered and the expected time-frame, and in creating such schedule the Committee shall consider the following:

- Contacting the complainant to review the salient details of the complaint and to seek additional information, obtain the names of witnesses, and identify other documents or materials that may provide proof of facts alleged in the complaint;
- Contacting any other individuals mentioned by the complainant or referenced in the supporting documentation;
- Contacting any other person identified by the committee or other parties as sources of information.
- Obtaining any references to a report, seminar, mailing, or other materials.
- Obtaining relevant materials from a secondary source to ensure that the materials received by the Committee are accurate and authentic.
- Obtain written witness corroboration of another individual's testimony.
- Verifying references and otherwise following up on information obtained during the course of the investigation
- Seek a response from the respondent, and obtaining as much information as reasonably possible given the scope of the investigation.

This schedule may be updated as needed and shall be file with the Legislative Office.

Inquires should be made in writing if at all possible. Copies of such writings shall be kept at the Legislative Office. Any oral communications shall be summarized in writing immediately after the conversation and shall include the facts, date of contact, person(s) involved in the communication and nature of the conversation. Electronic mail may be used for certain aspects of the investigation, but should only be used minimally in matters involving confidentiality.

In contacting witnesses or seeking documentation, Committee members or designated staff should clearly identify themselves, state that they are representing the Ethics Committee, and state that the purpose of the contact is to obtain information related to the investigation of an alleged complaint.

Section III. Confidentiality

When contacting people it shall be explained that this is an investigation and no decision has been made as to whether or not any violation has occurred. It shall be emphasized that the contents of the complaint are confidential until a final determination is made by the Committee.

All communication regarding the complaint shall be confidential. Any documents related to the investigation shall be marked with the word confidential, unless the complainant or alleged violator publicly discloses the existence of a preliminary inquiry, then the Committee may publicly confirm the existence of the inquiry and, in its discretion, make public any documents which were issued to either party.

Section IV. Adjudication

Following a preliminary investigation of a complaint, the Committee would have several options:

- dismiss the complaint if no such substantial credible evidence is found;
- admonish the Official if such substantial credible evidence is found, but the alleged violation is inadvertent, technical or otherwise of de minimis in nature;

- recommend the complaint for a hearing before the Tribal Council where there is such substantial credible evidence and the matter cannot be disposed of as de minimis along with a recommendation of potential sanctions. Such sanctions may include but not limited to: censure, payment of restitution, suspension, or a combination of these, but shall not include removal for Constitutionally Mandated Official positions other than Prosecutor or Assistance Prosecutor.

Any final decision of the Committee shall be in writing and shall be submitted to Tribal Council and filed with the Legislative Office.

Section V. Frivolous Claims

If the Committee determines that the complaint filed was frivolous and the person knew it to be false, Committee may send a letter to the complainant barring them from any future complaints.

This Policy was approved by Tribal Council on:

 _____ 3-31-2016
Aaron Otto, Tribal Council Secretary Date