

## **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 one of the following by either mail or electronic means:

1. If a Complaint names a Judge or Justice, then the complaint will be sent to the Judiciary Branch.
2. If a Complaint names an Executive Commissioner, then the complaint will be sent to the Executive Branch.
3. If a Complaint names a Tribal Councilor, Tribal Chair, Vice Chair, Prosecutor(s), or Election Board members, the Complaint will be sent to the Ethics Committee.

The Legislative Office under direction from the Ethics 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 thirty (30) 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. Subpoena**

The Committee shall first send a notice to the recipient prior to issuing a subpoena. Subpoenas shall only be issued by majority vote of the Committee. The Committee will consider whether or not the person is intentionally not responding to the Committee's request or if there is a reasonable reason or excuse for not compiling with the Committee's request before issuing a subpoena.

- A. In the event where the Committee issues a Subpoena to Appear or a Subpoena to Produce, and the named person in the subpoena failed to appear or to produce the requested documents; the Committee may seek enforcement of the Subpoena with the Tribal Court.
- B. The Court may order the person who has been subpoenaed to either appear before the Committee or to produce the requested documents.
- C. The Court may also order the subpoenaed person who failed to appear before the Committee or who failed to produce documents to pay costs and/or fines.

#### **Section V. Adjudication**

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

1. Dismiss the complaint if no such substantial credible evidence is found;
2. Admonish the Official either privately or publicly if such substantial credible evidence is found, but the alleged violation is inadvertent, technical or otherwise of de minimis in nature;

