

# **Confederated Tribes of Siletz Indians Whistleblower Policy**

## **OVERVIEW**

This Policy is intended to be applicable for all governmental and business entities owned, operated, or governed by the Siletz Tribe. Upon adoption of this Policy by a resolution of Tribal Council, this Policy becomes effective for all governmental and business entities in operation that are owned, operated, or governed by the Confederated Tribes of Siletz Indians.

This Policy establishes the process under Siletz Tribal Law for a “Whistleblower,” that prohibits under specified circumstances, discrimination against an employee, vendor, Tribal member, or other related person, as retaliation for that person’s Disclosure or reporting of information related to gross mismanagement of a grant, gross waste of program funds, abuse of authority relating to administration of program or grant funds, significant personal gain through a non-disclosed or non-arm’s length transaction with the Tribe, substantial and specific danger to public health safety, or violation of applicable law, rule, Policy, or regulation of the Tribal Administration.

The central principle of this Policy is the protection of the disclosing or reporting person from retaliation for proper Whistleblower activity.

A “Whistleblower” under this Policy is an employee, vendor, member of the public, or a Tribal member of the Confederated Tribes of Siletz Indians (“CTSI”, “Tribe”, or “Organization”) who makes a Disclosure of or otherwise reports an activity which she/he reasonably regards as illegal, fraudulent, ethically improper or dishonest, or otherwise in serious violation of the Tribe’s best interests.

The Whistleblower shall not be responsible for investigating the allegedly improper activity or for determining fault or appropriate corrective measures. Managerial staff or supervisors within the Organization, and ultimately the Siletz Tribal Council and the Siletz Tribal Court shall be charged with such responsibility.

Some examples of illegal, dishonest, unethical or otherwise improper activities which shall be considered appropriate subjects of Whistleblower reporting under this Policy shall include:

- violations of federal, state, or tribal laws;
- egregious violation of CTSI manual guidance or Policy;
- fraudulent financial reporting, expense reimbursement or like misconduct done for personal or immediate family profit or gain;

- falsifying records or transactions or signatures for personal gain;
- fraud or theft or embezzlement from the Tribe or any Tribal entity;
- safety, health or environmental violations; or
- engaging in transactions that are not arm's length and/or not disclosed to Tribal Council with CTSI government or businesses that result in substantial personal gain.

The foregoing serve as examples only and other types of improper activity may be subject to Whistleblower Disclosure, reporting, investigation, and Whistleblower protection.

This Policy applies only to Disclosure or reporting of matters of illegal, seriously unethical or fraudulent nature and severity set forth in Section I below and does not apply to all grievances that an employee may have such as those related to terms of employment or those concerns that are addressed by other policies of the Organization, such as the Organization's anti-discrimination or sexual harassment policies. This Policy and its scope are confined to issues of Whistleblower reporting and the protection of those who engage in it.

EXCEPTION: In compliance with the Siletz Tribal Gaming Compact, any disclosures or reporting regarding the operations of the gaming facility authorized by the Compact, the Siletz Tribal Gaming Commission ("STGC") has primary responsibility for on-site regulation, control and oversight. Accordingly, any disclosures of the type stated in this Policy on gaming operations must initially report to the STGC and follow its complaint procedure. It is the STGC's responsibility and authority to determine if the complaint should then be reported to the Internal Audit Director as noted in this Policy. However, in doing so, the Whistleblower is still under the protection of no retribution from disclosure under this Policy.

## **I. GENERAL AND DEFINITIONS**

- A.** Any Whistleblower who, in good faith, makes a Disclosure or reports an incident or improper activity, shall not suffer retaliation in any form by the Organization or by any manager, supervisor, staff, council member, contractor, subcontractor, or agent of the Organization.
- B.** "Good faith" for purposes of this Policy, shall mean that the Whistleblower has a reasonably held belief that the Disclosure or reporting being made is true and accurate and is not being made either for personal gain or advancement, out of personal dislike or for any other improper ulterior purpose or motive.
- C.** "Retaliation" for purposes of this Policy, shall mean discharge, demotion, suspension, threatening, harassment, unfavorable treatment in hours or duties, or other form of discrimination or retribution against a Whistleblower in the details or particulars of his or her employment or relationship with the Tribe.

- D.** “Disclosure” as defined under this Policy shall be any lawful act done by the Whistleblower, which involves or constitutes:
1. Providing information, causing information to be provided, or otherwise assisting in an investigation of or concerning any activity within the Organization which the Whistleblower reasonably believes to constitute misconduct, a serious ethical violation, a violation of law, ordinance or statute, or actionable fraud, when such information, reporting, disclosure or assistance is provided to or the investigation is conducted by: 1) law-enforcement; or 2) managers, supervisors, elected officials or other agents, including designated or appointed staff within the Organization;
  2. Filing, causing to be filed, testifying at, participating in, or otherwise assisting with a proceeding or report filed or expected to be filed, relating to unlawful activity under federal, tribal or state law, or that involving allegedly illegal, egregiously improper, seriously unethical or fraudulent conduct within or affecting the Organization; or
  3. Submitting information, reporting Disclosure(s) or complaint(s) to CTSI or their managers or supervisors regarding any of the alleged violations detailed in 1. & 2. above.
- E.** “Responsible Official” in this Policy means either the Director of Internal Audit or Tribal Council member to whom the Disclosure is made and is required to evaluate and investigate the Disclosure under Section VI of this Policy.

## **II. PURPOSE**

CTSI has adopted this Policy in order to:

- A.** Encourage Disclosure and investigation of improprieties before they can disrupt the business or operations of the Organization or lead to serious harm or loss;
- B.** Promote a climate of accountability with respect to the Organization’s resources, including its human capital; and
- C.** Ensure that no individual shall suffer any disadvantage, discrimination or other adverse consequence whatsoever, as a result of lawfully, properly and in good faith and conscience, raising legitimate legal or ethical concerns.

### **III. PROTECTION OF WHISTLEBLOWER**

This Policy provides protection from retaliation for employees, vendors, Tribal members, and others related to the Whistleblower, who makes any Disclosure under this Policy. Any acts of retaliation against a Whistleblower making such a Disclosure shall be treated by the Organization as a serious violation of Tribal Policy and could result in action, including discharge, of the violating or retaliating employee(s), or termination of services of contractors, subcontractors or agents.

### **IV. CONFIDENTIALITY OF DISCLOSURE**

- A.** CTSI and its related entities will treat all Disclosures as confidential and will keep confidential the identity of any individual making a Disclosure under this Policy until a formal investigation is commenced. Thereafter, the identity of the Whistleblower making the Disclosure will be kept confidential if requested, unless such confidentiality is incompatible with a fair investigation, or unless there is an overriding reason for identifying or otherwise disclosing the identity of the Whistleblower making the Disclosure, or unless Disclosure of the identity of the Whistleblower is required by law.
- B.** Where disciplinary proceedings are invoked against any Whistleblower as a result of a Disclosure under this Policy, CTSI may require that the name of the person making the Disclosure be privately revealed to the person subject to such proceedings. This shall be a determination left to the discretion of the Tribal Council, the General Manager or Tribal Court.
- C.** CTSI encourages Whistleblowers to put their name to any Disclosure they make, but any Whistleblower may also make anonymous Disclosure pursuant to the procedures set forth below. In responding to an anonymous Disclosure, the Organization will pay due regard to fairness to any individual named in the Disclosure, the seriousness of the issue raised, the credibility of the information or allegations in the Disclosure, and the prospect of an effective investigation. Investigations will be conducted as quickly as possible, taking into account the nature and complexity of the Disclosure and the issues raised.

### **V. UNSUBSTANTIATED ALLEGATIONS**

- A.** If a Whistleblower makes a Disclosure in good faith (Section I. B.) pursuant to this Policy and the facts alleged are not confirmed by a subsequent investigation, no action will be taken against the Whistleblower making the Disclosure.
- B.** In making a Disclosure, a Whistleblower should exercise due care to ensure the truth and accuracy of the information disclosed. When the Disclosure made pursuant to this Policy is not substantiated, the conclusion of the investigation

will be made known both to the person who made the Disclosure and to the person(s) against whom any allegation was made in the Disclosure.

## **VI. PROCEDURE FOR MAKING A DISCLOSURE**

- A.** Any Disclosure made by a Whistleblower to the Organization under this Policy may be submitted anonymously or by self-identification to a Responsible Official listed below, as appropriate under the circumstances:
1. to the Tribe's Internal Audit Department Director; or
  2. a Tribal Council Member if the Disclosure is being made against an employee of the Tribe's Internal Audit Department.
  3. to the STGC under the complaint procedures as noted in the STGC Regulations if the disclosure is to be made regarding the gaming operation (except if such disclosure involves STGC personnel, in which case the disclosure would be directed to the Tribe's Internal Audit Director). Subsequently, for a gaming disclosure, depending on the circumstance, the STGC may or may not involve the Internal Audit Department Director for further investigation.
- B.** Information that will need to be provided includes the following:
1. Describe what happened (the web portal has a series of questions regarding the concern so there is enough information to make a determination of merit or how to further proceed. Additionally, a printable form is available on the CTSI website asking for the same information if a handwritten form is prepared); and
  2. Provide contact information so the matter can be discussed confidentially, unless anonymity is desired.
- C.** Upon receiving a Disclosure, the Responsible Official shall immediately determine a course of action for an investigation, if any is deemed appropriate. Depending on the level or manner or circumstances of the alleged impropriety, the Internal Audit Director may inform the General Manager or Human Resources of the matter to discuss further steps, as the Internal Audit Department may need assistance in an investigation. In doing so, the Whistleblower may still remain unknown to any subsequently informed parties. The Responsible Official must document in writing the findings of the investigation including a decision that an investigation is not warranted.
- D.** Following an investigation and upon due consideration, whereupon that Disclosure is found to be without merit, the matter shall be dismissed and the Whistleblower informed of the decision and the reasons for such dismissal.

- E.** If it is determined that the allegation(s) or issue(s) stated in the Disclosure have merit, the matter shall be dealt with in accordance with the Organization’s other policies, procedures and ordinances, or as otherwise may be deemed appropriate according to the nature of the matter. The outcome of the investigation will be reported to the Tribal Council and to all involved employees, if any.
- F.** If the Whistleblower is making the Disclosure anonymously, the Disclosure shall be treated confidentially as provided in this Policy. As a result, anonymous Disclosure means the Whistleblower may not know 1) if an investigation was performed and/or 2) the outcome(s) of any investigation. Lastly, anonymous Disclosure means the protections of this Whistleblower Policy may not apply.
- G.** For reporting to the Internal Audit Director, use the following mechanisms:
1. A direct confidential phone number voice mail at 541-444-TELL (8355) ;
  2. A secure web portal fill in form that can be used to report at www.ctsi.nsn.us/Whistleblower ;
  3. An email to Whistleblower@ctsi.nsn.us ; or
  4. A written letter clearly marked “Confidential” to:  
Internal Audit Director  
2120 NW 44th St. Suite E  
Lincoln City, OR 97367
- H.** The information provided through all four of the reporting mechanisms in (G) above is designed to only be accessible by the Internal Audit Director.
- I.** If the Disclosure is being made against an employee of the Tribe’s Internal Audit Department, the options in (G) above would not be appropriate; only informing a Tribal Council Member personally would be appropriate. In such an event, if the Disclosure is made to a Council member other than the Tribal Chairman, the Council member who received the Disclosure will immediately notify the Tribal Council Chairman of the Disclosure. The Tribal Chairman will notify the rest of the Council of the Disclosure and designate a Responsible Official to conduct the investigation of the Disclosure. The Responsible Official appointed pursuant to this provision shall follow the process set forth in this Policy to investigate the Disclosure.

## **VII. ANNUAL REVIEW AND REPORTING**

The Internal Audit Department Director shall report to the Tribal Council at established intervals, no less than annually:

- A.** the number, nature, and brief description of Disclosures made through the reporting mechanisms and under this Policy;
- B.** the status of the investigations conducted in response to those Disclosures; and
- C.** the outcome(s) of those investigations, including any personnel action(s) or other sanction(s) implemented.