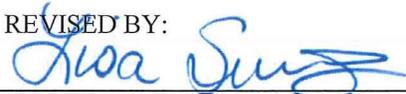


ONEIDA NATION	TITLE: Complaint Process for Direct Reports to the Business Committee	ORIGINATION DATE: 11/26/2012 REVISION DATE: 1/19/2015 9/23/2015 4/26/2017 EFFECTIVE DATE: Upon OBC approval
DIVISION: Non-Divisional		
DEPARTMENT: Oneida Business Committee	APPROVED BY: <i>Oneida Business Committee</i> See Attached OBC Meeting Minutes	DATE: 4/26/2017
REVISED: Lisa Summers, Secretary	REVISED BY: 	DATE: 4/26/2017
PAGE NO: 1 of 6 PRD # 1267: Assigned by PRO	REVIEWED BY: <i>Compliance Review Team</i> 	DATE: 6-13-17

1.0 PURPOSE

To create a standardized process for handling complaints for employees who are direct reports to the Oneida Business Committee (OBC) and are not OBC staff, nor Political Appointees.

This procedure is in alignment with the Oneida Personnel Policies and Procedures, OBC Resolution # 11-26-14-C, and is a predecessor to the procedures “Disciplinary Process for Direct Reports to the Business Committee”.

2.0 DEFINITIONS

- 2.1 Business Day: Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding holidays, weekends, ½ days.
- 2.2 Designee: A person who has been assigned duties by the OBC.
- 2.3 Direct Reports: An Employee of the Oneida Nation who reports directly to the OBC as defined in resolution BC-11-26-14-C, “Correcting Resolution BC-10-22-14-A Setting Supervision and Management of Direct Reports to OBC.”
- 2.4 Oneida Business Committee Officers: Shall mean the Chairperson, Vice Chairperson, Treasurer, and Secretary.
- 2.5 Political Appointee: A full or part-time employee of the Oneida Business Committee whose position was filled through the political appointment process.

3.0 PROCEDURES

Receiving a Complaint

- 3.1 All complaints must be written and addressed to the OBC.
- 3.2 Any member of the OBC may accept complaints.
- 3.3 All complaints must be delivered to the Secretary for processing.
- 3.4 Within two (2) business days, the Secretary shall:
 - 3.4.1 Use stampers to acknowledge the receipt of the complaint:
 - 3.4.1.1 Stamp “confidential” on each page, at the top of the document.
 - 3.4.1.2 Stamp the month/day/year received on each page of the document.
 - 3.4.2 Submit a copy of the complaint to each member of the OBC.
 - 3.4.3 Create a master complaint file.
 - 3.4.4 Submit the complaint to the master complaint file.
- 3.5 The Secretary shall add the complaint to the next OBC meeting agenda in Executive Session in order for the OBC to review the complaint and to determine if the complaint has merit.
 - 3.5.1 The Secretary shall contact the complainant and provide them a date and time to meet with the OBC to discuss their complaint during the Executive Session discussion.
- 3.6 If the complaint is determined to have no merit, the OBC shall make a motion to reflect this decision.
 - 3.6.1 Upon this decision, the complaint is considered closed.
 - 3.6.2 The Secretary shall submit a copy of the meeting minutes with this motion to the master complaint file.
 - 3.6.3 Within two (2) business days of the motion, the Secretary shall:
 - 3.6.3.1 Provide the complainant with written response indicating the complaint is closed.
 - 3.6.3.2 Submit a copy of the written response to the master complaint file.
- 3.7 If the complaint is determined to have merit, the OBC shall make a motion assigning three (3) OBC members to investigate the complaint.
 - 3.7.1 The OBC may authorize a designee, or multiple designees. if needed due to recusal of OBC members from the investigation.
 - 3.7.1.1 If designee(s) are required, the OBC shall make a motion to reflect this decision.
 - 3.7.2 The Secretary shall submit a copy of the meeting minutes with this motion to the master complaint file.

- 3.7.3 Within two (2) business days of the motion, the Secretary shall:
 - 3.7.3.1 Provide the complainant with written notice that the complaint is under investigation.
 - 3.7.3.2. Submit a copy of the written notice to the master complaint file.

Investigating a Complaint

- 3.8 The assigned OBC members, or designee(s), shall work together, in confidence, to investigate the complaint.
 - 3.8.1 Review the complaint to gain a background on the issue(s) presented.
 - 3.8.2 Determine what relevant information is still needed relating to the complaint.
 - 3.8.3 Initiate the investigation based on additional information that is needed.
 - 3.8.4 Develop and agree to a list of questions which must be answered.
 - 3.8.5 Develop a list of people, including the complainant, to interview.

- 3.9 The assigned OBC members, or designee(s), shall make every attempt to conclude the investigation, within forty-five (45) calendar days.
 - 3.9.1 If the investigation is not concluded in forty-five (45) days, the assigned OBC members will provide a status update to the OBC in Executive Session.

- 3.10 Upon the conclusion of the investigation, the assigned OBC members, or designee(s), shall submit a written report to the Secretary. The written report shall include:
 - 3.10.1 a summary of the complaint,
 - 3.10.2 investigation methodology,
 - 3.10.3 results of the investigation, and
 - 3.10.4 recommended action.

- 3.11 The Secretary shall submit the written report to the master complaint file.

- 3.12 The Secretary shall add the written report to the next OBC meeting agenda in Executive Session after conclusion of the investigation.

- 3.13 The OBC shall review the written report.
 - 3.13.1 The OBC shall accept the written report.
 - 3.13.1.1 Upon acceptance of the written report, the complaint shall be considered closed.
 - 3.13.2 The OBC may:
 - 3.13.2.1 approve the recommended action(s);
 - 3.13.2.2 modify the recommended action(s); or,
 - 3.13.2.3 reject the recommended action(s).
 - 3.13.3 When appropriate, OBC Officer(s) will be designated to follow through on approved action(s) that are outlined in the OBC SOP entitled “Disciplinary Process for Direct Reports to the Business Committee”.

- 3.14 Within two (2) business days of the motion to accept the written report, the Secretary shall:
 - 3.14.1 Provide the complainant with written response indicating the complaint is closed.
 - 3.14.2 Submit a copy of the written response to the master complaint file.

Duties and Responsibilities for investigation

- 3.15 OBC members assigned to an investigation, their designee(s), shall:
 - 3.15.1 Conduct themselves in accordance with the approved complaint process and may work with the Human Resource Department if additional assistance is required.
 - 3.15.2 Recuse themselves if a real or perceived conflict of interest exists in accordance with the Conflict of Interest Policy and the Code of Ethics Law.

4.0 RECORDS

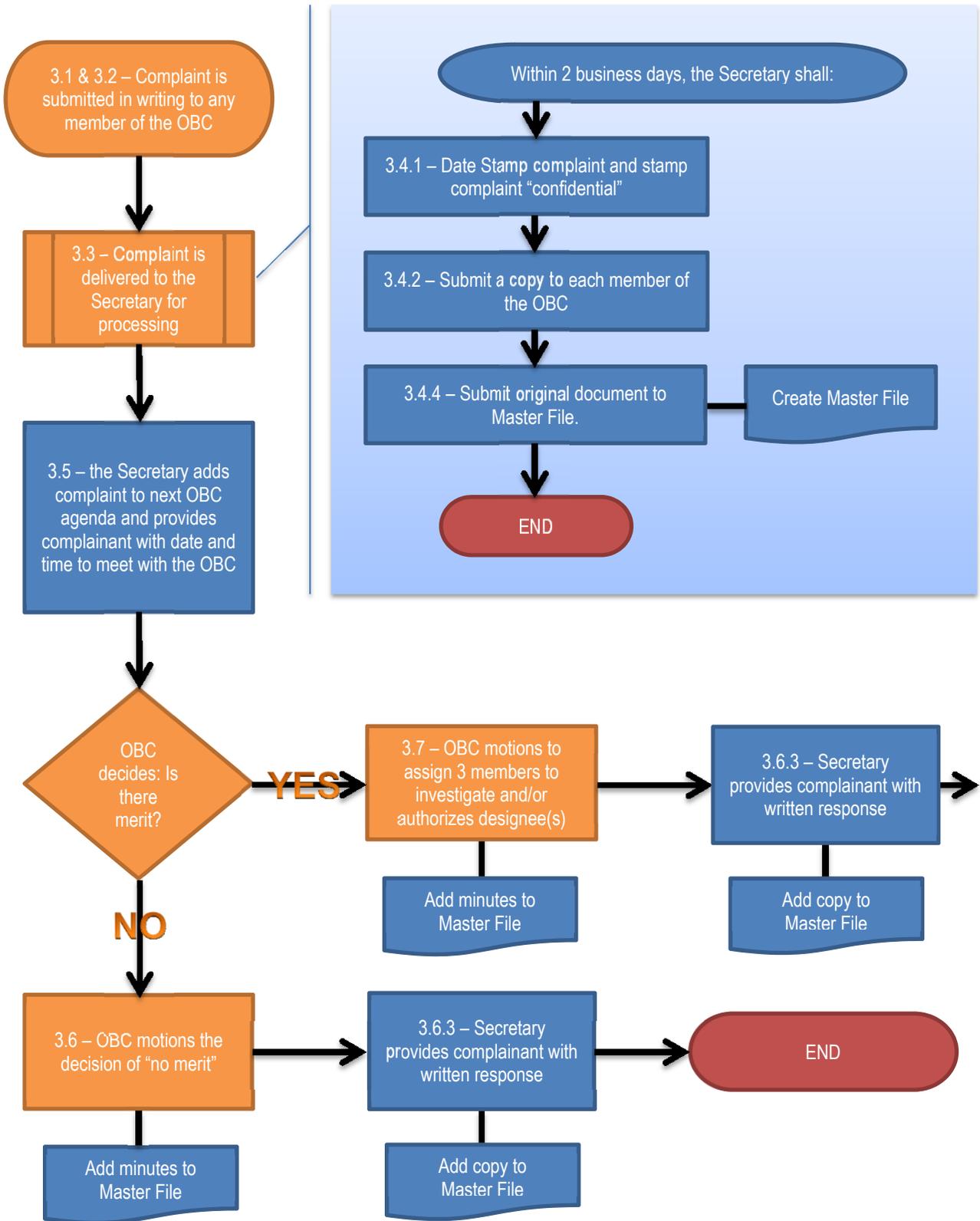
- 4.1 Record Maintenance
 - 4.1.1 Complaint records shall be maintained by the Secretary.
 - 4.1.2 Complaint records will be made available for OBC review within a reasonable amount of time, upon request.
 - 4.1.3 Records shall be held in accordance with the Open Records and Open Meetings Law.

6.0 REFERENCES

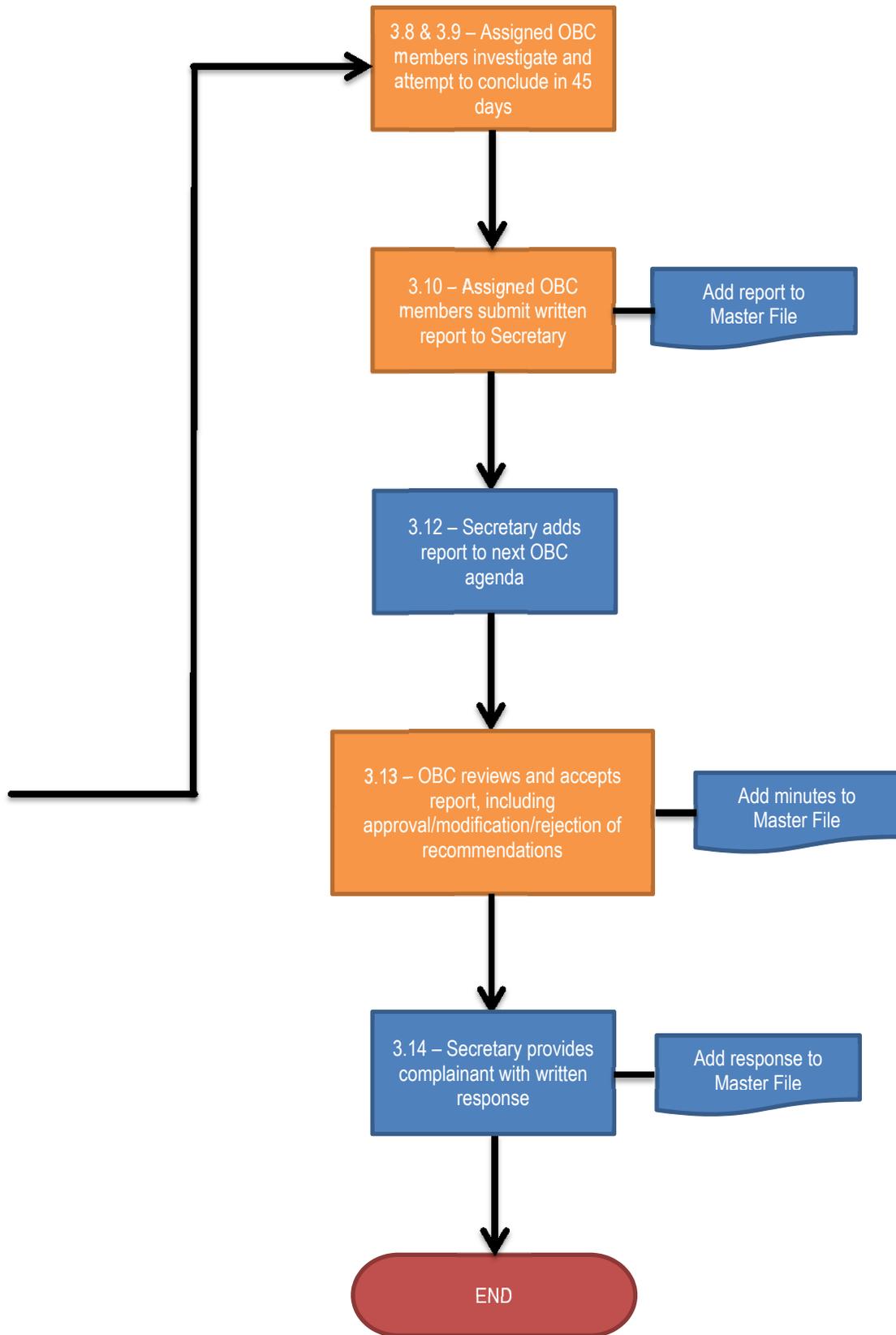
- 6.1 Human Resources Memorandum dated 11-21-01
- 6.2 Human Resources Area Manager Interpretation dated 12-09-11
- 6.3 Personnel Policies & Procedures, Section V.D
- 6.4 Resolution BC-11-26-14-C
- 6.5 OBC SOP - Disciplinary Process for Direct Reports of the Business Committee

7.0 FLOW CHART

Complaint Process for Direct Reports to the Business Committee FLOWCHART



Complaint Process for Direct Reports to the Business Committee FLOWCHART



C. Approve recommendation to appoint Carol Silva and Benjamin Skenandore to Oneida Nation Veterans Affairs Committee (00:56:32)

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Brandon Stevens to defer the recommendations to the Oneida Nation Veterans Affairs Committee back to the Tribal Chair's Office to confirm her recommendations, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Brandon Stevens, Jennifer Webster
Not Present: Tina Danforth, David Jordan, Trish King, Lisa Summers

Treasurer Trish King returns at 9:30 a.m.

D. Approve request to reconsider appointment to Oneida Child Protective Board (00:57:42)

Chair: Dale Powless
Liaison: Lisa Summers, Tribal Secretary

Motion by Trish King to accept the recommendation by the Chairwoman for the Oneida Child Protective Board, respectfully understanding the request of the Oneida Child Protective Board recommendation, seconded by Jennifer Webster. Motion carried with one abstention:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Jennifer Webster
Abstained: Brandon Stevens
Not Present: Tina Danforth, David Jordan, Lisa Summers

IX. NEW BUSINESS

A. Review request regarding FY '17 Trade Back for Cash (1:10:50)

Sponsor: Geraldine Danforth, Area Manager/Human Resources

Motion by Tehassi Hill to adopt resolution # 04-23-17-D Authorization of 40 Hours of Trade Back For Cash for Fiscal Year 2017, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Jennifer Webster
Not Present: Tina Danforth, David Jordan, Lisa Summers

B. Accept memorandum regarding Executive Director position of the Great Lakes Inter-Tribal Council, Inc. (GLITC) as information (1:25:45)

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Jennifer Webster to accept memorandum regarding Executive Director position of the Great Lakes Inter-Tribal Council, Inc. (GLITC) as information, seconded by Trish King. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Jennifer Webster
Not Present: Tina Danforth, David Jordan, Lisa Summers

C. Approve revised OBC Standard Operating Procedure entitled Complaint Process for Direct Reports to the Business Committee (1:26:33)

Sponsor: Lisa Summers, Tribal Secretary

Motion by Tehassi Hill to approve the revised OBC Standard Operating Procedure entitled Complaint Process for Direct Report to the Business Committee, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Jennifer Webster
Not Present: Tina Danforth, David Jordan, Lisa Summers