

**Confederated Tribes of Siletz Indians
Whistleblower Policy**

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I. DEFINITIONS

- A. **Disclosure** – providing information to the Responsible Official believed to be illegal, seriously unethical, or an egregious policy violation.
- B. **Egregious Policy Violation** – violation of the Organization’s policy or guidance (e.g., not afforded the opportunity to appeal a termination in accordance with the established policies and procedures). As used in this policy, the egregious nature of the disclosure will be determined by the Responsible Official.
- C. **Good Faith** – Whistleblower has a reasonably held belief that the Disclosure is true and accurate and is not being made for personal gain, out of personal dislike or for any other improper ulterior purpose.
- D. **Investigation Team** – individual(s) selected by the Responsible Official to assist in performing the investigation. The Investigation Team may or may not include individual(s) from the Review Team.
- E. **Organization** – all entities within the Confederated Tribes of Siletz Indians.
- F. **Partially Substantiated** – the investigation determined that not all allegations in the Disclosure were substantiated; however, either part of the Disclosure or information related to the Disclosure warranted a recommendation.
- G. **Responsible Official** – the Internal Audit Director or Tribal Council member to whom the Disclosure is made and is required to evaluate and investigate the Disclosure.
- H. **Retaliation** – actions such as discharge, demotion, suspension, threatening, harassment, or unfavorable treatment against the Whistleblower, where the cause is determined to be a direct result of their Disclosure.
- I. **Review Team** – individual(s) selected by the Responsible Official to consult with to determine if the Disclosure warrants an investigation.
- J. **Seriously Unethical** – behavior that may not be a violation of written policies or law but is morally wrong (e.g., engaging in transactions with the Organization that are not arm’s length and/or not disclosed to Tribal Council that result in substantial personal gain). As used in this policy, the serious nature of the Disclosure will be determined by the Responsible Official.
- K. **Substantiated** – the investigation determined the Disclosure was accurate and recommendations were made to address the issue(s).
- L. **Illegal** – violations of federal, state, or tribal laws. Including but not limited to theft, embezzlement, fraud, or health and safety violations.
- M. **Unsubstantiated** – the investigation was unable to corroborate the Disclosure.
- N. **Whistleblower** – an employee, vendor, member of the public, or a Tribal member of the Confederated Tribes of Siletz Indians who makes a Disclosure.

II. PURPOSE

CTSI has adopted this Policy to:

- A. Encourage **Disclosure**¹ 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 be retaliated against as the result of making a **Good Faith** Disclosure.

III. OVERVIEW

Upon adoption of this Policy by a resolution of Tribal Council, this Policy becomes effective for all entities that are owned, operated, or governed by CTSI.

This Policy establishes the process under Siletz Tribal Law for a **Whistleblower**, that prohibits discrimination against an employee, vendor, Tribal member, or other related person, as **Retaliation** for that person's Disclosure.

The Whistleblower shall not be responsible for investigating the Disclosure, determining fault, or appropriate corrective measures. The **Responsible Official** will conduct the investigation and determine if the Disclosure is **Substantiated**, **Partially Substantiated**, or **Unsubstantiated**. Although the Responsible Official does not have authority to implement corrective action, recommendations will be provided to management to resolve the matter. Managerial staff or supervisors within the Organization, and ultimately the Siletz Tribal Council and the Siletz Tribal Court shall be responsible for ensuring appropriate corrective action is taken.

IV. ELIGIBLE DISCLOSURE

This policy applies to Disclosures that are believed to be **Illegal**, **Seriously Unethical**, or an **Egregious Policy Violation** and does not apply to all complaints. For example, Organizations have policies and procedures to address matters such as a hostile work environment (e.g., sexual harassment or discrimination). Prior to submitting a Whistleblower Disclosure for an Egregious Policy Violation, please allow the Organization's established policies and procedures the opportunity to resolve the matter.

EXCEPTION: In compliance with the Siletz Tribal Gaming Compact, Indian Gaming Regulatory Act and National Indian Gaming Commission 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 be reported to the STGC to follow its complaint procedure. STGC's responsibility and authority is to determine if the complaint is regulatory. If it is regulatory, it will be processed through STGC's Direct Reporting Regulation. However, in doing so, the Whistleblower is still under the protection of no retribution from disclosure under this Policy. If it is determined to be non-

¹ **Bold blue font** indicates the word is hyperlinked.

regulatory, STGC will immediately inform the Responsible Official and it will be turned back over to be processed through the Whistleblower Policy.

V. CONFIDENTIALITY OF DISCLOSURE

- A.** The Organization will treat all Disclosures as confidential unless such confidentiality is incompatible with a fair investigation or required by law.
- B.** Where disciplinary proceedings are invoked against any subject of a Disclosure as a result of 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 Siletz 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.

VI. PROCEDURE FOR MAKING A DISCLOSURE

- A.** Any Disclosure made by a Whistleblower under this Policy may be submitted to a Responsible Official listed below, as appropriate under the circumstances:
 - 1.** to the Tribe’s Internal Audit Director; or
 - 2.** a Tribal Council Member if the Disclosure is being made against an employee of the Tribe’s Internal Audit Department; or
 - 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 Responsible Official for further investigation.
- B.** Information that will need to be provided for the Responsible Official to determine appropriate processing includes:
 - 1.** Completion of the Whistleblower Reporting form that provides details of the Disclosure.
 - I.** An alternative is to contact the Responsible Official and they can complete the Whistleblower Reporting form based on correspondence with the Whistleblower.
- C.** For reporting to the Internal Audit Director, use the following mechanisms:
 - 1.** A direct confidential phone number voice mail at **541-444-8355**;
 - 2.** The Whistleblower Reporting form at www.ctsi.nsn.us;

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

- D. The information provided through all four of the reporting mechanisms in (C) above is designed to only be accessible by the Internal Audit Director.
- E. If the Disclosure is being made against an employee of the Tribe’s Internal Audit Department, the options in (C) 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. PROCEDURE FOR PROCESSING A DISCLOSURE

- A. Upon receiving a Disclosure, the Responsible Official shall determine a course of action in a timely manner. The Responsible Official may use a **Review Team** to help determine if the Disclosure warrants an investigation. One of the following courses of action will be taken:
 1. **Dismissal of Disclosure:** If a Disclosure is reviewed and determined that an investigation is not warranted, it will be dismissed (e.g., Disclosure is determined to be ineligible under this policy, lacks specific details or previously investigated). If contact information was provided, the Whistleblower will be notified in writing as to the reason why the Disclosure was dismissed.
 2. **Investigation of Disclosure:** Disclosures determined eligible under the **ELIGIBLE DISCLOSURE** section of this policy will be investigated to determine if they are Substantiated, Unsubstantiated or Partially Substantiated. Investigations will be conducted as quickly as possible, taking into account the nature and complexity of the Disclosure and the issues raised.

If necessary and possible, the Responsible Official may obtain additional clarification from the Whistleblower regarding the Disclosure, prior to determining the appropriate course of action.

VIII. INVESTIGATING DISCLOSURE

- A. Depending on the level, manner or circumstances of the alleged impropriety, the Responsible Official may inform Organization management of the matter to

discuss further steps in an investigation. In doing so, the Whistleblower may still remain unknown to any subsequently informed parties.

- B.** The Responsible Official may utilize an **Investigation Team** to assist with the investigation.
- C.** The Responsible Official must document in writing the results of the investigation including a decision that the allegation was: 1) Substantiated; 2) Partially Substantiated; or 3) Unsubstantiated.

IX. INVESTIGATION REPORTING

- A.** The outcome of the investigation will be reported in writing to Tribal Council and to appropriate personnel determined by the Responsible Official to ensure issues, if any, are addressed.
- B.** If contact information was provided, the Whistleblower will be notified in writing whether the investigation determined their Disclosure to be Substantiated, Partially Substantiated or Unsubstantiated. As a matter of confidentiality for all parties involved, the Whistleblower will not be given information as to the recommendation and or final results (e.g., consequence, if any) of that recommendation.

X. SUBSTANTIATED CLASSIFICATION PROCESS

The below communication process has been established for a Substantiated Disclosure investigation classification, when the Whistleblower is the subject of the Disclosure (e.g., the Whistleblower claims they were wrongfully terminated):

- A.** The Organization will contact the Whistleblower within 7 days of the investigation report date.
- B.** The Organization will determine appropriate corrective action.
- C.** The Organization will provide the Whistleblower with written corrective action within 21 days of the investigation report date.
- D.** If the Whistleblower is not satisfied with the proposed corrective action, the next step is to take the matter to the Siletz Tribal Court.

When the Whistleblower is not the subject of the disclosure (e.g., the Whistleblower claims that a CTSI employee is embezzling from the Organization), the memo detailed in the **INVESTIGATION REPORTING** section will be the final correspondence the Whistleblower receives.

XI. PROTECTION OF WHISTLEBLOWER

In making a Disclosure, a Whistleblower should exercise due care to ensure the truth and accuracy of the information disclosed. This Policy provides protection from retaliation for employees, vendors, Tribal members, and others related to the Whistleblower, who makes any Disclosure under this Policy, which is determined to be in Good Faith. 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); termination of services of contractors, subcontractors or agents. Because their identity is unknown, an anonymous Whistleblower may forfeit the protection of this policy. If the Whistleblower feels they have been retaliated against for submitting a Disclosure, the following process shall be followed:

- A. The Retaliation will be treated as a new Disclosure and will follow the processes outlined above in:
 - 1. **PROCEDURE FOR MAKING A DISCLOSURE**
 - I. The Retaliation form can be found on the CTSI website.
 - 2. **PROCEDURE FOR PROCESSING A DISCLOSURE**
 - 3. **INVESTIGATING DISCLOSURE**
 - 4. **INVESTIGATION REPORTING**
 - 5. **SUBSTANTIATED CLASSIFICATION PROCESSING**

XII. ANNUAL REVIEW AND REPORTING

The Internal Audit Director shall report a summary of Disclosures 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.