



St. Regis Mohawk Tribe

Chief James W. Ransom
Chief Monica M. Jacobs
Chief Mark H. Garrow
Sub-Chief Ron LaFrance Jr.
Sub-Chief Pamela D. Brown
Sub-Chief Stacy A. Adams

TRIBAL COUNCIL RESOLUTION

TCR 2009- 62

THE SAINT REGIS MOHAWK TRIBE Whistleblower Policy

WHEREAS, the Saint Regis Mohawk Tribal Council is the duly recognized governing body of the Saint Regis Mohawk Tribe; and

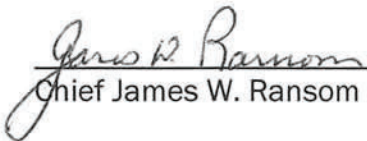
WHEREAS, the Tribal Council is responsible for promoting the health, safety, education and general welfare of all community members; and

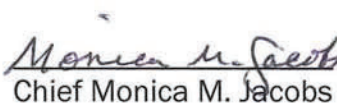
WHEREAS, the Tribal Council recognizes the need to promote a climate of accountability with respect to Tribe resources and to ensure that no employee should feel at a disadvantage in lawfully raising legitimate concerns; and

WHEREAS, the Tribal Council possesses inherent legislative authority to adopt policies, ordinances or regulations in the best interest of the St. Regis Mohawk Tribe.

NOW THEREFORE BE IT RESOLVED, the Saint Regis Mohawk Tribal Council hereby adopts the "Whistleblower Policy."

SAINT REGIS MOHAWK TRIBAL COUNCIL

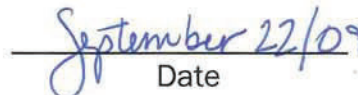

Chief James W. Ransom


Chief Monica M. Jacobs


Chief Mark H. Garrow

Certification: *This is to certify that the above resolution was duly passed by the Saint Regis Mohawk Tribal Council pursuant to the authority vested therein.*


Corleen Jacco, Tribal Clerk


Date

**ST. REGIS MOHAWK TRIBE
WHISTLEBLOWER POLICY**

I. GENERAL POLICY

- A. Any employee who, in good faith, makes a disclosure shall not incur retaliation from the Tribe or any officer, employee, contractor, subcontractor or agent of the Tribe.
- B. "Good faith" means that the employee has a reasonably held belief that the Disclosure being made is true and is not being made for personal gain or for other ulterior motive.
- C. "Retaliation" means discharge, demotion, suspension, threatening, harassment, or discrimination against an employee in the terms and conditions of his or her employment.
- D. A "Disclosure" is any lawful act done by the employee to:
 - 1. Provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the employee reasonably believes constitutes fraud when the information or assistance is provided to or the investigation is conducted by law-enforcement or the Tribe;
 - 2. File, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed or about to be filed relating to fraud; or
 - 3. Submit information or a complaint to the Tribe regarding accounting, internal accounting controls, or auditing matters.

II. PURPOSE

The Tribe has adopted this policy in order to:

- A. Encourage disclosure and investigation of improprieties before they can disrupt the business or operations of the Tribe or lead to serious loss;
- B. Promote a climate of accountability with respect to Tribe resources, including its employees; and
- C. Ensure that no employee should feel at a disadvantage in lawfully raising legitimate concerns.
- D. This policy applies only to the matters set forth in Section I above 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 Tribe such as anti-discrimination or sexual harassment.

III. PROTECTION OF EMPLOYEES

This policy offers protection from retaliation to employees who make any Disclosure under this policy. Any acts of retaliation against an employee making such a Disclosure shall be treated by the Tribe as a serious violation of Tribal policy and could result in action, including discharge of employees, or termination of services of contractors, subcontractors, subcontractors or agents.

IV. CONFIDENTIALITY OF DISCLOSURE

- A. The Tribe will treat all Disclosures by employees as confidential. The Tribe will keep confidential the identity of any employee making a Disclosure under this policy until a formal investigation is commenced. Thereafter, the identity of the employee making the Disclosure may 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 employee making the Disclosure, or unless disclosure of the identity of the employee is required by law.
- B. Where disciplinary proceedings are invoked against any individual as a result of a Disclosure under this policy, the Tribe may require that the name of the person making the Disclosure be disclosed to the person subject to such proceedings.
- C. The Tribe encourages employees to put their name to any Disclosure they make, but any employee may also make anonymous Disclosure pursuant to the procedures set forth below. In responding to an anonymous Disclosure, the Tribe 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 an employee makes a Disclosure in good faith pursuant to this policy and any facts alleged are not confirmed by subsequent investigation, no action will be taken against the employee making the Disclosure.
- B. In making a Disclosure, an employee should exercise due care to ensure the accuracy of the information disclosed. Where alleged facts disclosed pursuant to this policy are not substantiated the conclusions 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. The finding that the allegations were not substantiated will be made a part of the record.

VI. PROCEDURE FOR MAKING A DISCLOSURE

- A. Any Disclosure made by an employee to the Tribe under this policy must be submitted to one of the following as appropriate:
 - 1. to the employee's immediate supervisor or the supervisors' superior;
 - 2. to General Counsel
 - 3. to the Chief Financial Officer;

4. to the Director of Administration; or
 5. anonymously, in writing to any of the above.
- B. Upon receiving a Disclosure, the person receiving such Disclosure shall immediately deliver a copy of the Disclosure to the Chief Financial Officer and the Director of Administration. The Director of Administration shall retain a log of Disclosures and a file for each Disclosure, which file shall be maintained in a secure location to protect the confidentiality of the Disclosure.
- C. Following investigation by the Director of Administration (or her designee), upon consultation with the Chief Financial Officer, General Counsel and/or other appropriate individuals determines that the concern, complaint, issue, or facts raised or alleged in any Disclosure are without merit, the matter shall be dismissed and the employee informed of the decision and the reasons for such dismissal. If it is determined that the allegation(s) or issue(s) covered in the Disclosure have merit, the matter shall be dealt with in accordance with this policy, the Tribe's other policies and procedures, and/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 the Employee.
- D. If the employee is making the Disclosure anonymously, the Disclosure shall be treated confidentially as provided in this policy.

VII. ANNUAL REVIEW AND REPORTING

The Director of Administration shall quarterly report to the Tribal Council (i) the number and nature of Disclosures made; (ii) the number and status of the investigations conducted in response to the Disclosures; and (iii) the outcome of the investigations.

VIII. EFFECTIVE DATE

This policy is effective upon adoption by the St. Regis Mohawk Tribal Council and remains effective, in its entirety, until otherwise revised or removed. This policy replaces any and all previous published policies; relating to this subject.

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