



MENOMINEE INDIAN TRIBE OF WISCONSIN

P.O. Box 910
Keshena, WI 54135-0910

Menominee Indian Tribe of Wisconsin

General Complaint Policy

1. **What is the purpose of this policy?** This policy provides individuals with a means to report suspected employee misconduct or to express their dissatisfaction with the customer service provided by the Tribe and its employees. Doing so, it is hoped, will enhance the relationship between the community and the Tribe by fostering an atmosphere of confidence and trust, reduce waste or workflow inefficiencies, and/or reduce employee misconduct. This policy will replace the "Reporting Improper Activities and Protection Against Retaliation Policy" adopted by the Legislature on April 18, 2002.
2. **Who can file a complaint under this policy?**
 - 2.01 Except as provided for below, any person who is the object of, witnesses, or has direct knowledge of, employee misconduct or unprofessionalism may file a complaint under this policy.
 - 2.02 The following persons are **not** eligible to file a complaint under this policy:
 - A. An employee experiencing unresolved difficulties with his/her immediate supervisor for which the Constructive Dispute Resolution policy (1) provides a means for the employee to address such difficulties, or (2) limits or restricts the employee from addressing them using the Constructive Dispute Resolution policy (e.g. in cases involving layoffs, demotions, evaluations, assignments, etc.); or
 - B. A person who is not the object of, personally witnessed, or lacks direct knowledge of employee misconduct or unprofessionalism; or
 - C. A person who has or will be submitting a complaint under the Menominee Preference In Hiring ordinance, Ordinance No. 82-10; or
 - D. A person who has a complaint against a department which has its own complaint process.
3. **How do I file a complaint?** You have to obtain and fill out a Complaint Initiation Form and send it to the Tribe in the manner and in the time period set forth in this policy. Oral complaints and written complaints that are not submitted on the Complaint Initiation Form are not subject to processing under this policy but may be handled informally. Refer to Section 19 below for more details regarding the processing of Informal Complaints.
4. **Where can I get a copy of the Complaint Initiation Form?** A copy of the Complaint Initiation Form is attached to this policy. You can also obtain a copy of the Complaint Initiation Form from the Tribe's website, intranet site, or from the Tribal Offices Headquarters Building or Gordon Dickie Family Investment Center (FIC building). Management reserves the right to modify the Complaint Initiation Form at any time.
5. **How do I fill out the Complaint Initiation Form?**
 - 5.01 The Complaint Initiation Form is broken down into the following four sections:
 - A. Complainant Information – This section is comprised of ten subsections that will help management identify who you are and how to contact you.
 - B. Incident Description – This section is comprised of five subsections that will help management determine what happened. Be detailed yet concise. Where at all

possible, provide concrete evidence and information to support your complaint. Also, avoid speculation (e.g. "I think he was trying to..."), hearsay (e.g. "I overheard a co-worker mention..."), sweeping generalizations (e.g. "Everyone knows..."), and above all else, rumors (e.g. "You know, it's rumored that..."). Speculation, hearsay, sweeping generalizations, and rumors will undermine the credibility of your complaint and may thwart the actual good you are intending. Just stick to the facts and you'll do fine. You'll also be asked to provide a list of witnesses. Make sure they were actually present and observed or heard the incident. If you need more space, you can attach a supplementary list of witnesses to this section.

- C. Suggestions for Improvement – If you can think of ways to improve a process or practice of the Tribe that will prevent a reoccurrence of the incident, feel free to offer them. However, avoid suggestions on the type of discipline that should be meted out (e.g. "He should be fired", or "She should be demoted"). Disciplinary actions are governed by the Tribe's Personnel Policies and Procedures, are held in the strictest of confidence, and are not influenced by the suggestions of others outside of the chain-of-command.
- D. Certification – The Certification section asks you to certify that the information you are presenting is true and correct. It also reminds you that false statements can subject you to disciplinary action, if you're a tribal employee, and possible civil fines or penalties. This section also requires you to sign and date the complaint, which is important if your complaint winds up in court or other important hearing.
- E. Receipting and Routing – This section is for use by the Department Director.

5.02 Be sure to fill out the form completely and to sign and date it. If your form is incomplete or does not bear your name, signature, and date, it will not be subject to processing under this policy.

- 6. **How long do I have to file a complaint?** Your complaint must be filed within ten (10) working days of your witnessing the incident for which you intend to file a complaint. If you submit an oral or non-conforming written complaint within ten (10) working days of an incident, you will be given an additional five (5) working days to submit your complaint on a Complaint Initiation Form. You must, however, be able to prove that you submitted an oral or nonconforming written complaint within the ten (10) calendar-day period.
- 7. **Can I submit a complaint anonymously?** No. Your complaint must be completely filled out and bear your name, signature, and date. However, depending on the circumstances surrounding the accusation presented in your complaint, your identity and portions of the complaint that might reveal your identity may be withheld by management if Internal Audit determines that withholding your identity and portions of the complaint that might reveal your identity are essential to preserving the integrity of an investigation into your complaint, or to the immediate health and safety of yourself or others, or to the security of property and other assets belonging to the Tribe.
- 8. **Where do I send my completed complaint form?** You have to send your complaint to the Department Director. If your complaint concerns theft, fraud or embezzlement, you may submit your report to the Internal Audit Department in lieu of the Department Director. If you submit your complaint to the Internal Audit Department and the complaint does not concern theft, fraud or embezzlement, Internal Audit will forward your complaint to the appropriate Department Director.
- 9. **What if my complaint is against the Department Director?** You must file your complaint with the Director's supervisor. Any member of management can direct you to the director's supervisor.

- 10. What will the Department Director do with my complaint?** The Department Director will review your complaint for completeness; make sure your complaint bears your name, signature, and date; determine whether and to what extent your identity or parts of your complaint should be withheld; and promptly address your complaint.
- 11. What will the Department Director do if my complaint is incomplete?** Unnamed, unsigned, or undated complaints will not be processed. If the Department Director is able to determine that you sent an incomplete complaint, your complaint will be returned to you along with a brief statement as to what needs to be completed.
- 12. Where will my complaint be routed?**
 - 12.01 The Department Director will route your complaint to the individual you are filing a complaint against and to that person's immediate supervisor if the director is not the immediate supervisor. If the complaint concerns possible criminal conduct, the Department Director may also contact the Tribe's Internal Audit Department, Menominee Tribal Police, Menominee Tribal Prosecutor's Office, and/or the Federal Bureau of Investigation.
 - 12.02 The Department Director may provide copies of your complaint to others having a legitimate need-to-know, including witnesses named in your complaint and other supervisors. To the greatest extent possible, copies of your complaint will be given to the fewest number of people having a legitimate need-to-know.
 - 12.03 If the Department Director has determined that it is essential to withhold your identity or parts of the complaint, as provided for in Section 5 of this policy, the Department Director may redact parts of the complaint prior to distributing them.
- 13. Why must my complaint be given to the employee I'm complaining about?** Employees have a right to due process; that is, the right to be treated fairly and to know whether a complaint has been filed against them, who filed that complaint, what accusations are being leveled against them, and what evidence there is to support the accusation. This right provides the employee with an opportunity to explain their actions and to defend him or herself however appropriate, including pursuing court action if necessary.
- 14. What will happen with my complaint after my complaint is routed?**
 - 14.01 Review and Interview Phase. The Department Director of the individual you have filed a complaint against will have ten (10) working days to review your complaint and interview you, the employee in question, and any witnesses.
 - 14.02 Response Phase. Within five (5) working days after the Review and Interview Phase, the Department Director of the employee you filed a complaint against will have to provide a report to you, the employee's immediate supervisor (if the Department Director is not the immediate supervisor) and the Internal Audit Department describing, at a minimum, the following:
 - A. Findings – A brief summary that identifies the witnesses that were interviewed and the facts that were uncovered in the course of the interview phase;
 - B. Determination – One of the following determination statements issued by the Department Director:
 1. Unfounded – Meaning the act complained of did not occur, or the allegation is unsubstantiated.
 2. Justified – Meaning the act or incident did occur but was justified, lawful, and proper.

3. Upheld – Meaning sufficient evidence was found to justify a reasonable conclusion that the allegation is factual.
 - C. Corrective Actions – A brief statement issued by the Department Director describing what corrective actions were taken or will be taken to prevent any reoccurrences. Any disciplinary action taken against employees, however, will not be included in this part of the report.
15. **Will I be notified if an employee is disciplined?** Disciplinary actions taken against employees are confidential and are not subject to disclosure. However, the report issued by the Department Director will explain any other corrective actions taken.
 16. **Can I appeal the decision issued by the Department Director?** Yes. You must submit a written and signed request to appeal the decision of the Department Director to the Management Team within five (5) working days of receipt of the report mailed by the Department Director. Upon receipt of your timely appeal request, the Management Team will have up to thirty (30) working days to investigate your complaint and issue you a findings and determination letter. The review and investigation process used by the Management Team is subject to whatever review and investigation process it chooses to utilize. If the Management Team does not act on your appeal request within thirty (30) working days of receipt of such request, the Department Directors decision shall be deemed upheld.
 17. **Can I appeal the decision issued by the Management Team?** No. The decisions of the Management Team are final.
 18. **Can I get into trouble for filing a false complaint?** Yes. If you are an employee of the Tribe, you may be subject to disciplinary action for the deliberate falsification of a tribal record and/or be subject to civil penalties/damages. If you are not an employee of the Tribe, you may be subject to civil penalties/damages for submitting a false report.
 19. **How are informal complaints handled?** An informal complaint is any complaint or concern expressed by an individual that is not provided through a Complaint Initiation Form. Such complaints or concerns are not subject to processing in accordance with this policy and any of the timelines contained herein. Informal complaints or concerns will be handled by the least amount of people necessary to bring resolution to them, and the greatest amount of effort available will be given by those concerned to prevent them from becoming more formal. There are few guarantees as to how they will be handled, but the results achieved may be equally effective. These types of complaints are typically untracked, unrecorded, and unreported.
 20. **What is the Management Team?** The Management Team is a unit of Tribal government responsible for providing administrative, financial, and human resource oversight on all programs, functions, services, and activities operated by the Tribe. The Management Team is comprised of the Administrative Manager, Financial Manager, and the Human Resources Manager.
 21. **Can I file a complaint without fear of retaliation?** You should not fear retaliation whatsoever if you file a formal or informal complaint. If you or management is able to prove that your complaint is the cause and that some negative action taken by your supervisor is the effect, management will intervene on your behalf. The extent to which management will intervene will be determined on a case-by-case basis.
 22. **Is the Improper Activity Reporting Form and Policy still in effect?** No. The Improper Activity Reporting Form and Policy are superseded in their entirety by this policy.

MITW-COMPLAINT INITIATION FORM

INSTRUCTIONS: Please fill out this form in its entirety, sign and date it at the bottom, and return it to the department director where the issue arose. Additional sheets of paper may only be attached if more space is needed. Unsigned or incomplete forms will be returned to the complainant and will not be processed until completed/signed. The Department Director will provide copies of your complaint to the individual being complained against, and any other relevant parties, unless the Department Director finds that providing such will compromise the integrity of an investigation or will jeopardize the immediate health and safety of the complainant or witnesses. Refer to the General Complaint Policy for more information.

A. Complainant Information

1. First Name:		2. Middle Init.:	3. Last Name:		
4. Street Address/Post Office Box:		5. City:	6. State:	7. Zip Code:	8. Primary Telephone No.:
9. E-Mail Address:		10. Best Way, Day of Week, and Time of Day to Contact You:			

B. Incident Description

1. Name of Office/Individual You're Filing Complaint Against:	2. Date of Incident:	3. Approximate Time:
4. Describe Where the Incident Occurred:		
5. Description of the Incident:		

*** COMPLETE STATEMENT ON REVERSE SIDE IF YOU NEED MORE SPACE OR ATTACH SUPPLEMENTARY STATEMENT ***

6. List Any Witnesses to the Incident:

Name of Witness	Occupation/Address/Phone Number of Witness

*** COMPLETE WITNESS LIST ON THE REVERSE SIDE IF YOU NEED MORE SPACE OR ATTACH SUPPLEMENTARY LIST ***

C. Suggestions for Improvement

How can management make this matter better?

*** COMPLETE SUGGESTION STATEMENT ON THE REVERSE SIDE IF YOU NEED MORE SPACE OR ATTACH SUPPLEMENTARY STATEMENT ***

D. Certification

I certify that the contents of this complaint, and any statements attached hereto, are true and correct to the best of my ability and belief. I understand that deliberately providing false statements may subject me to disciplinary action under the Tribe's Personnel Policies and Procedures, if applicable, and may subject me to civil fines/penalties.

Signature of Complainant

Date

MITW-COMPLAINT INITIATION FORM

B. Incident Description (cont...)

5. Description of the Incident (cont...)

6. List Any Witnesses to the Incident (cont...)

Name of Witness

Occupation/Address/Phone Number of Witness

C. Suggestions for Improvement (cont...)

How can management make this matter better?

*** FOR OFFICIAL USE ONLY - DO NOT PRINT BELOW THIS BOX ***

E. Receipting and Routing

1. Received by (signature):

2. Printed Name and Title:

3. Date Received:

4. Tracking Control No. (If assigned)

5. List any Disclosure Restrictions:

6. Complaint Routed to:

7. Timelines:

Review and Interview Phase Deadline

Response Phase Deadline