



St. Regis Mohawk Tribe

Tribal Council Resolution

2013 - 64

Chief Ron LaFrance Jr.
Chief Paul O. Thompson
Chief Beverly Cook
Sub-Chief Michael L. Conners
Sub-Chief Eric Thompson
Sub-Chief Shelley Jacobs

RESOLUTION OF THE SAINT REGIS MOHAWK TRIBE TO ACCEPT AND ADOPT THE CORPORATE COMPLIANCE POLICY AND PROGRAM

WHEREAS, The Saint Regis Mohawk Tribal Council (the "Tribal Council") is the duly recognized governing body of the Saint Regis Mohawk Tribe (the "Tribe") and is responsible for the health, safety, education and welfare of all members of the tribe; and

WHEREAS, The Tribal Council is responsible for the Administration of the Tribal Government and all Tribal Programs, and as such, is responsible for ensuring that the Corporate Compliance Policy and Program are implemented to ensure the integrity of all Programs administered by the Tribe; now, therefore be it

RESOLVED, That the Saint Regis Mohawk Tribal Council hereby adopts the attached Corporate Compliance Policy and Program; and

RESOLVED, That the Saint Regis Mohawk Tribal Council hereby appoints the Assistant Executive Director / Corporate Compliance Officer to be the Corporate Compliance Officer; and

RESOLVED, That the Saint Regis Mohawk Tribal Council appoints the following to the Corporate Compliance Committee, as outlined in the Corporate Compliance Policy and Program:

- Corporate Compliance Officer
- One Tribal Chief or Tribal Sub-Chief
- Chief Financial Officer
- Executive Director
- Assistant Executive Director
- Employee Relations Specialist
- Compliance Secretary
- Tribal Legal Counsel (Advisor Only); and

RESOLVED, That the Corporate Compliance Officer and Committee are responsible for implementing the Saint Regis Mohawk Tribe's Corporate Compliance Policy and Program.

THE SAINT REGIS MOHAWK TRIBAL COUNCIL

Ron LaFrance Jr.
Tribal Chief

Paul O. Thompson
Tribal Chief

Beverly Cook
Tribal Chief

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

Corleen Jacco, Tribal Clerk

Date



SRMT

Corporate Compliance Policy

Corporate Compliance Program

December 31, 2013

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Chapter 1

SRMT

CORPORATE COMPLIANCE POLICY



SAINT REGIS MOHAWK TRIBE

Corporate Compliance Policy

1. PURPOSE

The purpose of the Corporate Compliance Policy is to ensure compliance with all applicable federal, state, and Tribal laws and regulations, and payer requirements. In addition, the Corporate Compliance Policy will outline the expectations of the Saint Regis Mohawk Tribe ("SRMT") and its employees in order to prevent detect and correct any waste, fraud and abuse in connection with federally and/or state funded programs. The SRMT is a recipient of funding and support from various federal and state agencies and recognizes that failure to comply with applicable laws and regulations could threaten the SRMT's continuing participation in federal and state programs. The SRMT will hereby implement this Compliance Policy and Program in order to maintain its commitment to high standards of conduct, honesty, and reliability in its business practices. In order to accomplish this goal, the Program strives to create a culture that promotes an understanding of and adherence to all applicable Tribal, federal, state, and local laws and regulations. To be effective the Compliance Program is a continuously evolving effort to meet the changing regulatory and operating environments.

2. POLICY STATEMENT

- 2.01 It has been and continues to be the policy of the SRMT to comply with all applicable Tribal, federal, state, and local laws and regulations, and payer requirements. It is also the SRMT's policy to adhere to the Code of Ethics contained in this document.
- 2.02 The SRMT has always been and remains committed to its responsibility to conduct business affairs with integrity based on sound ethical and moral standards. The SRMT will hold its employees, contractors, and vendors to these same standards.
- 2.03 The SRMT is steadfast to preserving and measuring the effectiveness of its Compliance policies and standards through monitoring and auditing systems reasonably designed to detect noncompliance by its employees and vendors.
- 2.04 To ensure these policies are upheld, the SRMT shall require the performance of regular, periodic compliance audits by internal and/or external auditors who have expertise in federal and state health care statutes, regulations, and health care program requirements.

- 2.05 The SRMT will not take any retaliatory action against an employee if the employee discloses certain information about SRMT's policies, practices, or activities to the Corporate Compliance Officer or the Corporate Compliance Committee (hereinafter referred to as Compliance Committee).
- 2.06 The SRMT has established a Whistleblower Policy that identifies the protections to ensure disclosures that state that SRMT is in violation of a policy or law.

3. SCOPE

- 3.01 This Corporate Compliance Policy is applicable to all Tribal employees and to any other individual or entity providing services or contracting with the SRMT.
- 3.02 Detected noncompliance, through any mechanism, i.e., compliance auditing procedures and/or confidential reporting, will be responded to in an expedient manner. We are dedicated to the resolution of such matters and will take all reasonable steps to prevent further similar violations, including any necessary modifications to this Policy.
- 3.03 The SRMT will, at all times, exercise due diligence with regard to background and professional license investigations for all prospective employees, contractors, vendors, and members of the Tribal Council.
- 3.04 This Policy is applicable to the Tribal Police Department, Tribal Gaming Commission, and Tribal Court Administration.

4. RESPONSIBILITY

- 4.01 SRMT will communicate its compliance standards and policies through required training initiatives to all employees, contracted practitioners, and vendors. We are committed to these efforts through distribution of this Compliance Policy.
- 4.02 All employees, contractors, and vendors shall acknowledge that it is their responsibility to report any instances of suspected or known noncompliance of Tribal, state or federal funding guidelines and policies to their immediate supervisor, the Executive Director or the Corporate Compliance Officer. Reports may be made anonymously without fear of retaliation or retribution.

Failure to report known noncompliance or making reports which are not in good faith will be grounds for disciplinary action, up to and including termination. Reports related to harassment or other workplace-oriented issues will be referred to Human Resources.

5. CONSEQUENCES FOR VIOLATING THIS POLICY

- 5.01 This Policy will be consistently enforced through appropriate disciplinary mechanisms including, if appropriate, discipline of individuals responsible for failure to detect and/or report noncompliance.
- 5.02 Failure to report known noncompliance or making reports which are not in good faith will be grounds for disciplinary action, up to and including termination.

6. REFERENCES, RELATED DOCUMENTS

- 6.01 Whistleblower Policy TCR # 2009-62
- 6.02 SRMT Personnel Policy
- 6.03 SRMT Finance Policy

7. AMENDMENTS

- 7.01 The Corporate Compliance Officer and Committee are responsible for implementing and making recommendations for amendments for the Saint Regis Mohawk Tribe's Corporate Compliance Policy and Program.
- 7.02 The Saint Regis Mohawk Tribal Council may make any necessary amendments to this policy and program by Tribal Resolution.

Chapter 2

SRMT

CODE OF ETHICS

Code of Ethics

1. Policy Statement

- 1.01 Employment with the SRMT carries with it a special obligation of trust that imposes responsibility to conserve and protect public resources, funds and materials. All SRMT employees are expected to conduct themselves with integrity, impartiality, and professional conduct that will reflect favorably upon themselves and the SRMT. All work is to be performed in an ethical manner and in accordance with applicable government regulations and Tribal policies.
- 1.02 Prohibited Conduct - An employee should never use the employee's position with the SRMT or relationship with internal coworkers or external constituents for private gain. An employee is expected to refrain from any illegal and/or dishonest business activity. In addition, an employee is prohibited from engaging in any activity that could have the potential to conflict with the interests of the SRMT, coworkers, or clients or that could be viewed unfavorably by clients or the public. Examples of prohibited conduct include, but are not limited to:
- Directly or indirectly soliciting or accepting a bribe, kickback, loan, gift, service, or entertainment from a current or prospective vendor, supplier, or client for the employee's personal gain in return for being influenced in connection with Tribal business;
 - Directly or indirectly giving a bribe, kickback, loan, gift, service, or entertainment to a current or prospective vendor, supplier, or client in return for influencing that individual or organization in connection with Tribal business.
- 1.03 Employee Guidance - Because the SRMT is unable to list every example of conduct that may violate the policy, an employee should use good judgment and seek guidance and assistance from the employee's supervisor, if needed.
- 1.04 Gifts - An employee who is offered a gift, money, service, travel, entertainment, or other special consideration from any current or prospective vendor, supplier, or client must politely refuse the gift, advising the giver of the SRMT's policy that prohibits its acceptance. However, an employee may accept inexpensive marketing items valued under \$20. Food gifts such as fruit baskets are considered gifts to the entire staff.
- 1.05 Conflict of Interest - Situations of actual or potential conflict of interest are to be avoided by all employees. A conflict of interest may exist when an employee's personal, commercial or financial affairs have the potential to adversely influence an employee's judgment or performance of duties at the St. Regis Mohawk Tribe.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for the employee, a relative or a close personal friend as a result of St. Regis Mohawk Tribal business dealings.

In order to avoid an actual or perceived conflict of interest, the SRMT prohibits dating between a supervisor and an employee if the employee directly or indirectly reports to that supervisor. This policy is considered when assigning, transferring, or promoting an employee.

2. Mission

- 2.01 The SRMT will be responsible to conduct its business affairs with integrity, based on sound ethical and standards. The SRMT holds its employees, contractors, and vendors to these same standards.
- 2.02 The purpose of the Corporate Compliance Program of the SRMT is to prevent, detect and correct any waste, fraud and abuse. It is the responsibility of the SRMT and its employees to report any such suspicions to Executive Director or the Corporate Compliance Officer. Reports may be made anonymously without fear of retaliation or retribution.

3. Expectations

- 3.01 The SRMT will ensure that all aspects of consumer care and business conduct are performed in compliance with our policies and procedures, professional standards, applicable governmental laws, rules, and regulations, and other applicable standards. SRMT expects every person who provides services to our consumers to adhere to the highest standards and to promote ethical behavior. Any person whose behavior is found to violate ethical standards will be disciplined appropriately.
- 3.02 Employees may not engage in any conduct that conflicts with the best interest of SRMT. Employees must disclose any circumstances where the employee or his or her immediate family member is an employee, consultant, owner, contractor, or investor in any entity that:
 - (i) engages in any business or maintains any relationship with SRMT;
 - (ii) provides to, or receives from, SRMT any consumer referrals; or
 - (iii) competes with SRMT.

Employees may not accept, solicit, or offer anything of value from anyone doing business with SRMT.

Employee must complete a Conflict of Interest Disclosure form. The Employee must submit the form to their immediate supervisor, Procurement, and the Corporate Compliance Officer at any time a conflict may arise.

- 3.03 Employees are expected to maintain complete, accurate, and contemporaneous records as required by SRMT. The term “records” includes all documents, both written and electronic, that relates to the provision of SRMT services or provides support for the billing of SRMT services. Records must reflect the actual service provided. Any records to be appropriately altered must reflect the date of the alteration, the name, signature, and title of the person altering the document, and the reason for the alteration, if not apparent. No person shall ever sign the name of another person to any document.
- 3.04 When any person knows or reasonably suspects that the expectations above have not been met, this must be reported to immediate supervisors, the Corporate Compliance Officer (CCO) or the Executive Director, so each situation may be appropriately dealt with. The CCO may be reached at (518) 358-2272.

Chapter 3

SRMT

CORPORATE COMPLIANCE

ROLES AND RESPONSIBILITIES

ROLES AND RESPONSIBILITIES

1.01 Tribal Council

- Evaluating the risk of noncompliance
- Approving and supporting the Compliance Program
- Overseeing the performance of the program to reduce risk

1.02 Compliance Officer

The Saint Regis Mohawk Tribal Council **shall designate a Corporate Compliance Officer**. The Corporate Compliance Officer has direct lines of communication to the Executive Director, the Chief Financial Officer, Legal Counsel, and Saint Regis Mohawk Tribal Council.

Job Duties

The Corporate Compliance Officer is directly obligated to serve the best interests of our SRMT, consumers and employees. Responsibilities of the Corporate Compliance Officer include but are not limited to:

- Developing and implementing compliance policies and procedures.
- Overseeing and monitoring the implementation of the compliance program.
- Directing SRMT internal audits established to monitor effectiveness of compliance standards.
- Providing guidance to management, medical/clinical program personnel, and individual departments regarding P&P and governmental laws, rules, and regulations.
- Updating, periodically, the Compliance Program as changes occur within SRMT, within the law and regulations, or governmental and third party payers.
- Overseeing efforts to communicate awareness of the existence and contents of the Compliance Program.
- Coordinating, developing, and participating in the educational and training program.
- Ensuring independent contractors (consumer care, vendors, billing services, etc.) are aware of the requirements of SRMT's Compliance Program.
- Actively seeking up-to-date material and releases regarding regulatory compliance.
- Maintaining a reporting system (hotline) and responding to concerns, complaints, and questions related to the Compliance Program.

- Acting as a resourceful leader regarding regulatory compliance issues.
- Investigating and acting on issues related to compliance.
- Coordinating internal investigations and implementing corrective action.

1.03 Compliance Committee

Corporate Compliance Committee Composition

The Corporate Compliance Committee will be comprised of the following positions within the SRMT:

- Corporate Compliance Officer
- A Member of Tribal Council
- Chief Financial Officer
- Assistant Executive Director
- Appointee (Trainer)
- Compliance Secretary
- Executive Director
- Tribal Legal Counsel, Advisor

Reporting Structure and Purpose

The Compliance Committee purpose is to advise and assist the Corporate Compliance Officer with the effective implementation of the Compliance Program. Compliance issues are reported by the Committee to the Executive Director and Council, where appropriate.

Function

The Compliance Committee’s mission is to ensure the implementation and effectiveness of all components of the Compliance Program, which shall include, among other things:

- Development and implementation of Compliance related policies, standards and procedures;
- Development and implementation of training and other programs designed to educate employees regarding applicable laws, rules, regulations, policies, procedures and standards, collectively referred to as “requirements”;
- Development and implementation of auditing, monitoring, and other controls designed to prevent, detect and correct violations of applicable requirements;

- Development and implementation of mechanisms for internal reporting of questionable or inappropriate activities and timely investigation and resolution of such instances;
- Recommend to the Immediate Supervisor a corrective action plan and/or disciplinary action to address and prevent recurrence of misconduct or non-compliance;
- Reviewing and assessing existing policies and procedures that address these risk areas for possible incorporation into the Corporate Compliance Program.
- Working with and monitor Divisions/Program regarding internal and external audits to identify potential non-compliant issues.
- The Committee will recommend a corrective action if noncompliance is identified.
- Developing a process to solicit, evaluate, and respond to complaints and problems.

1.04 Management and Employees

- Conduct daily business in compliance with the laws and regulations
- Understand the regulatory requirements of their job description and departmental policies and procedures
- Identify issues to remediate weakness and prevent violation
- Identify and report in good faith suspected noncompliance

Chapter 4

SRMT

EXCLUSION SCREENINGS

Exclusion Screenings

1. Requirement

- 1.01 Any employee or prospective employee who holds, or intends to hold, a position with the SRMT is required to disclose any name changes and any involvement in non-compliant activities including health care related crimes at the time of application for employment with the SRMT.
- 1.02 It is the SRMT's policy that any individual considered for employment with the SRMT have a background investigation performed by the Human Resource department or Human Resource's designee which will include whether or not the applicant is listed on the Health and Human Services/Office of Inspector General ("HHS/OIG") Cumulative Sanction Report and General Services Administration's (GSA) List of Parties Excluded from Federal Programs.
- 1.03 All vendors and contracted agents are screened by the Materials Management department for sanction or exclusion on the HHS/OIG and GSA listings during the requisite pre-approval review process.
- 1.04 Physicians and physician-extenders (such as physician assistants, nurse practitioners, etc.) are screened against the HHS/OIG listing as part of the determination of privileges and credentialing process.
- 1.04 Sanction verification for current team members, vendors/contractors, and medical staffs will be checked against the OIG Cumulative Sanction Report, and the GSA exclusion listing of terrorism-sponsored organizations.
- 1.05 Prospective employees/applicants, contractors and vendors will be screened prior to any binding association with the SRMT.
- 1.06 Monthly exclusion screenings will be conducted of all employees, contractors and vendors to ensure compliance.

2. Exclusion Identified

- 2.01 In the event exclusion is identified in the above screening process, the SRMT reserves the right to sever employment or business ties with a vendor based upon the results.
- 2.02 The exclusion will be reviewed by the Compliance Committee to ensure a fair and consistent review of the findings and the Compliance Committee will render a decision based upon the findings. The Compliance Committee's decision is final.

Chapter 5

SRMT

EDUCATION AND TRAINING

Education and Training

1. Expectations

- 1.01 Education and training are critical elements of the Corporate Compliance Program. Every employee is expected to be familiar and knowledgeable about SRMT's Corporate Compliance Program and have a solid working knowledge of his or her responsibilities under the program. Compliance policies and standards will be communicated to all employees through required participation in training programs.

2. Training Topics - General

- 2.01 All personnel and members of the Tribal Council shall participate in training on the topics identified below:

- Government and private payer reimbursement principles;
- Government initiatives;
- History and background of Corporate Compliance;
- Legal principles regarding compliance and Council responsibilities related thereto;
- General prohibitions on paying or receiving remuneration to induce referrals and the importance of fair market value;
- Prohibitions against submitting a claim for services when documentation of the service does not exist to the extent required;
- Prohibitions against signing for the work of another employee;
- Prohibitions against alterations to medical records and appropriate methods of alteration;
- Prohibitions against rendering services without a signed physician's order or other prescription, if applicable;
- Proper documentation of services rendered; and
- Duty to report misconduct.

3. Training Topics - Targeted

- 3.01 In addition to the above, targeted training will be provided to all managers and any other employees whose job responsibilities include activities related to compliance topics.
- 3.02 Managers shall assist the Corporate Compliance Officer in identifying areas that require specific training and are responsible for communication of the terms of this Corporate Compliance Program to all independent contractors doing business with SRMT.

4. Orientation

- 4.01 As part of their orientation, each employee and contractor shall receive a written copy of the Compliance Program, policies, and specific standards of conduct that affect their position.

5. Attendance

- 5.01 All education and training relating to the Corporate Compliance Program will be verified by attendance and a signed acknowledgement of receipt of the Compliance Program.
- 5.02 Attendance at compliance training sessions is mandatory and is a condition of continued employment.

Chapter 6

SRMT

EFFECTIVE CONFIDENTIAL COMMUNICATION

Effective Confidential Communication

1. Expectations

- 1.01 Open lines of communication between the Corporate Compliance Officer and every employee and individual subject to the Corporate Compliance Program are essential to the success of the Compliance Program. Every employee has an obligation to refuse to participate in any wrongful course of action and to report the actions according to the procedure listed below.

2. Reporting Procedure

- 2.01 If an employee or contractor witnesses, learns of, or is asked to participate in any activities that are potentially in violation of this Compliance Program, he or she should contact the Corporate Compliance Officer, his or her immediate supervisor, or the Executive Director.
- 2.02 Reports may be made in person or by calling a telephone line dedicated for the purpose of receiving such notification, mailing information to 412 State Route 37, Akwesasne, NY 13655, or dropping it off at the SRMT Administration Office or by calling the SRMT's Hotline.
- 2.03 Upon receipt of a question or concern, the supervisor, program manager, or Division Director shall document the issue at hand and report to the Corporate Compliance Officer or the Executive Director.
- 2.04 Any questions or concerns relating to potential non-compliance by the Corporate Compliance Officer should be reported immediately to the Executive Director.
- 2.05 The Corporate Compliance Officer or designee shall record the information necessary to conduct an appropriate investigation of all complaints. If the employee was seeking information concerning the Code of Ethics or its application, the Corporate Compliance Officer or designee shall record the facts of the call and the nature of the information sought and responds as appropriate. SRMT shall, as much as is possible, protect the anonymity of the employee or contractor who reports any complaint or question.

3. Protections

- 3.01 The identity of individuals who make good faith reports will be safeguarded to the fullest extent possible and they will be protected against retribution. Report of any suspected violation of the Corporate Compliance Program by following the above shall not result in any retribution.

3.02 Any threat of reprisal against a person who acts in good faith pursuant to his or her responsibilities under the Program is acting against the SRMT's compliance policy. The Executive Director will evaluate and determine if discipline, up to and including termination of employment, will result if such reprisal is proven.

Chapter 7

SRMT

ENFORCEMENT OF COMPLIANCE STANDARDS

Enforcement of Compliance Standards

1. Background Investigations

- 1.01 For all employees who have authority to make decisions that may involve compliance issues, SRMT will conduct a reasonable and prudent background investigation, including a reference check, as part of every employment application as stated in Chapter 4 – Exclusion Screenings of this document.

2. Disciplinary Action – General

- 2.01 Employees will be subject to disciplinary action, up to and including termination for failure to comply with SRMT’s compliance policy and standards by the following:

- Failing to report suspected problems
- Participating in non-compliant behavior
- Encouraging, directing, facilitating, or permitting non-compliant behavior
- Failing to perform any obligation or duty required of employees relating to compliance with this Program or applicable laws or regulations
- Failure of supervisory or management personnel to detect non-compliance with applicable policies and legal requirements and this Program, where reasonable diligence on the part of the manager or supervisor would have led to the discovery of any violations or problems.

- 2.02 The SRMT will ensure that any disciplinary action follows existing disciplinary policies and procedures, including Human Resources policies and procedures.

- 2.03 Discipline will be fairly, firmly, and consistently enforced.

- 2.04 Any discipline will be appropriately documented in the employee’s personnel file, along with a written statement of reason(s) for imposing such discipline. The Corporate Compliance Officer shall maintain a record of all disciplinary actions involving the Compliance Program and report at least quarterly to the Saint Regis Mohawk Tribal Council regarding such actions.

3. Performance Evaluation - Supervisory

- 3.01 SRMT’s Compliance Program requires that the promotion of, and adherence to, the elements of the Compliance Program be a factor in evaluating the performance of SRMT employees and contractors. They will be periodically trained in new compliance policies and procedures. In addition, all managers and supervisors will:

- a. Discuss with all supervised employees the compliance policies and legal requirements applicable to their function.

- b. Inform all supervised personnel that strict compliance with these policies and requirements is a condition of employment.
- c. Disclose to all supervised personnel that SRMT will take disciplinary action up to and including termination or revocation of privileges for violation of these policies and requirements.

4. Disciplinary Action - Supervisory

- 4.01 Managers and supervisors will be sanctioned for failure to adequately instruct their subordinates or failure to detect noncompliance with applicable policies and legal requirements where reasonable diligence on the part of the manager or supervisor would have led to the earlier discovery of any problems or violations and would have provided SRMT with the opportunity to correct them.

Chapter 8

SRMT

AUDITING & MONITORING OF COMPLIANCE ACTIVITIES

Auditing and Monitoring of Compliance Activities

1. Internal Audits

1.01 Ongoing evaluation is critical in detecting and correcting non-compliance and will help ensure the success of SRMT's Compliance Program. An ongoing auditing and monitoring system, implemented by the Corporate Compliance Officer and Internal Auditor and in consultation with the Compliance Committee, is an integral component of our auditing and monitoring systems. This ongoing evaluation shall include the following:

- Review of relationships with third-party contractors, specifically those with substantive exposure to government enforcement actions;
- Compliance audits of compliance policies and standards; and
- Review of documentation and billing relating to claims made to federal, state, and private payers for reimbursement, performed internally or by an external consultant as determined by Corporate Compliance Officer and Compliance Committee.

1.02 The audits and reviews will examine the SRMT's compliance with agency specific rules and policies through on-site visits, personnel interviews, general questionnaires (submitted to employees and contractors), and consumer record documentation reviews.

2. Program Integrity

2.01 Additional steps to ensure the integrity of the Corporate Compliance Program will include:

- Annual review with legal counsel of all records of communications and reports by all employees or contractors kept in accordance with this Plan.
- The Corporate Compliance Officer and legal counsel will be notified immediately in the event of any visits, audits, investigations, or surveys by any federal or state agency or authority, and shall immediately receive a photocopy of any correspondence from any regulatory agency charged with licensing SRMT and/or administering a federally or state-funded program in which the SRMT participates.
- Establishment of a process detailing ongoing notification by the Corporate Compliance Officer to all appropriate personnel of any changes in laws, regulations, or policies, as well as appropriate training to assure continuous compliance with the assistance of the appropriate Division Director or Department Head.

Chapter 9

SRMT

DETECTION & CORRECTION RESPONSE

Detection and Response

1. Violation Detection

- 1.01 Collectively the Corporate Compliance Officer, Executive Director, and the Compliance Committee shall determine whether there is any basis to suspect that a violation of the Corporate Compliance Program has occurred.
- 1.02 If it is determined that a violation *may have* occurred, the Corporate Compliance Officer shall consult legal counsel throughout the investigation. This investigation may include, but is not limited to, the following:
- Interviews with individuals having knowledge of the facts alleged;
 - Request an Internal or External Audit
 - A review of documents; and
 - Legal research and contact with governmental agencies for the purpose of clarification.
- 1.03 If advice is sought from a governmental or funding agency, the request and any written or oral response shall be fully documented.

2. Reporting

- 2.01 At the conclusion of an investigation, the Corporate Compliance Officer shall submit an investigation report to the Executive Director, and Compliance Committee summarizing his or her findings, conclusions, and recommendations and will render an opinion as to whether a violation of the law has occurred.
- 2.02 The report will be reviewed with legal counsel in attendance. Any additional action will be on the advice of legal counsel.
- 2.03 The Corporate Compliance Officer shall report to the Compliance Committee regarding each investigation conducted.

3. Rectification/Correction

- 3.01 If SRMT identifies that an overpayment was received from any third party payer, the appropriate regulatory (funder). The SRMT shall not retain any funds, which are received as a result of overpayments. In instances where it appears a fraud may have occurred which resulted in the overpayment, appropriate amounts shall be returned after consultation with the involved regulatory authority. Systems shall also be put in place to prevent such overpayments in the future. The SRMT reserves the right to bring criminal charges where appropriate.

4. Record Keeping

- 4.01 Regardless of whether a report is made to a governmental Saint Regis Mohawk Tribe, the Corporate Compliance Officer shall maintain a record of the investigation, including copies of all pertinent documentation. This record will be considered confidential and privileged and will not be released without the approval of the Executive Director or legal counsel.

Chapter 10

SRMT

WHISTLEBLOWER POLICY



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.

Corteen Jacco, Tribal Clerk

September 22/09
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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Saint Regis Mohawk Tribe

Conflict of Interest Disclosure Form

Employees may not engage in any conduct that conflicts – or is perceived to conflict with the best interest of SRMT. Employees must disclose any circumstances where the employee or his or her immediate family member is an employee, consultant, owner, contractor, or investor in any entity that:

- (i) engages in any business or maintains any relationship with SRMT;
- (ii) provides to, or receives from, SRMT any consumer referrals; or
- (iii) competes with SRMT.

Employees may not without permission of the Compliance Officer accept, solicit, or offer anything of value from anyone doing business with SRMT.

Please disclose all conflicts of interest below, including relatives employed at the SRMT:

Employee's Name:	
Division:	
Program:	
Supervisor's Name:	
Conflict of Interest Disclosure	

The Employee must submit the form to their immediate supervisor, Procurement, and the Corporate Compliance Officer at any time a conflict may arise.

I, _____, have disclosed any conflict of interest to the best of my knowledge.

Employee's Signature