

KARUK TRIBE HOUSING AUTHORITY
CHAPTER 21
INTERNAL INVESTIGATION POLICY

THIS POLICY IS VOLUNTARILY ADOPTED BY THE KARUK TRIBE HOUSING AUTHORITY AND MAY BE CHANGED OR REVOKED AT ANY TIME WITHOUT NOTICE. THE RIGHTS AND REMEDIES PROVIDED HEREIN SHALL BE THE SOLE RECOURSE FOR ANYONE CLAIMING TO BE THE VICTIM OF HARASSMENT OR DISCRIMINATION OR ANOTHER ALLEGED WRONG COMMITTED BY THOSE COVERED WITHIN THE SCOPE OF THIS POLICY. OTHER STATE AND FEDERAL LAWS CONCERNING HARASSMENT AND DISCRIMINATION SHALL NOT APPLY TO THE ACTIONS OF THE HOUSING AUTHORITY EXCEPT AS THEY MAY BE OTHERWISE APPLICABLE. THIS POLICY IS NOT AND SHALL NOT BE CONSTRUED AS A WAIVER OF THE HOUSING AUTHORITY'S SOVEREIGN IMMUNITY FOR ANY PURPOSE, INCLUDING ACTION IN ANY COURT OR ADMINISTRATIVE FORUM.

SCOPE.

The Karuk Tribe Housing Authority (KTHA) is responsible for ensuring that the work environment is free of harassment and discrimination. All complaints shall be processed fairly, promptly, thoroughly, and in strict compliance with Tribal, State, and Federal laws.

Complaints of harassment, discrimination, inappropriate behavior, and policy violations all to have been committed by employees, committee members, residents, and applicants are included within the scope of this policy. This policy does not apply to those who are engaged in an independent contractual relationship with the Karuk Tribe Housing Authority.

Investigations shall include a thorough review of the circumstances under which the alleged incident occurred and the treatment of members of the complainant's group as compared with the treatment of others in the organizational segment. Additionally, the investigation shall require a review of any policies and practices related to the alleged incident.

DEFINITIONS.

Basis/Bases. The reason(s) provided for the complaint of policy violations, inappropriate behavior, and unequal treatment such as discrimination due to race, color, age, national origin, religion, sex (including but not limited to sexual harassment), handicap (mental and physical), and retaliation against persons filing complaint.

Complainant. An individual who files a complaint on any of the bases identified above, or for participating in any stage of administrative or judicial proceedings identified above.

Complaint. An officially signed claim which may include a demand for relief for which the complainant feels he/she is entitled.

Complaint File. The entire complaint file including, but not limited to the Formal Complaint or Letter, Applicable Policies and Laws, Witness Statements, Summary of Complaints and Findings, Investigators Recommendations, and Action Taken.

Discrimination. Dissimilar treatment because of race, color, religion, sex (including but not limited to Equal Pay and Sexual Harassment), National Origin, age (40 and above) or Handicap (mental or physical) or Reprisal.

Harassment. Deliberate actions causing persistent disturbances or annoyance.

Investigation. An official review or inquiry by an authorized representative of the Karuk Tribe Housing Authority.

Issue / Issues. The action or actions which caused the individual to believe he or she was discriminated against (e.g., failure to select the individual for a position, denial of training, etc), or harassed, alleged violation of Karuk Tribe Housing Authority personnel policies and procedures, and alleged inappropriate behavior.

Retaliation. Acts against an individual for instigating, opposing or participating in the complaint process.

Witness. A person whose declaration is received as evidence.

PROCESS.

Investigations shall be required when the Executive Director receives a formal complaint requesting an investigation or grievance as defined in this policy. The Executive Director may also initiate an investigation without a complaint if he/she believes there is a possibility that a violation of this policy has occurred.

The KTHA Executive Director shall appoint an appropriate manager of the Karuk Tribe Housing Authority, Legal Counsel, or an independent investigator to conduct the investigation. At no time shall a subordinate employee of the accused be required to conduct investigation.

The investigator shall gather the initial, relevant facts from the claimant within fourteen working days after receiving complaint. The facts will be reviewed by the investigator and the Executive Director to determine if an investigation is warranted.

When it has been determined that an investigation is necessary, the investigator shall contact all persons believed to be witness to the alleged incident, including the accused. Separate and not overlapping interviews will be scheduled with all parties within seven working days. All persons shall be asked to write statements. The investigator may require a third party to be present during the interviews depending on the nature of the complaint.

The investigator will then analyze the data that was gathered in order to determine if the alleged incident occurred. If it is determined that the incident occurred, the investigator must determine if it was deliberate and/or repeated, the severity of the conduct, the apparent intent of the accused, the relationship of all parties involved, and the working environment.

RECOMMENDATIONS.

Reports shall include the recommendations of the investigator. Recommendations shall be consistent with Karuk Tribe Housing Authority policies and reflect the seriousness of the violation. There are three categories of discipline.

1. Mild discipline shall include a personal meeting with the offending employee plus a written warning or disciplinary notice in his or her personnel file.
2. Moderate discipline shall include a personal meeting with the offending employee plus a written warning or disciplinary notice extending their probationary period. A copy of the warning or disciplinary notice will be placed in his or her personnel file.
3. Severe discipline shall include suspension, demotion, transfer, or termination of the offending employee.

After information has been gathered and analyzed, the investigator will write a complete report of the investigation, including recommendations. The report shall include:

- I. A one page summary of the report
- II. Summary of Complaints and Findings

- a. Did the alleged incident occur
 - b. If so, what policies, procedures, or laws were violated
 - c. What other factors or conditions impact this situation
- III. Recommendations
 - IV. Appendix and Attachments

FALSE COMPLAINTS.

While malicious complaints are very rare, they are possible. These types of complaints do not involve a misunderstanding or a differing interpretation of the situation, but a false complaint filed with the intent to retaliate or harm the accused. When a complaint is determined to be intentionally false, the complainant will be disciplined for filing a false complaint in accordance with applicable Karuk Tribe Housing Authority policies.

ACTION TAKEN.

The investigator shall submit a complete report, including recommendations to the Executive Director or appropriate authority person for their action. The report shall be submitted to the Executive Director or appropriate authority person within *30 calendar days* of the initial complaint.