



Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution # 04-0908-362

*Adoption of Amendments to Government Operations Personnel Manual Regarding
Harassment and Sexual Harassment*

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(j) to take legislative actions consistent with delegated powers; and

WHEREAS, the Tribal Council re-authorized the Government Operations Personnel Manual on August, 2002, and adopted amendments to the document on June 11, 2003, October 1, 2003, and October 29, 2003; and

WHEREAS, the Ogema has been placed in charge of the responsibility of reviewing the personnel manual, standard operating procedures and working with Tribal Council to present final documents and actions; and

WHEREAS, the Ogema has determined that a harassment and sexual harassment policy of the Tribe should be brought forward for approval; and

WHEREAS, the Ogema has reviewed the submission to the Tribal Council regarding the *Harassment and Sexual Harassment Policy* of the Tribe and recommends its adoption;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians does hereby approve the attached *Harassment and Sexual Harassment Policy* for the Tribal government for immediate implementation.

Section 9.12 Harassment and Sexual Harassment

The Tribe expects all employees to conduct themselves with dignity and with respect for fellow employees, vendors and others. Harassment is disruptive, interferes with the Tribe's business, and can create an intimidating, hostile or offensive work environment. Employees shall not verbally, physically or psychologically harass another individual based on their sex, race, color, religion, age, national origin, veteran status, marital status, family ties, sexual orientation or physical or mental disability.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature. Sexual harassment occurs when:

- *Submission to the conduct is made either implicitly or explicitly a condition of the individual's employment;*
- *Submission to or rejection of the conduct is used as the basis for an employment decision affecting the employee; or*
- *The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or creating an environment that is intimidating, hostile or offensive to the employee.*
- *Sexual harassment is prohibited in the workplace by any employee and in any form.*

Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as harassment. Examples of harassment include, but are not limited to, the following:

- *Verbal: Repeated sexual innuendoes; racial or sexual epithets; derogatory slurs; off-color jokes; propositions; threats; suggestive or insulting sounds; making or threatening reprisals as a result of a negative response to harassment.*
- *Visual/Non-Verbal: Derogatory posters, cartoons, e-mail or drawings; suggestive objects or pictures; graphic commentaries; leering or obscene gestures.*
- *Physical: Unwanted physical contact including touching, interference with an individual's movements, or assault.*

An employee who believes he or she has been the subject of harassment in the workplace because of the actions of another employee, a supervisor or any other person should report the alleged act immediately to the Human Resources Director. If the

allegation involves the Human Resources Director, the employee may report the allegation to the Tribal Manager. Supervisors or other management personnel who become aware of an incident of harassment are required to report it immediately to the Human Resources Director.

All complaints will be investigated promptly. Confidentiality of all parties will be protected to the extent reasonably possible. Any employee who is found to have engaged in harassment of another employee will be subject to appropriate disciplinary action up to, and including, termination of employment.

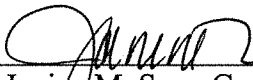
Retaliation against any employee for filing a complaint or participating in an investigation of harassment is prohibited. Any such retaliation will result in appropriate disciplinary action up to, and including, termination of employment.

Employee accusations of harassment that are proven to be false and/or done with the purpose of malice may result in immediate disciplinary action up to and including termination.

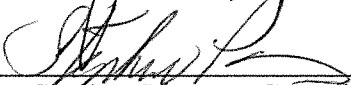
IT IS FURTHER RESOLVED THAT the Tribal Council directs the Ogema to set up at least one informational meeting to direct employees of the amendment to the Personnel Manual and to present forms as may be required under these amendments to the employees.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on September 8, 2004, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court