

RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION

- WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS, Article VI, Section 5(1) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to adopt resolutions regulating the procedure of the Tribal Business Council and of other Tribal agencies; and
- WHEREAS, Section X.B.1. of the Three Affiliated Tribes Personnel Policies and Procedures grants to Tribal employees aggrieved by any personnel action taken against them the right to an appeal hearing before the Human Resources Committee, an agency of the Three Affiliated Tribes; and
- WHEREAS, Said Personnel Policies and Procedures fail to prescribe any specific procedures to be followed in the conduct of said appeal hearings; and
- WHEREAS, Such hearings are to be held in an unbiased atmosphere in which all parties directly involved in the matter and having actual knowledge of the facts of the case are given the opportunity to present that knowledge to the Committee before a final decision is rendered. The Human Resources Committee makes its decision based on the facts presented by those parties during the hearing, and such decision is to be uninfluenced by matters or persons not directly involved in the question at hand; and
- WHEREAS, In the past, problems have arisen concerning personnel grievance and appeal hearings wherein many persons not directly involved in the matter being heard were present and caused interruptions and confusion of the issues at hand and often attempted to exert undue influence on members of the Human Resources Committee in reaching its decision; and
- WHEREAS, It is the considered opinion of the Tribal Business Council that only those persons who have actual first-hand knowledge of the facts and matters raised in any personnel appeal or grievance hearing should be present so that the purpose of the hearing may be fulfilled; and
- WHEREAS, In order to maintain confidentiality of the issues under consideration in personnel grievance and appeal hearings and in order for the Human Resources Committee to effectively make a determination based upon the facts of the case, the Tribal Business Council finds that it is necessary to close all such hearings to any and all persons not directly involved in such proceedings,
- NOW, THEREFORE, BE IT RESOLVED, That in order to ensure an impartial hearing to any and all employees who may bring to the Human Resources Committee objections

to a personnel action taken against them in an appeal or grievance hearing, it is necessary that such hearings be closed to any and all persons not directly involved in such proceedings and not requested to be present thereat by the Human Resources Committee.

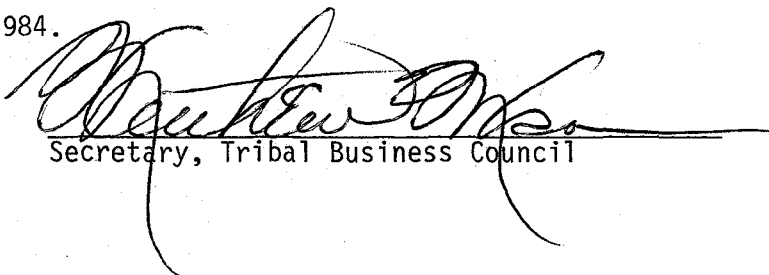
BE IT FURTHER RESOLVED, That those persons directly involved in such proceedings include the employee bringing the appeal or grievance, his or her counsel, if any is retained, the Tribal Attorney, the Director of the Tribal Personnel Office, and any person or persons whose attendance is requested by the Human Resources Committee due to their actual first-hand knowledge of pertinent facts surrounding the case. No other person or persons are hereafter to be allowed to attend any personnel grievance or appeal hearing without the specific authorization, in writing, of the Human Resources Committee.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 11 members, of whom 7 constitutes a quorum, 9 were present at a SPECIAL Meeting, thereof duly called, noticed, convened, and held on the 26 day of APR, 1984; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 1 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

CHAIRMAN (Voting) (~~Not Voting~~)

Dated this 26 day of APR, 1984.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council