

**SENECA-CAYUGA NATION
GRIEVANCE COMMITTEE ORDINANCE**

ARTICLE I - AUTHORITY

This Grievance Committee Ordinance is adopted by the Grievance Committee of the Seneca Cayuga Nation pursuant to Article X of the Seneca-Cayuga Nation Constitution and By-Laws as amended on April 14, 2023.

ARTICLE II - PURPOSE

The purpose of this Ordinance is to establish guidelines, rules, and orderly Grievance Committee procedures in accordance with Article X Removal of Officers of the Constitution which reads, "The Grievance Committee shall investigate complaints of misconduct or other acts of the members of the Business Committee and upon a proper showing shall call a special meeting of the Seneca-Cayuga Council to act upon such complaints. Such council shall have power, by majority vote, after giving the accused a hearing, to remove them from office and proceed to elect a successor".

Article X grants the Grievance Committee the Constitutional authority to investigate complaints of misconduct or other acts of the members of the Business Committee. Article X further provides that the Committee is to make an independent determination if the complaint and the evidence submitted in support of the complaint is a proper showing to call a Special Meeting of the General Council to act upon such complaints.

ARTICLE III - EFFECTIVE DATE AND REPEALER

This Grievance Committee Ordinance shall become effective upon the ratification by the majority vote of a quorum being present at the June 6, 2026, annual meeting of the General Council of the Nation.

Any previous Grievance Committee Policy and Procedures Ordinance and any prior Grievance Ordinances, amendments, laws, resolutions, and policies are hereby repealed in their entirety.

ARTICLE IV - SEVERABILITY

Should any provision of this Ordinance be determined to be unconstitutional, then and in that event, the remainder of this Ordinance shall continue to be given full effect and shall survive such determination.

ARTICLE V - GRIEVANCE COMMITTEE COMPOSITION

SECTION 1. Pursuant to Article VII Section 1. Grievance Committee, of the Constitution and By-Laws, "This Committee shall be elected by the Council and shall not include any members of the Business Committee." The Grievance Committee shall consist of five (5) members, who shall be elected by the General Council of the Nation for a four (4) year term of office and shall serve until the earlier of the installation of their duly elected successor or sixty (60) days after the expiration of the officer's

current four-year term.

The Election of the Grievance Committee members shall be conducted in accordance with the Nation Election Ordinance prescribed by the Business Committee, pursuant to Article VIII Annual Meetings of the Seneca-Cayuga Nation Constitution and By-Laws.

Pursuant to Article VII Section 1. Grievance Committee, of the Constitution and By-Laws vacancies in any Grievance Committee position shall be filled in accordance with the Nation Election Ordinance prescribed by the Business Committee at a regular or special meeting of the General Council.

The members of the Grievance Committee shall serve at the leisure of the General Council and may be removed from office for cause at any Regular or Special meeting of the General Council duly called for the purpose of considering the removal of a Grievance Committee member.

The current terms of the membership of the Grievance Committee are as follows:

First Committee Member	Current Term to Expire	June 3, 2028
Second Committee Member	Current Term to Expire	June 6, 2026
Third Committee Member	Current Term to Expire	June 3, 2028
Fourth Committee Member	Current Term to Expire	June 6, 2026
Fifth Committee Member	Current Term to Expire	June 3, 2028

In order to provide for staggered terms of office, the Second Committee Member and the Fourth Committee Member shall be elected June 6, 2026 for a four-year term of office and two years later, the First Committee Member, Third Committee Member, and Fifth Committee Member shall be elected into office for a four year term.

(a) The Grievance Committee shall appoint from among its membership a Chairperson, Vice Chairperson and Secretary on an annual basis.

(b) Oaths of Office: All persons elected as members of the Grievance Committee shall, before entering upon the duties of their offices, take an oath of office. Said oath shall be retained by the Secretary of the Grievance Committee and shall be filed in the office of the Secretary-Treasurer of the Nation.

(c) Provision of funding: The Grievance Committee shall formulate an annual operating budget which shall detail the funding necessary to provide for the expense of conducting the meetings, necessary office equipment, mailing materials, postage, and supplies of the Grievance Committee, including a stipend to cover travel costs of Committee members to attend each duly called meeting, the sum of which shall be paid from the Nation's General Operations Account. The amount of any such stipend shall be the same amount that is allowed for other Nation Committee members. The Secretary of the Grievance Committee shall provide a copy of each duly called Grievance Committee meeting sign in sheet, approved by the Chairperson or Vice Chairperson for each attendee to the Nation's Accounting Department Payroll Accountant for payment of such stipend.

SECTION 2. MEETINGS.

(a) Calling of Meeting: A meeting of the Grievance Committee shall be called by

the Chairperson providing notice to the other Committee members as necessary to fulfill the Committees duties and obligations. The Grievance Committee, at its discretion, may convene multiple meetings within a single day to address and review multiple grievances as necessary.

(b) Quorum: A quorum shall consist of three (3) members of the Grievance Committee. No vote of the Grievance Committee shall be valid in the absence of a quorum.

(c) The chair or the committee can take several actions regarding meeting participants, including:

1. Removal of Participants: The chair or committee can remove individuals from a meeting if their behavior is disruptive or if they do not belong to the discussion.
2. Closed Sessions: They may choose to go into a closed session, restricting attendance to only those with a direct interest or involvement in the matter being discussed.
3. Exclusion of Non-participants: The chair or committee can exclude non-participants from specific discussions or hearings to maintain confidentiality or focus on relevant matters.
4. Imposing Conduct Rules: They can set rules for participant behavior and address violations through warnings or removal.
5. Call for Order: The chair can call for order if discussions become chaotic, ensuring that the meeting proceeds efficiently.
6. Revising Agenda: The committee can adjust the meeting agenda based on participant contributions and relevance.
7. Facilitating Participation: They can encourage participation from relevant members while managing contributions to maintain structure.
8. Recording Decisions: Actions taken regarding participants should be documented for transparency and accountability.

SECTION 3. RECORDS.

The Secretary of the Grievance Committee shall maintain complete and accurate minutes of its meetings. The Committee shall maintain complete and accurate records of each grievance complaint received from the Nation's membership to include the Committees final determination regarding the complaint.

SECTION 4. DUTIES OF THE GRIEVANCE COMMITTEE.

(a) Chairperson: Shall be the presiding member responsible for the overall activities of the Committee, including safekeeping of Committee records. Shall perform the duties and responsibilities of the Committee to carry out and enforce this Grievance Committee Ordinance.

(b) Vice Chairperson: In the absence of the Chairperson shall assume and perform the duties of the Chairperson. Shall perform the duties and responsibilities of the Committee to carry out and enforce this Grievance Committee Ordinance.

(c) Secretary: Shall record and maintain accurate minutes and a sign in sheet of all meetings. Shall provide a copy of each duly called Grievance Committee meeting sign-

in sheet, approved by the Chairperson or Vice Chairperson for each attendee to the Nation's Accounting Department Payroll Accountant for payment of such stipend. Shall maintain files and records pertaining to the Committee including but not limited to providing mail services, receive/record complaints of misconduct or other acts of Business Committee members and maintain a file for each complaint received. Shall prepare all correspondence of the Committee for the Chairperson signature, prepare receipts of all fees received and keep an accurate account of receipts and all disbursements. Shall perform the duties and responsibilities of the Committee to carry out and enforce this Grievance Committee Ordinance.

(d) Remaining Two Committee Members: Shall perform the duties and responsibilities of the Committee to carry out and enforce this Grievance Committee Ordinance.

ARTICLE VI - GRIEVANCE COMPLAINT CONTENTS AND INVESTIGATION

A grievance complaint may be filed by any member or members of the Seneca-Cayuga Nation of voting age against a Member of the Business Committee. The complainant's signature(s) must be accompanied by the printed name(s), contact information and Nation roll number(s). A separate petition shall be drawn for each Member of the Business Committee and shall contain a statement of the specific act or acts that allegedly occurred. The Nation member or members making and signing the grievance must place the signed grievance and any documentary evidence regarding the grievance in a sealed envelope.

The Grievance Committee shall investigate each complaint of misconduct or other acts of a Business Committee member received from a Nation member or members of voting age. The Grievance Committee is given the constitutional authority to investigate complaints of misconduct or other acts of the members of the Business Committee; the committee must provide the accused the right to a hearing and upon a proper showing must call a Special Meeting of the General Council to act upon such complaints. If, after a hearing, a member of the Business Committee is removed from office by a majority vote of the General Council members present at a Special Meeting convened by the Grievance Committee, the resulting vacancy shall be filled in accordance with the Nation's Election Ordinance, as authorized by Article VIII of the Constitution.

The Grievance Committee shall consider a preponderance of the evidence as the standard for making its determination that a proper showing of misconduct of the accused has been made. Under the preponderance of the evidence standard, the burden of proof is met when the party with the burden convinces the Grievance Committee that there is a greater than 50% chance that the complaint is true.

Only one member of the Business Committee may be named in a grievance complaint. Upon receipt of a complaint submitted by a Nation member or members, the Chairperson of the Grievance Committee shall convene a meeting of the Committee within twenty business days to open and read into the record the contents of the grievance. All grievances will be opened only in the presence of a quorum of the Grievance Committee. After the contents of the grievance has been opened and read into the record, the Grievance Committee shall review the complaint packet contents noting the specific

act of misconduct or other acts the Business Committee member is accused of committing and the supporting evidence that has been submitted and begin its independent investigation of the complaint. The Grievance Committee is constitutionally authorized to access any and all the Nation's records as needed in their investigation of the matter before the Grievance Committee. There shall be no allegations made by the Grievance Committee which are not listed in the original grievance.

Within ten (10) business days after the opening and reading of the grievance the Nation member(s) filing the Grievance shall be notified in writing of the date the complaint was officially opened and entered into the record of the Grievance Committee.

ARTICLE VII - NOTICE TO SUBJECT

Within ten (10) business days after the opening and reading of the grievance the accused shall be given notice of the grievance filed against the accused and the name of the complaining party(s). If the tenth (10th) day falls on a Saturday, Sunday, or legal holiday, the deadline shall be extended to the next business day that is not a Saturday, Sunday, or legal holiday. The notice to the accused shall be in writing and shall state that a grievance has been filed and the date the grievance was opened and read by the Grievance Committee. The Notice shall have attached to it a complete copy of the grievance which was opened and read at the Grievance Committee meeting. Service of the Notice upon the accused Member of the Business Committee shall be given by either, 1) United States Certified Mail, restricted delivery to the name of the Business Committee Member being served; or 2) personal service by licensed process server or the Nation or Bureau of Indian Affairs police by serving the accused Member of the Business Committee in person or by leaving the Notice at the residence of the Member of the Business Committee with any person there sixteen (16) years of age or older. If within twenty (20) business days after the Grievance Committee meeting where the grievance is opened and read the service is not accomplished by the aforementioned avenues then service by publication in the local newspaper or Nation Website or newsletter may be accomplished by publishing only the Notice (without the attached grievance and/or supporting evidence and documents) and publishing the Notice only one (1) time.

ARTICLE VIII - RIGHTS OF THE ACCUSED BUSINESS COMMITTEE MEMBER

The accused Business Committee Member shall be presumed innocent until determined otherwise by the General Council. A Special Meeting of the General Council may be convened by the Grievance Committee upon a majority vote of its quorum, following a determination of sufficient evidence of misconduct by the accused. In making this determination, the Grievance Committee shall apply the 'preponderance of the evidence' standard, assessing whether it is more likely than not that the alleged misconduct occurred.

The accused Business Committee Member shall have twenty-one (21) days from the date of service of notice to prepare a written response to the grievance and shall deliver the response to the Chairperson of the Grievance Committee who shall not refuse service of the response.

All parties and the Grievance Committee shall have the right to subpoena any party and any witness and shall have the right to take depositions of said persons. The Grievance Committee is not subject to subpoena. All subpoenas shall be issued by the Chairperson of the Grievance Committee upon the request of a party and upon payment to the tribal treasury of a \$50.00 (fifty dollar) witness fee and mileage for the witness at the prevailing IRS rate. Any witness not appearing at a hearing or deposition, after being properly served a subpoena shall be considered in contempt of the Grievance Committee. The Grievance Committee is hereby empowered as a tribunal of the Seneca-Cayuga Nation to issue a fine to a person for contempt for failure to appear for a hearing of the Grievance Committee or to a deposition. Upon proper application to the Chairperson of the Grievance Committee for a charge of contempt the Chairperson shall call a meeting of the Grievance Committee and upon authority of majority vote of a quorum, shall issue notice of the charge to the person charged with contempt. Persons charged with contempt of the Grievance Committee for failure to appear at a hearing or deposition after being properly being served a subpoena may be tried before the Grievance Committee and if found guilty fined up to \$1,000 (One Thousand Dollars).

The accused shall have the right to be represented at all times by legal counsel at their own expense.

ARTICLE IX - RESPONSE

The response of the subject shall admit or deny the allegations contained in the service of notice of the Grievance Committee and admit or deny whether the same is a proper showing for calling a special meeting of the General Council. If a proper showing for removal is denied by the accused, a detailed explanation shall be given, together with attached affidavits, depositions, and other evidence to support denial. This evidence may be supplemented before or at the hearing, provided that copies of all documents, recordings, video or other evidence, and the names and contact information of all witnesses is provided to the complaining party and to the Grievance Committee no later than seven (7) days prior to the hearing. The exception to this seven (7) day rule is for Bonafede rebuttal witnesses and evidence. Within 10 **business** days of the receipt of the response of the accused member of the Business Committee which denies a proper showing exists the Grievance Committee shall provide complainant(s) a complete copy of the subject's response.

ARTICLE X - HEARING NOTICE

If a response has been filed which denies a proper showing exists for calling a Special Meeting of the General Council, Notice must be given of the hearing to determine whether a proper showing exists. The Grievance Committee shall conduct such hearing not less than twenty (20) **business** days after response by the subject and shall give the subject notice of such hearing in the same manner as elsewhere provided herein of such hearing date, time, and place. Notice shall also be given to the Grievance Committee members and complaining parties. This Notice may be delivered by regular U.S. Mail or by facsimile to the accused Business Committee Member or to his or her attorney. In addition, notice of

the hearing shall be given to the person(s) who filed the grievance. The date, time and place of the hearing shall be posted in a conspicuous place at the Tribal Headquarters no less than five (5) **business** days before the hearing. **If the last day of any notice period falls on a Saturday, Sunday, or legal holiday, the deadline shall be extended to the next business day that is not a Saturday, Sunday, or legal holiday.** The accused Business Committee Member shall have the right to obtain any documents, recordings, video, or other evidence against him or her, and know the names and contact information of any witnesses against him or her, and such information shall be provided to the accused Business Committee Member no later than seven (7) days prior to the hearing. The exception to this seven (7) day rule is for Bonafede rebuttal witnesses and evidence.

ARTICLE XI - HEARING PROCEDURE

The hearing to determine whether a proper showing of misconduct has occurred shall be presided over by the Chairperson of the Grievance Committee and in his or her absence by the Vice-Chair. The rules of evidence are not applicable to the hearing as this is an administrative tribunal, but any evidence may be challenged as hearsay, not competent or irrelevant if accompanied by a concise explanation for the objection. The ruling of the Chair, or in his or her absence, the Vice Chair, on matters of objections or evidence, is final.

The proceedings shall begin with the reading of the grievance. Evidence and testimony in support of the grievance must be first presented by the tribal member or members who filed the grievance. The accused Business Committee Member has the right to cross-examine the witnesses and to review, examine, and contest the evidence. Any Member of the Grievance Committee may also review, examine, or contest the evidence or question any of the witnesses.

Upon completion of presentation of case of the complainant(s), the accused Business Committee Member shall present his or her case by testimony and evidence, which shall be subject to review, examination, and cross-examination by the complainant(s) or any Member of the Grievance Committee.

Upon completion of all testimony and submission of all evidence by the complaining tribal member(s) and the accused Member of the Business Committee, the Grievance Committee may call any witnesses or submit to the record any evidence it has obtained by its own investigation. The Nation member(s) who filed the complaint and the accused Business Committee Member may cross-examine any of these witnesses and review, examine and contest any of this evidence.

After hearing the testimony, receiving evidence, and hearing the arguments of the parties, the Grievance Committee shall deliberate in closed session and then in open session they shall issue a determination on whether the alleged act or acts is or is not a proper showing to call a special General Council meeting on the grievance.

ARTICLE XII - RECUSAL

Grievance Committee members must not be immediate family or live in the same household of any of the parties to the complaint. Any member of the Grievance

Committee of the Seneca-Cayuga Nation who falls under any of the foregoing definitions must recuse themselves from any proceedings involving an issue or grievance before said Committee.

a. "Immediate Family" for the purpose of this ordinance means father, mother, son, daughter, husband, wife, brother, sister, granddaughter, grandson, and any person living in the Grievance Committee members household.

b. If the Chairperson of the Grievance Committee falls under any of these provisions, or is recused for any other reason, the remaining Grievance Committee Members shall then vote to elect another Chairperson for purposes of that specific grievance.

ARTICLE XIII - PROPER SHOWING OF MISCONDUCT IN OFFICE

Only the General Council has the power to hear evidence and determine whether an act or acts of misconduct in office are shown to cause the removal of a Business Committee member from office. The Grievance Committee, when conducting their investigations to determine whether a proper showing has been made by a grievance proceeding has discretion to make its own determination of what constitutes a proper showing. However, the Grievance Committee must find that a proper showing does exist if any of the following has been found to have occurred:

MALFEASANCE, this being the commission of an unlawful act, done in an official capacity, which affects the performance of official duties; or any wrongful act which the Business Committee has no legal right to do; or failure to perform any act that the Business Committee Member is required to do, all as commanded by the Constitution and By-Laws of the Seneca-Cayuga Nation or any law of the Tribe.

NEGLECT of DUTY: this includes the following, but not limited to:

CONVICTION OF A FELONY: Being a conviction of record during their term of Office, including suspended sentences, but not deferred sentences, made in a tribal, federal, or state court.

- Accepting a bribe to corruptly influence a contract or neglect official duty.
- Gross negligence is equivalent to fraud.
- Careless or intentional failure to exercise due diligence in the performance of official duty.
- Habitual drunkenness in office, or gross immorality or misconduct in office amounting to neglect of duty.

COERCION: Improper use of authority, economic power. Agreements entered into, under coercion are considered illegal and invalid.

ARTICLE XIV - PROPER SHOWING

A proper showing of misconduct or other acts of the accused Business Committee member giving rise to a call of a Special Meeting of the General Council shall be determined by majority vote of a quorum of the Grievance Committee during the closed session meeting called by the Chairperson of the Grievance Committee, the determination so made shall be

final on behalf of the Seneca-Cayuga Nation. After the completion of the closed session determination of the Grievance Committee, the Chairperson of the Grievance Committee shall call an open session meeting of the Grievance Committee to issue the determination on whether there is or is not a proper showing that the alleged act or acts of the accused Business Committee member are true.

If the determination is made that there is a proper showing that the alleged act or acts of the accused Business Committee member are true, pursuant to Article X of the Seneca-Cayuga Nation Constitution and By-Laws, the Grievance Committee shall enact a resolution declaring such and the Chairperson of the Grievance Committee shall call a Special meeting of the General Council to be conducted within sixty (60) calendar days from the date from the date of the enactment of said resolution of the Grievance Committee to act upon the complaint.

The principal object of the meeting to be stated in the call shall be for the conduct of a hearing to be provided to the accused Business Committee member subject to removal from office by the General Council pursuant to Article X-Removal of Officers of the Constitution and By-Laws of the Seneca-Cayuga Nation. The General Council shall have the power, by majority vote of a quorum being present, pursuant to Quorum- Art. IV, Section 2 of the By-Laws Constitution, after giving the accused a hearing, to remove them from office.

In the event that the Business Committee member is removed from office by judgement of the General Council after being given a hearing, the election of a successor shall be conducted in accordance with Article IX Vacancies of the Constitution.

ARTICLE XV CERTIFICATION OF ENACTMENT

This Grievance Committee Ordinance was approved and enacted by the Grievance Committee of the Seneca-Cayuga Nation at a meeting conducted on the 26th day April, 2026, with a vote of 5 for, 0 against, and 0 absent/abstaining.

This Grievance Committee Ordinance shall become effective upon the ratification by the majority vote of a quorum being present at the June 6, 2026, annual meeting of the General Council of the Nation.

ATTEST:



Vice-Chairperson



Chairperson

ARTICLE XVI RATIFICATION OF THE GENERAL COUNCIL

This Grievance Committee Ordinance was submitted for ratification to the members of the Seneca-Cayuga Nation and was on the 6th day of June 2026, duly ratified by a vote of _____ for, _____ against, and ____ abstaining.

Charles Diebold, Chief

ATTEST:

Secretary-Treasurer

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