


Supersedes Policy No and original date: CR-ES405; COR-CO110-020		Number: CNB-CORP-240
Approvals: ELT 12/9/10 CEO 12/9/10 Board n/a	EMPLOYEE SERVICES POLICY AND PROCEDURE	Page 1 of 3
	WHISTLEBLOWER PROTECTION	Date Effective: 12/1/10

I. Purpose

To encourage the reporting of suspected unethical or illegal activities, to protect employees and officials of Cherokee Nation Businesses (CNB) and its subsidiaries against retaliation for the reporting of wrongful activities, and to supplement the company's Ethics and Conflict of Interest policy (CNB-CORP-105).

II. Owner

Sr. VP of Shared Services

III. Applicability

This policy applies to CNB and all wholly or majority owned subsidiaries.

IV. Policy

Pursuant to "The Public Integrity and Whistleblower Protection Act" of the Cherokee Nation, the Company provides a method for employees to report suspected unethical or illegal activities including, but not limited to, gross mismanagement, waste, fraud, abuse, or neglect of duty.


V. Definitions

A. Retaliatory Action: The discharge, suspension, demotion, harassment, blacklisting, refusal to hire an employee, other adverse employment action taken against an employee under the terms and conditions of employment, or other actions which interfere with an employee's ability to engage in protected activity, as defined in Definition C of this policy, or as a result of the employee's engagement in a protected activity.

B. Supervisor: Any individual who has the authority to direct and control the work performance of the affected employee or who has authority to take corrective action regarding the violation of the law, rule, or regulation of which the employee complains.

C. Employee: Any individual who performs services for or under the control or direction of any entity of Cherokee Nation Business or Cherokee Nation for wages or other remuneration. Also included in this definition are applicants for employment, former employees, or an authorized representative of an employee.

D. Protected Activity: A company supervisor may not take any retaliatory action against an employee because the employee does any of the following:

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1. Discloses, threatens to disclose, or is about to disclose to a supervisor or to a public body, an activity, policy, or practice by , a supervisor, co-employee, or another employer that the employee reasonably believes is in violation of a law, rule, or regulation made known pursuant to the Public Integrity and Whistleblower Protection Act of 2004 of the Cherokee Nation;
2. Provides information to, or testifies before, any public body conducting an investigation, hearing, or inquiry into any violation of law, rule, or regulation made known pursuant to law by and/or another employer;
3. Assists or participates in a proceeding to enforce the provisions of this policy; or
4. Objects to, opposes, or refuses to participate in any activity, policy, or practice which the employee reasonably believes:
 - a. is in violation of a law, rule, or regulation made known pursuant to law;
 - b. is fraudulent or criminal;
 - c. is incompatible with a clear mandate of public policy concerning the public health, safety, welfare, or protection of the environment.

VI. Procedures


A. Reporting Process

Employees are encouraged to follow their chains of command and to follow the steps set forth below to report or make claims about what they believe to be a Protected Activity:

1. Report the activity to his/her immediate supervisor.
2. If unavailable or employees feel this is inappropriate due to the circumstances, they may report the incident to the next level of management, going up the chain of command, as necessary.
3. If the incident or activity is unresolved, or if employees feel it is inappropriate to report to management due to the circumstances, employees may report the incident or activity to their on-site Employee Services management or to any other member of Employee Services Management, Loss Prevention Management, where applicable or to the CNB Audit Services Department.
4. If necessary, report through the Ethics Hotline at 888-601-6755 or www.ethicspoint.com.

B. Investigation

Valid claims will be investigated thoroughly. Investigations will be confidential in nature and will not be discussed with individuals without a need to know. A written report will be submitted to the appropriate management or to others as indicated in the Reporting Process, as appropriate. The appropriate

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management designee will respond to the individual reporting the issue or activity within twenty (20) days, barring extenuating circumstances.

C. Burden Of Proof

A violation of this policy has occurred only if the employee demonstrates, by a preponderance of evidence, that any behavior described as wrongful or Protected Activity was a contributing factor in the retaliatory action alleged in the employee's claim. However, relief may not be ordered if it is shown by clear and convincing evidence that the same unfavorable personnel action would have occurred in the absence of such behavior.

D. Exception

The company considers claims under this policy to be serious. Employees who make fraudulent or frivolous charges and employees who knowingly disclose false information with disregard for truth or confidentiality may receive corrective action up to and including termination of employment.

E. Retaliation Against Employee

Any employee, supervisor, or official who maliciously retaliates or takes retaliatory action against another employee or official for performance under Protected Activity is in violation of this policy and "The Public Integrity and Whistleblower Protection Act" of the Cherokee Nation, will be considered to be guilty of a crime, and may be prosecuted.

Revision History

Revision No	Change Description	Date	Authorized By	Effective Date Change
0	Original approval date	9/27/05		
1	Minor updates	2/17/10		no
2	Push to CNB level; updates in format	12/9/10	BThompson	yes