



NNAHRA
NATIONAL NATIVE AMERICAN HUMAN RESOURCES ASSOCIATION

27th Annual Conference

Gila River Resorts & Casinos

September 25-27, 2023

Misconduct Investigation Mistakes with Solutions

Agenda

Investigations determine the facts.

Whether the facts violate the law or policy.

The remedy.

What undermines the effectiveness of that process?

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Effective Practices for Addressing Discrimination & Harassment in the Tribal Workplace (2022)

101 Everyone Should Know About Tribal Employment (Xlibris 2020)

Drafting Tribal Employment Laws & Handbooks (Xlibris 2020)

A Guide to Tribal Employment (Xlibris 2008)

Interview the respondent's witnesses

Privilege and work product

Not a debate or argument
(bias and independence)

Selecting the wrong investigator

Failing to investigate

Re-victimizing the victim

Casual about retaliation

Failing to follow the evidence where it leads

Refusing to make hard decisions in some cases

Evidence preservation

Failing to take a second turn

Failing to clearly define scope

Q & A