

Chapter 8 Audit Law

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8.1. Purpose and Policy

8.1-1. *Purpose.* It is the purpose of this law to create a framework of process and delegated authorities to protect the assets of the Oneida Nation. It is further the purpose of this law to define the respective responsibilities of parties involved to fully implement this law.

8.1-2. *Policy.* It is the policy of this law to create a system with the necessary tools and delegated authorities to evaluate all activities, functions and operations of the Tribe. It is also the policy of this law to include the Tribe's component units, vendors, investments, and partners, within the scope of the law.

8.2 Adoption, Amendment, Repeal

8.2-1. This law is adopted by the Oneida Business Committee by resolution # BC-7-15-98-C.

8.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the General Tribal Council.

8.2-3. All other Oneida policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this law are hereby repealed unless specifically reenacted after adoption of this law.

8.3. Definitions

8.3-1. This section shall govern the definitions of words or phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

8.3-2. *Internal Audit Department.* The department established within the Oneida Tribe of Indians of Wisconsin responsible for conducting independent appraisals of entities which examine and evaluate the activities as a service to the organization. It shall at all times observe the confidential nature of the information and audit results.

8.3-3. *Audit Committee.* That entity responsible for protecting assets of the Oneida Nation, by analyzing audit and financial reports, receiving complaints or allegations, and pursuing follow-up on audit recommendations.

8.3-4. *Audit or Investigation.* The process of gathering, reviewing, testing and evaluating the facts of financial, operational, compliance or management issues. This includes necessary industry specific research.

8.3-5. *Reasonably related.* The condition of being directly or indirectly associated with a given issue or situation. It may be integral or incidental in nature.

8.3-6. *Entity.* Includes any or all activities, functions and operations of the Tribe, component units, vendors, consultants, partner in joint ventures, or businesses in which the Tribe has an investment.

8.3-7. *Component Units.* Tribally chartered corporations and autonomous entities including, but not limited to, limited liability corporations, State chartered corporations, Housing Authority, Economic Development Authority, boards, committees and commissions.

8.3-8. *Relevant Information.* Includes, but is not limited to, financial information and records regardless of custody, facilities, offices, people, equipment, inventories, tapes, activities, network servers, and files regardless of storage medium.

8.3-9. *Administration*. Includes all supervisory personnel of all tribal entities

8.3-10. *Ethics*. Includes the Code of Ethics of the Oneida Tribe, Standards for Professional Practice of Internal Auditing as developed by the Institute of Internal Auditing Standards Board and any other law or professional standards as may be applicable.

8.4. General

8.4-1. *Audit Committee*. There is hereby created a standing committee of the Oneida Business Committee which shall have five members, two of which shall be designated a Chairperson and Vice Chairperson. The Committee will be composed of four Oneida Business Committee members selected concurrently with the election to the Oneida Business Committee, and a Tribal member, appointed at mid-term, who is not an employee of the Tribe, with appropriate knowledge, skills and experience. Members shall adhere to all Tribal laws, codes, policies and procedures with the strictest confidentiality.

8.4-2. *Internal Audit Department*. There is hereby created an Internal Audit Department which shall be responsible to the Audit Committee. The Internal Audit Department shall be managed by an Internal Audit Manager and shall begin audits based on one or more of the following:

- a. The established audit plan.
- b. Financial performance.
- c. Approved audit requests.
- d. Fraudulent or dishonest activities.
- e. Previous audit results.
- f. New or final status of an operating unit, activity, or function.

8.4-3. *Entity*. Entities that submit response and/or action plans to audits, investigations or recommendations are responsible for following through with the representations or providing adequate status change information to the Audit Committee.

8.4-4. *Audit*. The Internal Audit Department shall begin and complete any audits or investigations in a confidential manner. There shall be a specifically identified objective approved by the Internal Audit Manager prior to commencement and any revision deemed necessary after commencement will also have the Internal Audit Manager approval prior to affecting that change in the audit plan.

8.5. Authority of the Audit Committee

8.5-1. *General*. The Audit Committee has been delegated the authority by the Oneida Business Committee to ensure the integrity of the Tribe's financial reporting and audit systems.

8.5-2. *Oversight*. The Audit Committee shall have the responsibility of oversight over the Tribal audit processes and the process of investigation into any alleged or suspected improprieties and violations of fiscal and ethics policies, codes, regulations, and directives.

8.5-3. *Enforcement*. The Audit Committee will have the ability to utilize all existing enforcement authorities to carry out their responsibilities.

8.5-4. *Attendance of Meetings*. The Audit Committee shall require appropriate administration, through the chain of authority, to appear at Audit Committee meetings.

8.6. Authority of the Internal Audit Department

8.6-1. *General*. The Internal Audit Department shall have delegated authority from the Audit Committee and shall have the greatest ability to obtain information reasonably related to an audit.

8.6-2. *Confidentiality*. The Internal Audit Department shall adhere to the Institute of Internal Auditors Code of Ethics and Statement of Responsibilities of Internal Auditing. The scope of their

work shall be unrestricted and members of the Internal Audit Department will have no authority or responsibilities for the activities they audit. All members of the Internal Audit Department will strictly adhere to confidentiality in all aspects of their work and will not misuse or abuse their authorities.

8.6-3. *Records Management.* The Internal Audit Department shall maintain all information collected or derived from an audit. Upon closure of an audit, all documentation shall be retained for seven years in a secure location in accordance with the Records Management Law. The files may be accessed by the Internal Audit Department for reference, planning or status update. Any other requests for access must be first approved by the Internal Audit Manager and the Audit Committee.

8.7. Reports

8.7-1. The Audit Committee shall report, as deemed appropriate, to the Oneida Business Committee.

8.7-2. The Internal Audit Department shall make reports to the Audit Committee, Oneida Business Committee, and Administration on a need to know basis.

8.7-3. *Annual Audit.* The annual audit of the Oneida Tribe shall be posted the locations identified in this section. The annual audit shall be limited to review by General Tribal Council members only, and shall require that the individual sign in to review the document.

- a. Oneida Community Library.
- b. Tribal Treasure's Office.
- c. Finance Department Offices.
- d. Oneida Business Committee Records Technician's Offices.

8.8. Responsibilities of Administration

8-1. *General.* Administration is required to adhere to the Audit Law and all related procedures. Failure to comply shall be considered as uncooperative and subject to enforcement under sec. 5-3.

End.

Adopted - BC-7-15-98-C