

## **ABSENTEE SHAWNEE TRIBE CODE OF CONDUCT AND ETHICS**

### **I. Preamble.**

As the elected leaders of the Absentee Shawnee Tribe representing the collective interests of tribal members, the Executive Committee acknowledges its obligations to honor and respect the cultural values of the Big Jim and White Turkey Bands. We recognize our duty to exhibit the highest level of integrity and fairness while representing the needs of the entire Tribe. We will endeavor to provide objective leadership and agree to be held accountable to make fair and informed decisions. We will strengthen government-to-government relations by enacting legislation further protecting our tribal sovereignty.

### **II. Purpose**

The Absentee Shawnee tribal government is founded on the consent of the governed. The members of the Absentee Shawnee Tribe are entitled to have complete confidence in the loyalty and integrity of their Executive Committee. To that end, the purpose of this Code of Conduct and Ethics (“Code”) is to establish clear standards for the ethical conduct and behavior of the Executive Committee. This Code seeks to require accountability to the members of the Absentee Shawnee Tribe by the Executive Committee in exercising the authority vested with them. It is the intention of the Executive Committee that the provisions of this Code be construed and applied in each instance, so as to accomplish its purpose of protecting the Absentee Shawnee tribal members from government decisions and actions resulting from, or affected by, undue influence or a conflict of interest.

### **III. Definitions**

1. **Business:** Any enterprise, organization, trade, occupation or profession whether or not operated as a legal entity for profit, including any business, trust, holding company, corporation, partnership, LLC, joint venture, or sole proprietorship, consultant or other self-employed enterprise.
2. **Business with which the person is associated:** includes any business in which the person is a director, officer, partner, trustee or employee, holds any position of management or receives income in any form such as wages, commission, direct or indirect investment worth more than \$1000 or holds any ownership, security or other beneficial interest, individually or combined, amounting to more than ten percent (10%) of said business.
3. **Censure:** A statement issued by the Executive Committee that an Executive Committee member has violated the Code and that the Executive Committee strongly disapproves of the Executive Committee member’s action(s) which violated the Code.
4. **Compensation or Income:** Any money or thing of value received, or to be received as a claim on future services, whether in the form of a fee, salary, expense, allowance,

forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of tangible or intangible recompense or any combination thereof.

5. **Confidentiality Information:** Information which by law or practice is not available to the public at large.
6. **Conflict of Interest:** A circumstance in which there is the reasonable likelihood that any personal or economic interest of an Executive Committee member will be affected in any materially different manner from the interest of the general public, or by any decision, enactment, agreement, award or other official action or function of any governmental body or committee of the Absentee Shawnee Tribe.
7. **Dependent Business:** Any business, as defined in this Code, in which the person, individually or combined, has any ownership, investment, security or other beneficial interest amounting to more than 10% of such business.
8. **Employee:** Any person or entity working for, or rendering or exchanging any services or performing any act for, or on behalf of, another person, organization or entity in return for any form of compensation received, or to be received, at any time temporarily, permanently, or indefinitely in any capacity whether as agent, servant, representative, consultant, advisor, independent contractor or otherwise.
9. **Employment:** The status or relationship existing or created by and between a person designated or acting as an Employee, as defined in this Code, and the person, organization, group or other entity for whom or on whose behalf any such work, acts, services or other benefit has been, is being, or will be rendered or performed for any form of compensation.
10. **Economic Interest:** An interest held by a person, members of the person's immediate family living in the same household, or a Dependent Business, as defined in this Code, which is:
  - a) any ownership, income, investment, security or other beneficial interest in a business; or
  - b) any employment or prospective employment for which negotiations have already begun.
11. **Gift:** Any gratuity, favor, hospitality, payment, loan, economic opportunity, deposit of money, services, or other benefit received, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred, without equivalent consideration and not extended or provided to tribal members or the public-at-large.
12. **Immediate Family:** Includes any person having a relationship with you as husband, wife, son, daughter, step-son, step-daughter, father, step-father, father-in-law, mother, step-mother, mother-in-law, brother, half-brother, step-brother, brother-in-law, sister, half-sister, step-sister, sister-in-law, child, step-child, adopted child, grandchild, great-grandchild, foster child, a child placed with you by an authorized placement agency for legal adoption, son-in-law, daughter-in-law, parent-in-law, grandparent-in-law, great-grandparent-in-law, the following if related by blood: aunt, uncle, nephew, or niece, and any person living in your home for a period in excess of thirty (30) days.
13. **Indirectly:** As related to the solicitation or acceptance of a gift or the abuse of power means the beneficiary is either (a) an immediate family member of an Executive

Committee member, or (b) a person having a shared "economic interest" with an Executive Committee member.

#### **IV. Conduct**

1. Executive Committee members shall at all times conduct themselves in an honest and principled manner and shall devote a reasonable proportion of their time in the performance of official duties.
2. Executive Committee members shall remain objective in the performance of their duties and shall act with the best interest of all Tribal members in mind. In order to remain objective in the performance of his or her duties, an Executive Committee member shall not accept privileges or benefits, either directly or indirectly, except those granted by the Tribe through official action.
3. Executive Committee members shall not vote on any motion, tribal resolution, or business action which knowingly and predictably affects said Executive Committee member, directly or indirectly.
4. Executive Committee members shall not themselves, or knowingly permit fellow Executive Committee members to, engage in acts of nepotism, abuse of authority, and any questionable or criminal conduct as otherwise set forth herein.

#### **V. Conflict of Interest**

1. Executive Committee members shall not solicit or accept monetary or material benefits as a consequence of their position, except such monetary or material benefits provided for in this Code, in the Administrative Systems Manual, by Tribal Resolutions, in the Constitution of the Absentee Shawnee Tribe of Indians of Oklahoma, or regarded as appropriate based on culture/traditions of the Absentee Shawnee Tribe, provided such benefit is not prohibited by other law.
2. Executive Committee members shall publicly disclose the following interests relating to any transaction or proposed transaction, litigation, or other commercial decision or relationship involving the Absentee Shawnee Tribe:
  - a) employment with said business;
  - b) a business relationship with said business; and
  - c) an economic interest.
3. Except as provided in Section 4 of this Article, public disclosure required by Section 2 of this Article shall be made to the Executive Committee at a regularly scheduled Executive Committee meeting within thirty (30) days of the time the Executive Committee member is sworn in, or acquires or learns of an interest as defined above. This public disclosure shall include the name of the business said member is doing business with, or proposes to do business with and the nature of the interest as defined in Section 2(a)-(c) of this Article.
4. A member of the Executive Committee who has an interest defined in Sections 2 or 3 of this Article, but believes public disclosure has the potential to negatively affect the Tribe's legal, financial, or governmental interests, must disclose the interest to the Executive Committee in a closed executive session within thirty (30) days of being sworn in, or acquiring or learning of such an interest. This disclosure to the Committee shall include the name of the business said member does or proposes to do business with, the nature of

the interest as defined in Section 2(a)-(c) of this Article, and the perceived negative impact of public disclosure on the Tribe. Upon consideration, the Executive Committee shall vote in executive session on whether the potential harm to Tribal interests outweighs the benefits of public disclosure. A majority vote of the Executive Committee members present, excluding the disclosing member, that the benefits of public disclosure to the Tribe outweighs the risk shall require the Executive Committee member who has a conflict of interest to make a public disclosure of the interest in accordance with this Code.

5. Executive Committee members shall not engage in any of the following activities:
  - a) knowingly making personal investments in any business that will create a conflict with their duties as Executive Committee members;
  - b) using their position to obtain employment in, or business from or for, the Absentee Shawnee Tribal government or its businesses for themselves or members of their immediate family;
  - c) using their superior position to harass, demean, or unduly coerce employees of the Tribe;
  - d) entering into personal arrangements with individuals or businesses for compensation in matters that are before the Executive Committee;
  - e) engaging in negotiations with businesses or other governments doing business with the Tribe without the knowledge and authorization of the Executive Committee.

## **VI. Abuse of Power**

1. No Executive Committee member shall knowingly seek to or obtain a benefit, either directly or indirectly, in any manner from the profits of any contract, job, work, or service for the Tribe, or knowingly accept any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally from any person, firm, or corporation having dealings with the Tribe.
2. No Executive Committee member shall knowingly seek to use his or her official influence to assist any person for a fee or other compensation other than the compensation that is provided by law; provided, the performance of usual and customary constituent services without additional compensation does not constitute the use of official influence or prestige of office for private gain under this section.
3. No Executive Committee member shall knowingly and independently use his or her position on the Executive Committee to access information, documents, or other materials which are not related to a program for which s/he has oversight responsibility, unless such access is available in common to all Executive Committee members; provided, that such access which is necessitated by or in support of an investigation based on probable cause of an unlawful or unethical action or activities of said Executive Committee member shall not constitute a violation of this section.
4. No Executive Committee member shall knowingly and independently use his or her position to assert authority to obstruct a lawful investigation involving alleged criminal or unethical activities.
5. No Executive Committee member shall sexually harass or engage in sexual relations with subordinate personnel or knowingly allow personnel in the workplace to be sexually harassed.

6. No Executive Committee member shall operate or use, or knowingly allow tribal employees to operate or use, tribal vehicles or other equipment in a reckless or unlawful manner or for private gain of said employee or Executive Committee member.
7. No Executive Committee member shall willfully violate a law nor withhold information from other Executive Committee members of any such violation.
8. No Executive Committee member shall encourage, direct, coerce, or request a subordinate employee to use official work time compensated by the Tribe to perform activities other than those required in the performance of official duties or authorized in accordance with law, regulation, rule or policy.

## **VII. Confidential Information**

No Executive Committee member shall disclose confidential information to any person not authorized to possess such information which he or she has acquired by reason of his/her position on the Executive Committee, nor use such information to advance a private economic interest, directly or indirectly.

## **VIII. Gifts**

1. No Executive Committee member shall solicit, coerce, or accept a “gift” as defined in Art. III, § 11 of this Code, from:
  - a) a person seeking to obtain a contract, grant, loan, employment, or any financial relationship from or within the Tribe;
  - b) a person or business having an economic interest with the Tribe;
  - c) a person or business whose operations or activities are regulated or inspected by the Tribe;
  - d) a principal and/or attorney in proceedings in which the Tribe is an adverse party;
  - e) any person or business where the performance or nonperformance of any official duty may be affected or influenced; or
  - f) the same or different sources on a basis so frequent that a reasonable person would be led to believe the Executive Committee member was using the position or office for private gain.
2. Exceptions to Art. VIII, § 1. It shall not be deemed a violation of this Article for an Executive Committee member to accept:
  - a) an award for meritorious achievement from a charitable, religious, professional, recreational, social, fraternal, public service, or civic organization;
  - b) a plaque or memento of nominal value offered as a token of esteem or appreciation on the occasion of a speech or public appearance;
  - c) items of little intrinsic value or favors which are either given to everyone attending a function or celebrating an occasion or given individually in conjunction with a special occasion (e.g., greeting cards, certificate, or trophy);
  - d) traditional gifts based on the culture of the Absentee Shawnee Tribe and/or of the Tribe providing the traditional gift; such as, but not limited to, feathers, pouches and blankets;
  - e) modest items of food and refreshments;

- f) loans from regulated financial institutions on terms generally available to tribal members or the public;
- g) travel, subsistence, and related expenses accepted by the Tribe in connection with an Executive Committee member's attendance at a meeting or similar function relating to official duties which takes place away from Shawnee, OK;
- h) pension and other benefits resulting from continued participation in an employee welfare and benefits plan arising from previous employment; or
- i) unsolicited gifts of less than \$100.00 intrinsic value as outlined in the Absentee Shawnee Tribe's Administrative Systems Manual, Chapter IV(C)(a)(ii).

## **IX. Use of Public Property**

An Executive Committee member has a duty to protect and conserve property of the Tribe and shall not use such property, or allow its use, for other than authorized purposes.

## **X. Ethics Complaints; Ethics Hearings; Penalties**

1. **Ethics Complaint.** Any Tribal member over the age of eighteen (18) who claims that an Executive Committee member has violated this Code may file a complaint with the highest ranking member of the Executive Committee who is not the subject of the complaint. Such complaint shall be delivered by hand, postal mail, fax, or electronic mail and must:
  - a) be in writing;
  - b) state in detail the conduct alleged to have violated this Code and the provision(s) of the Code violated;
  - c) be signed by the Tribal member making the complaint; and
  - d) be accompanied by a sworn affidavit of the Tribal member making the complaint attesting to the information alleged.
2. **Ethics Hearings.** Within three (3) days of the filing, the Ethics Complaint shall be provided to all Executive Committee members. Within thirty (30) days of the filings of the Ethics Complaint, a vote shall be held by the members of the Executive Committee not subject to the complaint. Upon a majority vote of the Executive Committee, an ethics hearing shall be conducted in conformance with hearing procedures to be adopted by Executive Committee Resolution for Ethics Hearings.
3. **Findings.** All findings and recommendations of the Ethics Committee derived from the Ethics Hearings shall be reported to the Executive Committee for its consideration.
4. **Penalties and Consequences.** Any Absentee Shawnee Tribal Executive Committee member who is found by the Ethics Committee to have knowingly and intentionally violated any of the provisions of the Code may, as determined by a two-thirds (2/3) majority vote of sitting Executive Committee members eligible to vote, be subject to:
  - a) Written reprimand;
  - b) Public censure; and/or
  - c) Civil fine up to an amount equivalent to the value of the Compensation or Income improperly received where such amount has been established by the Ethics

Committee, or up to \$500 where such amount was not able to be determined by the Ethics Committee.

## **XI. Ethics Committee**

1. **Composition.** The Ethics Committee shall be composed of three (3) Tribal members selected based on the procedures provided for herein. No Ethics Committee member shall be:
  - a) An employee of the Tribe;
  - b) A person unable to serve due to disability; or
  - c) An immediate family member of, or any individual who otherwise has a conflict of interest with, the Executive Committee member(s) facing the allegation(s) at issue.
2. **Formation and Selection.** Whenever an ethics hearing is required, an Ethics Committee shall be selected by the Court Clerk and Chief of Police in accordance with Section 604 of the Absentee Shawnee Tribe Civil Procedure Code for drawing a general jury panel, except where inconsistent with the procedures provided herein. The Attorney General shall provide legal counsel to the Ethics Committee.
  - a) The Court Clerk and Chief of Police shall draw twenty (20) names at random.
  - b) The first, second, and third names drawn shall be appointed to the Ethics Committee. If any of the first three (3) names drawn are unable or unqualified to serve on the Ethics Committee, as determined by the Court Clerk and Chief of Police, individuals shall be appointed in the order their name was drawn. If three (3) able and qualified individuals are not found within the twenty (20) drawn names, the Court Clerk and Chief of Police shall conduct another blind draw of twenty (20) additional names and continue the process until three (3) able and eligible individuals are appointed to the Ethics Committee.
3. **Duties.** The Ethics Committee shall gather facts relevant to determining the veracity of the allegations contained in the Ethics Complaint and adopt findings and recommendations to submit to the Executive Committee. The Ethics Committee's responsibilities shall be carried out in accordance with hearing procedures established Executive Committee Resolution.
4. **Duration.** The Ethics Committee shall be an ad-hoc committee created for the sole purpose of evaluating a complaint made against an Executive Committee member. The authority of the Ethics Committee shall begin with the initial selection of the panel and shall expire upon submission of its findings and recommendations to the Executive Committee.

## **XII. Applicability**

This Code shall apply prospectively from the date of its adoption, and shall not apply retroactively.

## **XIII. Effective Date**

This Code shall be effective upon the passage of an Executive Committee Resolution enacting this Code; except Article X of this Code shall not be effective

unless and until the Executive Committee adopts by Resolution the Ethics Hearing procedures