

HANNAHVILLE INDIAN COMMUNITY
Elected and Appointed Officials
Code of Conduct and Ethics
TITLE VI, Chapter 6

6.6.100 Purpose

The purpose of this Code of Conduct and Ethics is to establish ethical standards for the Hannahville Indian Community Tribal Council and its elected or appointed boards and committees. All those acting on behalf of the Hannahville Indian Community are expected to act in the highest ethical manner and to carry out their duties with the best interest of the Tribe and its members in mind at all times. Those individuals elected or appointed shall not place their personal interests above that of the Tribe.

6.6.101 Authority

This Code is enacted pursuant to Article V, Section 1, Paragraph (12) of the Constitution and Bylaws of the Hannahville Indian Community, which permits the Tribal Council “To make rules for its own procedure and the conduct of its business of governing the Community . . .”

6.6.102 Oath of Office

Prior to sitting as a Tribal Council, Board member, or Committee member, each elected or appointed official shall take the appropriate oath of office.

6.6.103 Definitions

- a) “**Appointed Official**” means any Board or Committee member formally appointed (not elected) by resolution of the Tribal Council.
- b) “**Confidential Information**” means information by law or practice that is not available to the public at large or is determined to be confidential in nature by the Tribal Council, the Boards, or the Committees.
- c) “**Conflict of Interest**” means an action taken by an elected or appointed official of the Tribe which is in conflict with his or her obligation to take actions in the best interest of the Hannahville Indian Community.
- d) “**Crimes of Moral Turpitude**” include but are not limited to: fraud, embezzlement, extortion, theft, bribery, knowingly receiving stolen goods, perjury, child abuse, contributing to the delinquency of a minor, assault with or without intent to kill or seriously injure, rape, murder, manufacture of controlled substances, illegal use or distribution of controlled substances, criminal sexual conduct, and aiding or abetting any crime of moral turpitude.
- e) “**Elective Office**” means any office regularly filled by a vote of eligible

members of the Tribe or any office appointed by the Tribal Council to fill any vacancy of any office regularly filled by a vote of eligible members of the Tribe.

- f) “**Employees**” are those individuals hired or contracted by the Tribe to carry out identified duties and responsibilities.
- g) “**Immediate Family**” means spouse, significant others, parents, grandparents, children, grandchildren and siblings or those in a similar relationship by law.
- h) “**Tribal Boards**” are Boards with delegated powers of the Tribal Council that are either elected by the members of the Tribe or appointed by the Tribal Council.
- i) “**Tribal Committees**” are committees that with members who are appointed by resolution of the Tribal Council to fulfill a specific purpose.

6.6.104 Standards of Ethical Conduct

The members of the Tribal Council and all elected and appointed Boards and Committees shall adhere to the following:

- a) Shall treat the office to which they are elected with a public trust and follow the Tribal Constitution and all laws and ordinances that are in force on the reservation.
- b) Shall act in a fiduciary capacity, which is defined as the highest standard of care, with regards to the collection, marshalling, preservation and expenditure of the funds of the Hannahville Indian Community.
- c) Shall be subject to the Drug and Alcohol Policy of the Hannahville Indian Community. No elected or appointed member shall attend a public or closed meeting or conduct business under the influence of illegal drugs or alcohol.
- d) Shall respect the work, findings and orders of the Tribal Court and under no circumstance shall an elected or appointed member undermine the integrity of the tribal court system.
- e) Shall protect the property of the Hannahville Indian Community and disclose to the Tribal Council or the Hannahville Police Department any instances where there may be waste, fraud, abuse, misappropriation, or theft of tribal property.
- f) Shall attend all regularly scheduled and special meetings on a consistent basis as determined by applicable Tribal Council, Board, and Committee policies.
- g) Shall follow all laws, regulations and policies of the Community and any other

applicable laws. Convictions of Moral Turpitude or felonies committed while in office shall automatically violate this Code of Ethics.

- h) Shall be honest and truthful at meetings and not engage in intentional deception or fraud.

6.6.105 Prohibited Conduct

The members of the Tribal Council and all elected and appointed Boards and Committees shall not engage in any of the following acts:

- a) Shall not engage in any acts, including but not limited to business activity or legal action, or participate in any vote that would be deemed a conflict of interest to the Tribe.
- b) Shall not disclose confidential information.
- c) Shall not make general policy statements to any media on behalf of the Tribe without prior approval of the Tribal Council.
- d) Shall not use his or her position on the Tribal Council or other Board or Committee to obtain financial or any other benefit for themselves or their immediate family. If a matter addresses or benefits the Council, Board, or Committee member or his or her immediate family, the member must abstain from voting on the issue.
- e) Shall not hold any financial interest that is opposed to the interests of the Hannahville Indian Community unless disclosed to and approved by the Tribal Council.
- f) Shall not threaten or discipline any employee in reprisal for the employee acting within the scope of their official duties.
- g) Shall not attempt to influence the Tribal Court or its staff in any manner for their own gain or the gain of others.
- h) Shall not enter into agreements, contracts or other arrangements with the Hannahville Indian Community or any of its entities, employees, vendors, or subcontractors or any other individual or entity that has a business relationship with the Hannahville Indian Community without prior disclosure to and approval from the Tribal Council.
- i) Shall not use, request, or permit the use of the Tribe's motor vehicles, equipment or property, except as authorized for the conduct of official business.
- j) Shall not accept gifts from HIC vendors or subcontractors or any other

individual or entity that has a business relationship with the Hannahville Indian Community that exceed \$250.00 in value unless the gift is an art or craft for their public service that may be deemed to have a higher value. Other Tribal Boards or Committees may be subject to stricter policies if they apply.

- h) Shall not permit disparaging comments or allegations made during meetings by attendees against other tribal members or employees who are not present. Such matters shall be tabled until the presence of all the parties can be obtained.
- i) Shall respect and follow proper procedures in requesting information otherwise not available to the public. All requests for information should be processed through the Executives.

6.6.106 Formation of the “Ethics Board”

To oversee and enforce this Code of Ethics, the chairpersons of the Tribal Council, Health Board, School Board, Housing Board, Gaming Commission, and Child Welfare Board shall compose the membership of the Ethics Board, which shall hereafter exercise all powers and authority which shall be delegated by the Hannahville Tribal Council. In the absence of a chairperson by recusal, the vice-chair of the Council or Board that the recused sat on shall replace the recused chairperson. If the vice-chair also recuses himself or herself, the Council or Board of the recused shall so designate a Council or Board member of the recused Council or Board to replace the recused chairperson. If a chairperson sits on multiple boards, he or she may only represent one board (or commission) and is considered recused from representing all other boards (or commission) that he or she chairs and an appropriate replacement as outlined above must be so designated.

6.6.107 Oversight and Enforcement

All potential violations of this Code or complaints hereunder shall be gathered, processed and heard in the following manner.

- a) Any Tribal Council member, Board member, Committee member, tribal member or employee may advise the Ethics Board of an ethics violation.
- b) Any potential violation must be submitted to the Ethics Board in writing and must specify the ethics violation. The complaint must be signed and dated by the complainant. Oral reports of ethics violations will not be considered.
 - 1. If the complaint is against a Tribal Council, Board or Committee member, he or she shall recuse themselves from the process entirely.
 - 2. All complaints for actions that took place before this Code was enacted shall not be considered.

- c) The Ethics Board may appoint an investigator with sufficient legal knowledge and background to gather any evidence and advise the Ethics Board if a violation exists.
- d) After the investigation, upon majority vote (must have four affirmative votes) by the Ethics Board that a preponderance of evidence exists that a violation occurred, a written summary of the Ethic Board's findings and recommendations for discipline shall be forwarded to the full Tribal Council for a hearing which shall render a decision on the same preponderance of evidence standard.
 - 1. The accused member may call a closed hearing, may be represented at his or her own expense, and may bring his or her own witnesses and evidence. The accused shall not have a final vote in the proceedings.
 - 2. Criminal convictions of Moral Turpitude committed while in office are per se evidence of a code violation.
- e) Upon hearing all the evidence, the Tribal Council may do one or more of the following by quorum and a majority vote if the Tribal Council determines that a preponderance of evidence that an ethics violation occurred.
 - 1. Dismiss the complaint, because the evidence does not support the complaint.
 - 2. Reprimand the Tribal Council, Board, or Committee member if the evidence supports a reprimand.
 - 3. Dismiss the Tribal Council, Board, or Committee member from the Tribal Council, Board, or Committee if the evidence supports a dismissal.
- f) These Code of Ethics do not affect the members' employment status with the Tribe. However, ethics violations which impact or implicate the Tribe's Employee Discipline, Drug and Alcohol, and Background Investigation policies shall be referred to Managerial Staff for further discipline/action in accordance with those policies.

6.6.108 Final Determination

Upon the completion of the hearing process, all determinations of the Tribal Council are considered final and closed.

6.6.109 Applicability and Effective Date

- a) This Code shall apply prospectively (not retroactively) from the date of adoption.

- b) This Code shall be effective sixty days after the passage of a Tribal Council Resolution enacting this Code.
- c) This Code is separate and distinct from the requirements of the Tribe's Drug and Alcohol, Employee Discipline, and Background Investigations policies.
- d) This Code is civil in nature.

Enacted by the Hannahville Indian Community Tribal Council on March 4, 2019, effective sixty days after March 4, 2019.

Votes in favor 10; Votes opposed 0; Abstentions 0.