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THE CONFEDERATED TRIBES OF THE
GRAND RONDE COMMUNITY OF OREGON

Tribal Ethical Standards Ordinance

Tribal Code § 275

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Tribal Ethical Standards Ordinance

(a) Authority and Purpose.

(1) The authority for this Ordinance is found in the Tribal Constitution under Article III, Section 1.

(2) The purpose of this Ordinance is to set forth specific ethical standards governing the conduct of all Tribal Officials.

(b) Background and Intent. The Tribal membership judges its government by the way Tribal Officials conduct themselves in the positions to which they are elected or appointed.

Tribal members have a right to expect that every Tribal Official will conduct himself or herself in a manner that will tend to preserve public confidence in and respect for the Tribal government.

Such confidence and respect can best be promoted if every Tribal Official, whether paid or unpaid, and whether elected or appointed, will uniformly: (i) treat both Tribal members and members of the non-Tribal public with courtesy; (ii) carry out the duties of their position with impartiality, fairness, and equality under the law; and (iii) avoid both actual and potential conflicts between their private self-interest and the public interest.

The Council has therefore determined that it is in the best interest of the Tribe that clear direction be given with respect to the ethical conduct of Tribal Officials. This Ordinance is intended to guide the actions of all such persons, provide guidance for the conduct of business, protect the interests of Tribal members, and protect the reputation and integrity of the Tribal Government.

(c) Definitions. The terms used in this Ordinance are hereby defined as follows:

(1) Official. Any person elected or appointed to any public office or Public Body of the Tribe, whether paid or unpaid, and whether part time or full time; provided, however, that the term Official shall not refer to any judge or pro tem judge of the Tribal Court or the Tribal Court of Appeals;

(2) Public Body. Any agency, authority, board, body, commission, committee, department, division, or office of the Tribe other than the Tribal Court or Tribal Court of Appeals.

(3) Financial Interest. Any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or compensation for his or her service to the Tribe) to the Official or to any person employing or retaining the service of the Official.

(4) Personal Interest. Any interest arising from blood or marriage relationships or from close business associations whether or not any financial interest is involved.

(d) Standards of Conduct. Each Official shall:

(1) Not receive any additional salary, benefits or reimbursement for expenses for work performed pursuant to a contract for services with a Public Body or Tribal enterprise where that Official is being compensated by the Tribe for that work.

(2) Not knowingly and wilfully commit any act forbidden by law within their official capacity.

(3) Not, in their capacity as Officials, exercise a discretionary power with the intent to obtain a dishonest advantage for themselves or for others.

(4) Not, in the capacity of an Official, make an entry in an account, record book, return, certificate, report, or statement which in a material respect intentionally and knowingly falsifies or misleads.

(5) Not intentionally solicit or accept for the performance of any Tribal service or duty anything of value, including, but not limited to, any gift, loan, favor or service, given for the purpose of influencing them in discharging their official duties. However, Officials may accept such items if there is no likelihood of improper influence or the appearance of improper influence and the item is one of the following:

(A) A noncash gift of nominal value (\$75 or less) such as are received at holidays;

(B) Gifts available to the general public under the same conditions as they are available to the Official;

(C) Civic, charitable, educational or religious organization awards for recognition of service and accomplishment;

(D) Gifts because of kinship, marriage, or social relationship apart from any business with the Tribe; or

- (E) Trips, guest accommodations, or other travel expenses that could otherwise be reimbursed as a legitimate business expense and that involve formal representation of the Tribe or the conduct of Tribal business.
- (6) Not use Tribal property, facilities, or resources for private or personal gain for themselves, family, or others.
- (7) Not use confidential information for their personal gain or benefit or for the gain or benefit of family or others.
- (8) Act in what is conceived, in their opinion, to be the best interest of the membership of the entire Tribe. Similarly, Officials shall grant no special consideration or treatment to any Tribal member beyond that which is available to every other Tribal member.
- (9) Tribal Council members may not serve as an employee of a Public Body, Tribally chartered corporation or other Tribal enterprise, or any business, firm or partnership in which the Tribe or a Tribally chartered corporation or enterprise has more than a *de minimus* interest.
- (10) Not function as an Official while intoxicated or under the influence of illegal or incapacitating drugs.
- (11) Not commit perjury or fraud.
- (12) Not engage in actions or activities that discredit or bring disrespect to the Tribe.
- (13) Not represent him or herself as acting on behalf of the Tribe without authorization to do so.
- (14) Not knowingly misrepresent the Tribe or a position the Tribe has taken.
- (15) Not use one's position to coerce, threaten, or intimidate a person or entity to provide a financial benefit or other personal gain to oneself or another person with whom one has family, business, or financial ties, or for any other purpose.
- (16) Not use one's official title to conduct personal business.
- (17) Not engage in improper conduct nor grossly neglect one's duty, as described in the Election Ordinance, if applicable.

(e) Conflicts of Interest.

(1) Financial or Personal Interest. No Official shall have any financial or personal interest in any business or transaction with any Public Body unless the Official shall first make full public disclosure of the nature and extent of such interest.

(2) Disclosure and Disqualification of Tribal Council Members. Whenever the performance of official duties shall require any Tribal Council member to deliberate and vote on any matter involving his or her financial or personal interest, the Tribal Council member shall publicly disclose on the record at a Tribal Council meeting the nature and extent of such interest and be disqualified from participating in deliberation as well in the voting.

(3) Disclosure and Disqualification of Board, Authority, and Committee Members. Whenever the performance of official duties shall require any Board, Authority or Committee member to deliberate and vote on any matter involving his or her financial or personal interest, the Board, Authority or Committee member shall publicly disclose the nature and extent of such interest at a Board, Authority or Committee meeting, advise the Tribal Council in writing of the nature and extent of such interest, and be disqualified from participating in deliberation as well as in the voting.

(4) Incompatible Employment. No Official shall engage in private employment with, or render services for, any private person, partnership, or firm which has business transactions with any Tribal Public Body unless the Official shall first make full public disclosure of the nature and extent of such employment or services. Consent for such private employment must be obtained from the Tribal Council.

(5) Employment of Relatives. No Official shall employ any relative by blood or marriage on any basis other than merit and fitness for the position. Provided, however, this provision shall not prohibit use of Tribal or Indian preference under written personnel policies and procedures.

(6) Representation of Private Persons. No Official shall appear on behalf of any private person, other than himself or herself, before any court, agency, or administrative body (other than a Tribal Internal Review Board or a proceeding before a Hearings Officer pursuant to this Ordinance) where the Tribe is a party or has an interest, unless first approved by the Tribal Council.

(f) Hearings and Determinations. Tribal Officials accused of violating the prohibitions set out under this Ordinance shall have the accusation(s) heard and the matter decided according to the following procedures:

- (1) Any Tribal member, Tribal Official or Employee, may present a sworn complaint against an Official alleging facts which, if true, would constitute improper conduct under the provisions of this Ordinance. The complaint must be filed with the Tribal Council Secretary, *provided*, that if the complaint is being made against the Tribal Council Secretary, the complaint shall be filed with the Tribal Council Chairperson. A copy of the complaint must also be provided to the Official against whom the complaint is filed and the Tribal Attorney, *provided*, that if the complaint is being made against the Tribal Attorney, then a copy of the complaint must be filed with the Assistant Tribal Attorney. The complaint will not be considered filed until it is filed with the Tribal Council Secretary and copies of the complaint are delivered to the Official against whom the complaint is filed and the Tribal Attorney (or to the Tribal Council Chairperson or Assistant Tribal Attorney as provided herein). The complaint shall specify the Official against whom the complaint of unethical conduct is being made and the conduct that is alleged to be unethical. The complaint must be filed within sixty (60) days of the alleged event or of the time complainant learned of, or should have reasonably learned of the alleged event.
- (2) The Tribal Council shall refer the complaint for an investigation and hearing according to the procedures specified below.
- (3) The Tribal Council shall appoint a Hearings Officer to investigate and conduct a hearing on a complaint alleging unethical conduct by an Official. The Tribal Council shall contract with an independent outside entity or person to serve as the Hearings Officer.
- (4) The Hearings Officer shall have the authority to investigate the allegations presented in the complaint, to take testimony, to issue subpoenas, and to compel the production of documents and other evidence. The Official against whom an allegation is made and the complainant shall have the right to be present when testimony is given.
- (5) The Hearings Officer shall conduct a hearing at which the Official against whom the allegation is made, his or her spokesperson, and the complainant and his or her spokesperson may be present and may present evidence and cross examine witnesses. All hearings shall be held in Grand Ronde, Oregon and be open to the public.
- (6) The Hearings Officer shall notify the Tribal Chairperson, or if the allegation is against the Chairperson then the Tribal Secretary, of the completion of the investigation and hearing.
- (7) The Hearings Officer shall apply and be bound by Tribal law. The Hearings Officer shall adopt and apply in all proceedings such procedural rules as necessary to provide a fair hearing and which are not otherwise inconsistent with this Ordinance; *provided however*, the Hearings Officer shall not be bound by formal rules of evidence.

- (8) The Hearings Officer shall issue written findings of fact and conclusions. If the conclusion is that the Official committed an ethical violation under this Ordinance, then the Hearings Officer shall recommend appropriate sanctions consistent with this Ordinance, if any, to be imposed on the Official. The Tribal Council shall accept the findings of fact and conclusions of the Hearings Officer and shall, by Resolution, impose the recommended sanctions against the Official, modify the sanction consistent with the findings and conclusion, or decline to impose any sanction if, on the record, the Council determines that the imposition of any sanction would be inconsistent with Tribal law.
- (9) Appropriate sanctions against a Tribal Council Member found to have committed an ethical violation under this Ordinance include reprimand, censure (published in the Tribe's newsletter or newspaper), or temporary suspension (not to exceed three (3) months). To be valid and binding, the sanction must be approved by at least five (5) Council members voting on the issue, provided the accused Council member shall not vote in this determination.
- (10) Appropriate sanctions against an Official, other than a Tribal Council Member, found to have committed an ethical violation under this Ordinance include reprimand, verbal or written warning, suspension, termination or removal from his or her position, subject to applicable Tribal personnel policies and any applicable contractual terms of employment.
- (11) If the Hearings Officer finds that an allegation of unethical conduct on the part of a Official has been submitted for purposes of harassment or for other improper purposes, or is completely without merit, the complainant shall be liable for and shall pay to the Official against whom such allegation is made the reasonable costs, including attorneys fees, associated with defending against such allegation. In such case, the complainant shall also be liable to the Tribe for the costs of the Hearings Officer. This paragraph may be enforced against the complainant in the Tribal Court.
- (12) Any Official who is found to have violated this Ordinance and against whom sanctions have been imposed by the Tribal Council shall have a right to appeal the sanctions to the Tribal Court. The Tribal Court's jurisdiction is limited to determining whether the sanctions imposed by Tribal Council were imposed arbitrarily and capriciously, in violation of the Tribe's Constitution or the Indian Civil Rights Act.
- (13) The appeal must be filed within thirty (30) days of the Tribal Council's Resolution imposing sanctions.
- (g) Funds and Equipment. Tribal Officials who are entrusted with Tribal funds or equipment for carrying out Tribal business shall be subject to the following requirements and procedure, in order to provide a uniform system and to avoid actual or apparent impropriety.

(1) **Funds.** Tribal Officials shall be held personally accountable and liable for Tribal monies entrusted to their control.

(A) Tribal funds withdrawn for specific authorized purposes by a Tribal Official shall be used for those specific purposes only.

(B) In all cases other than travel advances, Tribal funds not expended for authorized purposes must be repaid by the responsible Tribal Official within three (3) working days after the date on which such funds were to have been expended.

(C) In the case of travel advances, funds advanced in excess of the costs covered by the Tribe must be repaid by the responsible Tribal Official in accordance with the then-current policies of the Tribe's Finance Department.

(2) **Equipment.** Tribal Officials shall be held personally accountable and liable for all equipment entrusted to them in the performance of Tribal business.

(A) Tribal Officials shall not use, or authorize the use of, Tribally owned or leased vehicles and other transportation equipment for purposes other than those officially authorized.

(B) Tribal Officials shall not use, or authorize the use of, any Tribally owned or leased equipment for purposes other than those officially authorized.

(h) **No Retroactive Effect.** This Ordinance applies prospectively and only to alleged events occurring after the Effective Date in Section (i) below.

(i) **Effective Date.** The Ordinance will be effective on the date specified in the Tribal Council resolution amending and reenacting the Ordinance.

I certify this to be a true copy of the Confederated Tribes of the Grand Ronde Community of Oregon Tribal Ethical Standards Ordinance.



Tribal Council Secretary