

Drafting Committee:
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CODE OF CONDUCT, ETHICS, AND CONFLICT OF INTEREST

Maamawiino Anishinaabeg Nation (aka Chippewa)

DEFINITIONS

Accountability: An accountable Tribal government is:

1. Responsive to the needs of the people it serves.
2. It involves the citizens in governing duties and decisionmaking by listening to its citizens' voices and using citizen feedback to shape and improve its policies and programs.
3. Accountability also extends to the duties of one's position, whether elected, appointed, or hired.
4. An accountable tribal government that listens to its citizens should be able and willing to admit their mistakes and wrongdoings to promote transparency and work for the common good.
5. An accountable tribal government also knows how to incorporate honesty in their governing style and have the wherewithal to apologize for their mistakes.

Business-Tribal Owned: Any of the following business structures organized under Tribal, Federal, or State law:

1. An IRA Section 17
2. Tribal Chartered Corporations
3. State Law Corporations

4. Limited Liability Company (LLC) (organized under either a tribal code or state law).
5. Unincorporated Businesses (called the economic arms of the Tribe) are not considered distinct legal entities. Examples are tribal casinos, tribal enterprises, and tribal utilities.

Confidential Information: Any information obtained under government authority that has not become part of the body of public information and which, if released prematurely or in non-summary form, may provide an unfair economic advantage or adversely affect the competitive position of an individual or a business. "Confidential information" also includes data classified as not public.

Conflict of Interest: Ethics problems that may arise between parties with a preexisting relationship. A conflict of Interest occurs when an official's, representative's, or employee's interests or loyalties compete with or compromise their ability to faithfully fulfill their responsibilities with objectivity, impartiality, good judgment, and loyalty to the Tribe's interests. Conflict of Interest includes but is not limited to the following actions and are subject to procedures regarding a resolution of the conflicts or disciplinary action as appropriate:

1. Use or attempted use of the official position to secure benefits, privileges, exemptions, or advantages for themselves or their immediate family or an organization or entity with which the official is associated, different from those available to the public.
2. Accepting other employment or contractual relationships could affect the official's, representative's, or employee's independence of judgment in exercising official duties.
3. Actions as an agent or attorney in any action or matter pending before the employing agency except in the proper discharge of official duties or on the employee's behalf or
4. Solicitation of a financial agreement for the employee or entity other than the Tribe is prohibited when the Tribe is currently engaged in services that are the subject of transactions or where the Tribe has expressed an intention to compete for services.

5. Potential conflict of Interest means that the official's, representative's, or employee's interests, the interests of the official's, representative's, or employee's family or partner, or the interests of any of the official's, representative's, or employee's outside interests could create an inappropriate influence on their judgment in the exercise of their duties if they must make a decision or recommendation that would affect one or more of those interests.
6. Appearance of a conflict of interest" means any situation that would cause a reasonable person, with knowledge of the relevant facts, to question whether the official's, representative's, or employee's Interest, affiliation or relationship inappropriately influenced their action in their position, even though there may be no actual conflict of Interest.
7. No "nominal value" exception to conflict-of-interest restrictions exists, meaning that an actual, potential, or apparent conflict of Interest can exist even where the benefit, privilege, exemption, advantage, or financial Interest is nominal.

Ethics: Equals a combination of Morals and Reasoning.

1. Ethical behavior leads to safeguarding society, self-esteem, creating credibility, etc. In contrast, unethical behavior leads to loss of trust, nepotism, corruption, crime, etc.
2. Unethical behavior leads to anger, disruptive behaviors (yelling, shouting, threats), violence, and arguments.
3. Social Ethics is tolerance towards other sections, peace, harmony, etc.
4. Political Ethics is considered Constitutional Ethics, National Interest, etc.
5. Organizational Ethics are impartiality, honesty, hard work, caring for the community, efficiency, etc., in business, Tribal governance, etc.
6. International Ethics is ethics in diplomacy, respecting international treaties, etc.

Family: A current and former spouse; children, parents, and siblings; current and former children-in-law, parents-in-law, and siblings-in-law; current and former stepchildren and stepparents; grandchildren and grandparents; and members of the employee's household.

Fiduciary Responsibility: A legal or ethical duty of loyalty and trust in which the individual must act for the benefit of or to safeguard the interests of another person or entity. Examples include but are not limited to a trustee, a board member, and an attorney.

Nominal Value: Little to no marketable value. Gifts of "nominal value." Include, but not limited to, gifts of cash and gift certificates or gift cards of any value are prohibited. Some examples of gifts of "nominal value" include, but are not limited to, Pens, cups, totes, flash drives, or other trinkets bearing a company's name/logo that are not marketable. Snacks or light refreshments are provided at a meeting, conference, or other event as a routine courtesy and offered to all attendees.

The limited exceptions to the prohibition on the acceptance of gifts are as follows:

1. Gifts of "nominal value"
2. Receipt of plaques or mementos recognizing individual service in a field of specialty or to a charitable cause.
3. Payment or reimbursement of expenses for travel (including lodging and meals) that the Tribe has approved in advance associated with a work assignment and does not otherwise present a conflict of Interest.
4. Honoraria or expenses paid for papers, talks, demonstrations, or appearances made by employees on their own time, including vacation, not part of their regular job duties, and which do not otherwise present a conflict of Interest.
5. Tips to restaurant and lodging facility employees engaged in food and room cleaning services.
6. Special discounts offered by private businesses if authorized by the Tribe.

Morals: Mino Bimadiziwin defines the behavior of conformity to established rules or accepted notions of right and wrong.

Organization: Includes for-profit and nonprofit businesses and other entities. The organization does not include public entities.

Outside Interest:

The following persons or organizations associated with tribal officials or employees in their capacity, as opposed to employment capacity:

1. A person or organization that employs or is a prospective employer of the official or employee, their family, or their partner, or as used here, employment includes acting as an officer, director, trustee, general partner, agent, attorney, representative, consultant, contractor, or employee.
2. A person or organization that the official or employee, their family, or their partner has or is seeking a financial interest in or financial relationship within routine consumer transactions, which is not considered a "financial interest" or "financial relationship."
3. Any organization where the official, employee, family, or partner actively participates, which includes but is not limited to service as an officer; service in a capacity similar to that of a committee or subcommittee chairperson or spokesperson; participation in directing the activities of the organization; significant time devoted to promoting specific programs of the organization; coordination of fundraising efforts for the organization; active membership in the organization.
4. "Active membership" does not include active membership in job-related nonprofit professional organizations as long as other functional participation aspects are absent.
5. Payment of dues or donation of financial support to the organization does not constitute "active participation."

Partner: Includes romantic and domestic partners and outside business partners.

Private Gain/Private Interest: Any interest, including but not limited to a financial interest, which pertains to a person or business where the person or business would gain a benefit, privilege, exemption, or advantage from the action of a state agency or employee that is not available to the general public.

Relative: Grandparents, parents, children, aunts, uncles, first or second cousin; godparent, godchild; other person related by blood, marriage, or legal action with whom the person has a close personal relationship.

Separation of Politics from Business: The Separation of Power provisions in the Tribal Governing documents establish a structure that frees governing bodies of:

1. political influence;
2. micro-management;
3. interference by another governing body;
4. intrusion in their business that focuses on short-term and long-term development, strategies, and goals;
5. undue influence in assigning responsibility to operate and manage tribal business to those with skills and knowledge.

Solicitation: Acts requesting, appealing to, coercing, or enticing (someone) for a favor to seek funds or other things of value under pressure tactics, which can take the form of emotional and physical intimidation. Solicitations are requests for support or participation for products, groups, organizations, or causes unrelated to our company. Solicitation is done to raise money for charitable causes. Solicitation requests can be made in writing, in person, or electronically.

Transparency: A Tribes obligation to be as open, accountable, and honest with its citizens as possible. This honesty involves being open about how the government is conducting business and using tax dollars to improve the area that it governs. Ultimately, the Tribal government's job is to serve its citizens as efficiently as possible. Transparency involves the following:

1. Developing guidelines for reports, regularly and publicly reviewing reports, and creating a summary of reports.
2. Providing easy access for citizens and making access to these reports free for citizens.
3. Work to facilitate proactive communication, openly requesting citizens' feedback on changes.
4. Open meetings.
5. Recorded meetings.
6. Meeting minutes of the meeting that are inclusive and professional, not vague.
7. Maintaining openness, accountability, and communication.
8. Providing understandable information.
9. The Tribal government allows itself to be scrutinized.

POLICY STATEMENT

1. Elected officials, representatives, and employees will uphold the highest honesty, integrity, and ethical behavior standards. They have a duty to the citizens of the Maamawiino Anishinaabeg Nation (aka Chippewa) to act in their Interest.
2. This policy also applies to officials, representatives, and employees who are directly or indirectly involved in the acquisition of goods, services, construction, and utilities, awarding the contracts, administration of grant contracts, authorizing payments under the contract, developing requests for proposals, evaluating bids or proposals, selecting the final vendor, drafting and entering into contracts, evaluating performance under these contracts, and authorizing payments under the contract.
3. Officials, representatives, and employees must obtain an opinion from the Ethics Committees if they are uncertain about their actions or decisions.
4. No member of the Ethics Committee, Tradition and Custom Dispute Resolution, or the Grand Council shall participate in a matter dealing with a Code violation if they have a conflict of interest. If a conflict of interest exists, they shall recuse themselves.

Implementation of the Policy

1. Officials, representatives, and employees, within 30 days of their election, appointment, or hire, must:
 - a. Read and seek help learning about the sections of this Code that are not understood.
 - b. Complete a training session related to the Code of Conduct, Ethics, and Conflict of Interest.
 - c. Upon completing section 1a, sign and submit the **ACKNOWLEDGMENT FORM (Appendix 1)**.
 - d. Tribal departments are responsible for collecting and retaining forms, which shall be accessible and verifiable.
 - e. Annually, all officials, representatives, and employees must, by paper certification, recertify at minimum, completing the electronic acknowledgment with conflicts of interest disclosure form.
2. Every elected official, representative, and employee must comply with this Code of Conduct, Ethics, and Conflict of Interest and perform

their duties to the highest degree of standards set out in this policy, which include but are not limited to:

Conduct

1. Avoid any appearance of impropriety.
2. Maintain public trust.
3. Maintain fairness.
4. Ensure the use of Tribal resources for Tribal purposes.
5. Increase accountability.
6. Avoid conflict of interest.
7. Maintain transparency.
8. Perform duties honestly and ethically.
9. Put forth an honest effort in the performance of their duties.
10. Act impartially in their duties and without giving preferential treatment to any private interest except as may be provided by law.
11. Comply with all laws, rules, regulations, policies, and procedures related to their duties, including, but not limited to, this policy.
12. No more than two (2) unexcused absences from meetings within twelve (12) months.
13. Public drunkenness or being under the influence of illicit drugs is prohibited while conducting business or activities related to your position or job.
14. Only access public data. Access confidential information only when duties reasonably require access and for Tribal business purposes.
15. Cooperate fully with auditors.
16. Report to the Ethics Committee and the Grand Council any violations of this policy, internal control weaknesses, evidence of theft, embezzlement, or unlawful use of public funds or property,
17. Refrain from receiving or accepting, directly or indirectly, any money or thing of value from anyone other than the Tribe for performing an act that the official, representative, or employee would be required or expected to serve in the regular course or hours of their duties.
18. Refrain from performing an act in the official's, representative's, or employee's capacity, which may later be subject directly or indirectly to their control, inspection, review, audit, or enforcement in their position.

19. Refrain from holding or seeking financial interests that conflict with the performance of their duties.
20. Refrain from participating on behalf of the Tribe in the development, review, or evaluation of requests for proposals, bids, or requests for information or the selection, award, or administration of a contract or grant when the official, representative, and employee, their family, their partner, or any of the official's, representative's and employee's outside interests has or is seeking a financial or other interest in, or has or may obtain a personal benefit from.
21. Refrain from acting as an agent or attorney in any action or matter pending before the Tribe except in the proper discharge of the official's, representative's, or employee's duties or on the official's, representative's, or employee's behalf.
22. Refrain from competing with the Tribe or soliciting financial agreement for the official, representatives, employee, or other entity other than the Tribe, where the Tribe is currently engaged in providing a service or where the Tribe has expressed an intention to engage in competition for providing a service.
23. Avoid any action that might result in a potential violation or the appearance of a conflict of Interest.
24. Avoid using their position for private gain or advantage. A violation exists even if the official, representative, or employee cannot obtain the personal gain or benefit.
25. Recognize and avoid actual, potential, and apparent violations and conflict of interest situations.
26. Do not seek outside employment or involvement in a business or activity requiring them to disclose or use confidential information obtained during their Tribal duties.

Solicitation

1. Prohibited acts include but are not limited to the following:
 - a. Asking for signatures for a petition
 - b. Requesting support for a political candidate
 - c. Engaging in attempts to convert people to a different religion or belief system. proselytism
 - d. Distribution of literature or material for commercial or political purposes

- e. Distributing material that contains hate or other offensive speech
- f. Requesting support or funding for political campaigns.
- g. Outside vendors and ex-employees expect a favorable response.
- h. Entice another to engage in a criminal act.
- i. Distribution of non-business literature to customers, partners, and vendors.
- j. Unauthorized posting of non-work related material on company bulletin boards.
- k. Tribal officials, representatives, and employees may not directly or indirectly:
 - 1. Solicit, accept, or receive anything of value for performing their job except for the compensation and benefits the Tribe provides.
 - 2. Solicit, accept, or receive any payment of expense, compensation, gift, reward, gratuity, favor, service, promise of future employment, or a future benefit for activities related to their duties, except those provided by the Tribe.
 - 3. Solicit or accept employment, a contractual relationship, or a fiduciary responsibility that will affect their independence of judgment in exercising their duties.
 - 4. Solicit or accept employment, a contractual relationship, or a fiduciary responsibility with any person or public or private entity subject to control, inspection, review, audit, or enforcement by their position.
- l. Solicitation can include raising money for charitable causes. As an employee, you may solicit from your colleagues only in the following situations:
 - 1. Ask colleagues to help organize events for another employee (e.g., adoption/birth of a child, promotion, retirement)
 - 2. Seek support for a cause, charity, or fundraising event our company sponsored, funded, organized, or authorized.

3. Invite colleagues to employee activities for an authorized non-business purpose (e.g., recreation or volunteering).
 4. Ask colleagues to participate in employment-related activities or groups protected by law (e.g., trade unions).
- m. This policy allows children in a fundraising effort and adult citizens to sell merchandise (wild rice, crafts, homemade items, etc.) if set up or conducted in a manner that is not intrusive to a business' workplace.

Confidential Information

1. Officials, representatives, and employees may not use confidential information obtained during their duties to further their private interest or the private interest of any person or organization except as authorized by law.

Use of Property or Time

1. Officials, representatives, and employees may not use or allow the use of paid time or Tribal owned or leased facilities, supplies, equipment, or other property for their private interest, for the personal interest of any person or organization, or for any other use not in the interest of the Tribe, except as authorized by law.
2. An exception is that an official or employee may use time, Tribal property, or equipment to communicate electronically (e.g., to elected officials or exclusive representatives) provided such use results in no additional charge to the Tribe or a charge so small as to make accounting for it unreasonable or administratively impractical and provided such use.

Use of Position

1. Using or attempting to use the official's, representative's, or employee's position, including their badge, uniform, title, prestige, authority, or influence, for the private gain of their family, relatives,

partners, friends, or outside interests. This prohibition includes using or attempting to use the official's, representative's, or employee's position to solicit or secure benefits, privileges, or advantages not available to the general public for the official or employee or their family, relatives, partners, friends, or outside interests.

Ethics Committee Duties

1. A committee of a minimum of three (3) people shall adopt, communicate, and enforce this policy.
2. Conduct conflict checks during the background check process before hiring employees.
3. Model ethical behavior.
4. Establish an ethical tone and culture in the agency that promotes honesty and accountability.
5. Establish a culture that is conducive to preparing reliable information for decision-makers
6. Establish and maintain an agency-specific conduct and ethics program consistent with this policy, including policies and procedures for compliance.
7. Provide the initial and annual training of officials, representatives, and employees on compliance with this policy, agency conduct, and ethics policies and procedures.
8. Administer and support Code of Conduct, Ethics, and Conflict of Interest training programs for officials, representatives, and employees so they are informed of professional standards, laws, regulations, internal controls, and ethical responsibilities relevant to their specific duties.
9. Establish mechanisms and communication channels for officials, representatives, and employees to report any suspected violations of this policy, internal control weaknesses, irregularities, or illegal conduct; inform and train officials, representatives, and employees on the mechanisms and communication channels.
10. Determine and follow the Tribal process for investigating and resolving reports of suspected violations of this policy, internal control weaknesses, irregularities, or illegal conduct, including any additional required reporting. Develop, maintain, and adhere to an

effective internal control system compliant with policies and standards.

11. Determine the existence of actual, potential, and apparent violations and direct action to resolve such disputes.
12. Assist with the interpretation and application of this policy.
13. Provide a written determination if an official, representative, or an employee requests an opinion on a potential violation of the Ethics Committee because they are unsure if an actual, possible, or apparent violation exists.
14. Determine the appropriate disposal method for impermissible gifts that cannot be returned by officials, representatives, or employees.
15. Investigate complaints of violation of this policy.
16. Determine the existence of an actual, potential, or apparent violation.
17. Take action to resolve actual, potential, or apparent violations.
18. Issue a written report related to the investigation.
19. Report to the Grand Council on actions taken.
20. Maintain written records of training sessions, the attendees, violation background checks, investigations conducted, opinions provided, decisions made, actions taken to resolve the dispute, and any referrals made.

Report of violations:

1. Any citizen of the Maamawiino Anishinaabeg Nation (aka Chippewa) shall report an alleged violation(s) of the Code of Conduct, Ethics, and Conflict of Interest to the Ethics Committee. The complainant shall use the "REPORT A VIOLATION OF THE CODE OF CONDUCT, ETHICS, AND CONFLICT OF INTEREST FORM (Appendix 2).

Determination Procedures:

1. Upon receipt of the REPORT OF A VIOLATION OF THE CODE OF CONDUCT, ETHICS, OR CONFLICT OF INTEREST FORM, the Ethics Committee shall report the receipt of a complaint to the Grand Council within five (5) days of receiving the complaint.
2. A violation shall exist when a review by the Ethics Committee

determines that the alleged behavior violates any conduct, ethics, or conflict of Interest outlined in this Code. It is the responsibility of the Ethics Committee to investigate the allegations.

3. The Ethics Committee shall decide the sufficiency of the allegations and write a preliminary opinion.
4. If the Ethics Committee makes a preliminary opinion that insufficient facts support the allegation, they shall notify the complainant and complete a written record.
5. If the Ethics Committee makes the preliminary opinion that there are enough facts to support the allegation, they notify the complainant and the accused, who can then present evidence on their behalf.
6. When the Ethics Committee makes a final decision, they shall notify the complainant, the accused, and the Grand Council by a written report of their conclusion and supporting documentation.
7. The Ethics Committee shall generate a filing system to retain their written reports, which they shall file in the folders with the signed copy of the Code Acknowledgment Form of the Official, Representative, or employee.

Resolutions:

1. Upon the Ethics Committee's determination that a violation of the Code, the parties attempt an informal resolution. For example, if the Ethics Committee determines an actual, potential, or apparent conflict of Interest exists, an informal resolution might be the following:
 - a. The official or employee must avoid the situation giving rise to the conflict and may be instructed not to pursue or discontinue a conflicting activity.
 - b. Reassign the matter to another official, representative, or employee who has no problem with the Code or conflict of Interest and is not violating the Code.
2. Upon the Ethics Committee's determination that a violation of the Code, the parties shall attempt an informal resolution. If the parties can not agree, the matter may be referred to Tradition and Custom Dispute Resolution with the consent of the accused. Alternatively, the accused may request a formal hearing by the Grand Council.
3. The Grand Council shall conduct a hearing in accordance with the

Code of Conduct, Ethics, and Conflict of Interest Hearings Ordinance.

Penalties:

1. Officials, representatives, and employees who violate or do not ensure compliance with the Code of Conduct, Ethics, and Conflict of Interest policy may be subject to additional training on the Code, counseling, and discipline, including discharge.
2. Anyone may be subject to more training on the Code, counseling, and discipline, including discharge for failing to disclose actual, potential, or apparent violations of the Code.

Retaliation:

1. Retaliation is prohibited against any person who, in good faith, reports violations of the Code of Conduct, Ethics, and Conflict of Interest, theft, embezzlement, or unlawful use of public funds or property to the Ethics Committee, the Grand Council or law enforcement authorities, or who participates in an investigation of such reports.
2. Retaliation also includes conduct or communication to prevent a person from making reports or participating in an investigation.
3. Any official, representative, or employee found to have engaged in retaliation violating this policy may be subject to disciplinary action, including discharge.

NOTE: Nothing in this policy suggests that an official or employee should not participate in a matter because of their political, religious, or moral views.

APPENDIX 1
ACKNOWLEDGMENT FORM

CODE OF CONDUCT, ETHICS, AND CONFLICT OF INTEREST DISCLOSURE

Training by Maamawiino Anishinaabeg Nation (aka Chippewa) and signature on this acknowledgment form is required within 30 days of installation of newly elected officers, representatives, newly hired employees, and rehired employees or a transfer/demotion/promotion to a different department or upon promotion for the first time to a supervisory/managerial position and annually after that.

I acknowledge and agree to the following:

1. I have read, understood, and agreed to abide by the Maamawiino Anishinaabeg Nation Code of Conduct, Ethics, and Conflict of Interest.
2. I will perform my duties and responsibilities honestly and ethically.
3. I will put forth honest effort in performing my duties and responsibilities.
4. I will act impartially in my position and without giving preferential treatment to any private interest except as may be provided by law.
5. I will comply with all Maamawiino Anishinaabeg Nation policies, procedures, laws, rules, and regulations related to my duties and responsibilities.
6. I will access nonpublic data and use confidential information only when my work assignment reasonably requires access and only for Tribal business purposes, which does not include elections or politics.
7. I will satisfy my obligations as a citizen in good faith, including all just financial obligations (such as paying taxes) imposed by law.
8. I will cooperate fully with internal, legislative, or external auditors.
9. I will report any suspected violations of the Code of Conduct, Ethics, and Conflict of Interest policy, significant internal control weaknesses, evidence of theft, embezzlement, or unlawful public funds or property use through designated agency channels.
10. I will report in writing to the Grand Council if I discover evidence of theft, embezzlement, or unlawful use of public funds or property.

ADDITIONAL ACKNOWLEDGEMENT for Chairpersons, Supervisors, Managers, and Department Heads

11. If I will, within my span of influence and scope of duties, fulfill my responsibilities to:
 - (a) Model ethical behavior.

(b) Establish an ethical tone and culture in my department that promotes honesty and accountability and is conducive to preparing reliable information for decision-makers.

(c) Establish mechanisms and communication channels for council members, representatives, and employees to report suspected violations of the Code of Conduct, Ethics and Conflict of Interest policy, internal control weaknesses, irregularities, or illegal conduct, and determine and follow the agency's process for investigating and resolving such reports.

(d) Confer with Human Resources or the Ethics Committee if an actual, potential, or apparent conflict of Interest is disclosed.

(e) Determine the existence of actual, potential, and apparent conflicts of Interest and direct action to resolve such disputes, including as directed by the General Council.

(f) Develop, maintain, adhere to, and periodically assess an effective internal control system compliant with standards.

(g) Support the Code of Conduct, Ethics, and Conflict of Interest training programs for Council Members, Tribal Representatives, and employees so they are informed of professional standards, laws, regulations, internal controls, and ethical responsibilities.

(h) Notify law enforcement as required by law, rule, regulation, or policy.

(i) Report to the Grand Council in writing when there is probable cause to believe a substantial violation of the Code of Conduct, Ethics, and Conflict of Interest.

12. If applicable, I will notify the Grand Council if I obtain information indicating that public money or other public resources may have been used for an unlawful purpose or if I obtain Information indicating that the tribal government data, not public, may have been accessed by or provided to a person without lawful authorization.

I acknowledge and agree to the responsibilities outlined in the Code of Conduct, Ethics, and Conflict of Interest and items 1-12 above.

Name (printed/signature): _____

Position Title: _____

Signature: Ethics Committee member _____

Date: _____

APPENDIX 2
REPORT OF A VIOLATION OF THE CODE OF CONDUCT, ETHICS,
OR CONFLICT OF INTEREST FORM

Name of Reporter: _____

Contact Information of reporter: _____

Name of person and contact information of person accused of violating the Code: _____

Identify the portion of the Code that the accused allegedly violated:

Describe the facts supporting the allegations (include sufficient facts, dates, times, and facts about the alleged violation(s) and provide supporting documentation. Use the other side of this form if needed).

Continue on the other side if needed.

Signature and Date: _____