

Title 1. Government and Finances - Chapter 103
CODE OF ETHICS
Atwaliwáseh
matters that will be followed

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103.1. Policy and Purposes

103.1-1. It is the policy of the Oneida Tribe of Indians of Wisconsin to promote the highest ethical conduct in all of its elected and appointed officials, and employees. This Code of Ethics represents a beginning, it is the very minimum standard of conduct which is expected. This Code is intended to create a base from which all persons are expected to work upwards and strive to work toward improving the health, safety and welfare of the Oneida Nation, citizens of the Nation, employees of the Tribe, and persons living in and around the jurisdiction of the Oneida Tribe of Indians of Wisconsin.

103.2. Definitions

- (a) **Government Official.** A "government official" includes all persons who are elected or appointed to serve on the Oneida Business Committee and any board, committee, or commission created by the Oneida Business Committee or Oneida General Tribal Council.
- (b) **Administrative Staff.** "Administrative Staff" includes all personnel employed and involved in the functioning of the government.
- (c) **Program.** A "program" includes all activities of the Oneida Tribe of Indians of Wisconsin not expected to create revenue for the Tribe or those activities not expected to make a profit at any time. Further, this includes those persons that are employees of the Tribe working in these areas. Examples of, but are not limited to, governmental services include the Tribal School, Health Works, Maintenance, Multi-Purpose Center, Oneida Community Library.
- (d) **Program personnel.** "Program Personnel" are those persons who work in Programs of the Oneida Tribe of Indians of Wisconsin.
- (e) **Enterprise.** An "enterprise" includes all activities of the Oneida Tribe of Indians of Wisconsin that are engaged in for the business of profit. Examples of, but not limited to, enterprises are Oneida Printing, Oneida Construction, Oneida Promotions.
- (f) **Enterprise employees.** "Enterprise Employees" are those persons employed in an Oneida Enterprise.

103.3. Government

103.3-1. All government officials shall be subject to the Code of Ethics as set forth herein and to the intent of the code as set forth above.

103.3-2. The Code of Ethics shall be as set out below, recognizing that the concept of ethical conduct encompasses action as well as inaction, and represents an area of self regulation. Provided further, that it is the policy of government officials to demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all public activities in order to inspire public confidence and trust in the governmental officials of the Oneida Tribe of Indians of Wisconsin.

103.3-3. The following shall govern the interaction between government officials and their constituents, co-officials, and employees:

(a) A government official shall create and maintain an independent and honorable political system, and shall observe high standards of conduct toward achieving this goal, including, but not limited to

(1) encouraging separation between departments or entities of tribal government, and should avoid contact or duty that violates such a separation.

(2) avoid participation in action or decision making (except where participation is in accordance with the traditions of the Tribe) that would present an appearance of conflict of interest or an actual conflict of interest.

(b) A government official should respect and comply with the law and tradition of the Tribe and should at all times act in a manner that promotes public confidence in the honesty and impartiality of government officials, including but not limited to

(1) influence of family, social or other personal relationships influencing conduct

(2) using prestige of the office to advance private interests of others

(3) conveying use of special influence or being specially influenced.

(c) A government official should use the following standards in relation to the duties of office

(1) adhere to the laws, customs, and traditions of the Tribe

(2) be patient, dignified and courteous to constituents, co-officials, and others with whom the official deals in an official capacity, and should require similar conduct of others in official proceedings and those personnel subject to the official's discretion and control.

(3) give to every person who is interested in an action time to be heard

(4) not comment to non-tribal members on any proceeding, session, or action unless directed to do so by an official action of the Oneida General Tribal Council, Oneida Business Committee, or their delegates.

(d) Government officials and their administrative staff shall protect the privileged information to which they have access in the course of official duties, and be prudent in the use of information acquired in the course of their duties. Further, they should not use confidential information for any personal gain, or in a manner which would be detrimental to the welfare of the employer.

103.3-4. Administrative responsibilities include, but are not limited to, work product and conduct of staff as set out herein

(a) prohibiting staff from making statements on behalf of the Tribe or agency of the Tribe without permission

(b) require staff to observe high standards of honesty and diligence

(c) initiate appropriate disciplinary measures against professional staff for unprofessional conduct which the official may become aware of.

103.3-5. A government official should disqualify themselves when their action or inaction might reasonably be questioned, including, but not limited to

(a) personal bias

(b) knowledge that individually or any member of their family or spouse's immediate family, or anyone residing in their household has a financial interest in the subject matter of a proceeding or action, or has any other interest that could be substantially affected provided however, that an official disqualified by the above may, instead of withdrawing, disclose on the record the basis of their disqualification. Provided further that the government agency, based on such disclosure, agree unanimously that the government official's participation is not prejudicial or that the financial interest is unsubstantial, the official is no longer disqualified and may participate in the proceeding or action. The agreement or disagreement shall be incorporated in the record of the proceeding or action.

103.3-6. A government official shall regulate their extra governmental activities to minimize the risk of conflict with duties of their office.

103.3-7. A government official should maintain a distance in financial dealings that would tend to reflect an influence for personal gain, including, but not limited to

(a) dealings that tend to reflect on their impartiality, interference with performance of governmental duties, or exploit the governmental office

(b) involvement in businesses that have financial impact or other influence on tribal businesses or actions.

(c) exceptions are allowed for laws and policies that directly allow the participation of a governmental official, or where the traditions of the Tribe allow participation.

(d) granting, giving, or influencing the gift, bequest or loan of tribal services, property or monies outside of normal and traditional procedures.

103.3-8. An official may participate in civic and charitable activities that do not detract from the dignity of the office or interfere with the performance of official duties.

103.4. Program

103.4-1. The Code of Ethics set forth in this section shall govern the management and employees involved in Tribal Programs.

103.4-2. This section sets out the minimum ethical standards required of program personnel. However, program personnel are encouraged to keep the community informed on program affairs; encourage communication between citizens and all program personnel; emphasize and practice friendly and courteous service to the public; and seek to improve the quality and image of public service.

103.4-3. Program personnel shall serve in such a way that they will not realize personal gain from the performance of official duties, including, but not limited to

(a) seeking favor, personal aggrandizement or profit

(b) accepting a fee or gift from a fellow employee, a client, a customer, or a business associate of their employer without the knowledge and consent of the senior manager

(c) exercising discretionary authority to their own benefit.

103.4-4. Program personnel shall demonstrate the highest possible standards of personal integrity, truthfulness, honesty and fortitude in all public activities in order to inspire public confidence and trust in public institutions, including, but not limited to

(a) dedication to the highest ideals of honor and integrity in all public and personal relationships

(b) affirm the dignity and worth of the services rendered by the government and maintain constructive, creative, and practical attitude toward community affairs and a deep sense of social responsibility as a trusted public servant.

103.4-5. Program personnel will avoid any interest or activity that is in conflict with the conduct of official duties, including, but not limited to

(a) entering into any activity which may be in conflict with the interest of the Oneida Tribe of Indians of Wisconsin, or which would prejudice the ability to carry out objectively their duties and responsibilities

(b) eliminating all forms of illegal discrimination, fraud, and mismanagement of public funds, and support colleagues if they are in difficulty because of responsible efforts to correct such discrimination, fraud, mismanagement or abuse

(c) refrain from participation in the election of members of the employing legislative body, and from all partisan political activities which would impair performance as program personnel.

103.4-6. Program personnel with hiring, termination, transfer authority should support, implement and promote merit employment and programs of affirmative actions to assure equal employment opportunity by recruitment, selection, and advancement of qualified persons from all elements of society, including, but not limited to

(a) handling all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions and discipline

(b) strive for personal professional excellence and encourage the professional development of associates

(c) accept as a personal duty the responsibility to keep up to date on emerging issues and to administer with professional competence, fairness, impartiality, efficiency and effectiveness

(d) respect, support, study, and when necessary, work to improve the laws, policies and other regulations which define relationships among public agencies, employees, clients and all citizens

103.4-7. Program personnel should approach organization and operational duties with a positive attitude and constructively support open communication, creativity, dedication and compassion, including, but not limited to

(a) submitting policy proposals to supervisors and elected officials; providing them with facts and advice on matters of policy as a basis for making decisions and setting community goals

(b) upholding and implementing policies adopted by officials.

103.4-8. Program personnel shall protect the privileged information to which they have access in the course of official duties and be prudent in the use of information acquired in the course of their duties. Further, they should not use confidential information for any personal gain or in a manner which would be detrimental to the welfare of the employer.

103.5. Enterprise

103.5-1. The enterprises of the Oneida Tribe of Indians of Wisconsin shall follow the Code of Ethics as listed in this section.

103.5-2. This section sets out the minimum ethical standards required of enterprise employees. However, enterprise personnel are encouraged to conduct themselves in such a way as to maximize their input in a positive and knowledgeable manner and to accept such input such that those suggestions benefit the enterprises of the Oneida Tribe of Indians of Wisconsin.

103.5-3. Enterprise employees are expected to have a commitment to integrity, which includes, but is not limited to

(a) Integrity towards the customer. An enterprise employee is expected to:

- (1) Never misrepresent the quality, features or availability of the Tribes products or services or those of its competitors.
- (2) Never engage in industrial espionage or commercial bribery
- (3) Never unlawfully interfere with contracts between a competitor and a customer
- (4) Never buy from suppliers, or hint that we will buy from them, on the condition that they use tribal products or services.

The Tribe's competitive efforts rely on the merits of its products and services. Enterprise employees should concentrate on or anticipate and satisfy the needs of our customers, and should not seek to limit the competitive opportunities of our rivals.

(b) Integrity towards the Tribe. An enterprise employee is expected to:

- (1) Be honest with the Tribe's's time and property
- (2) Reporting to work as scheduled
- (3) Doing full day's work
- (4) Keeping absences to minimum and documented
- (5) Handle customer contacts with the highest standards of professionalism and courtesy
- (6) Avoid any outside activity that could adversely affect the independence and objectivity of your judgement, interfere with the timely and effective performance of your duties and responsibilities, or that could discredit the Tribe or conflict, or appear to conflict, with the Tribe's best interests.
- (7) Preventing the loss, damage, misuse or theft of tribal property is part of every employee's job. Tribal property should be protected through safeguards such as locking desks, offices and unattended vehicles or facilities, restricting nonemployee or other unauthorized access, avoidance of waste or excess, observing rules regarding identification, package inspection, personal property registration.

Enterprise employees are expected to, both on and off the job, to support the Tribe's efforts to succeed in the world-wide market place.

(c) Integrity to themselves. Each enterprise employee is responsible for his or her actions. For each, integrity is a personal responsibility. No one may justify an illegal act by claiming it was ordered by someone higher in management. No one, regardless of rank, is ever authorized to direct an employee to commit an illegal, or unethical act.

(1) The Tribe expects any employee to report any violation of the Code of Ethics, as well as any other dishonest or illegal acts of which they become aware in the workplace. The Tribe will not tolerate reprisals against any employee who, in good faith, makes such reports. Employees who report actions are protected by the laws of the Oneida Tribe.

(2) The Tribe encourages enterprise employees as private citizens to participate in public and civic affairs. Employees should ensure that no conflict of interest, either actual or potential, exists between the Tribe and their duties in public or civic affairs, whether elective or appointed, paid or voluntary.

(3) When spending tribal money, or your own for reimbursement later, or when requesting services on the Tribe's behalf, make sure that the Tribe receives the proper value in return and that the expenditure is for a legitimate business purpose. Every employee who has control over company funds is personally accountable for them.

(4) Employees are forbidden to engage in the following conduct:

(A) Illegal use, possession, distribution, transportation, sale, purchase or transfer of controlled substances or drugs

(B) Intoxication on company time, premises, or other business

(C) Fighting on job or premises

(D) Possession of unauthorized firearms

(E) Using rude, abusive or obscene language with customer, or around customers

(F) Refusing to serve a customer.

(d) Integrity to competitors. The Tribe is committed to engaging in a free and open market, to the extent that preference laws enacted by the tribal government are in effect, enterprise employees may not attempt to influence the sale or purchase of goods and services in any way.

(1) The Tribe's competitive efforts must rely on the merits of its products and services. Employees should concentrate on anticipating and satisfying the needs of our customers, and should not seek to limit the competitive opportunities of our rivals.

(2) The Tribe's policy is to honor our own copyright's and copyrights of others. To that end, licenses or permission is needed when using any object, item, idea, etc., that is copyrighted or which is owned by another.

(3) Enterprise employees shall not give or receive inappropriate gifts or provide unusual hospitality to customers or potential customers or their employees that will unfairly influence their purchasing decision.

(4) Enterprise employees are required to report gifts other than promotional items of nominal value promptly to your supervisor and then return them to the donor, if possible, or dispose of them in another appropriate manner. Provided that, in any differences between this Ethics Code and any Conflict of Interest Code, the latter shall prevail.

(5) Enterprise employees should:

(A) Have no relationship, financial or otherwise, with any supplier or competitor that might be construed as a conflict of interest, or that even might appear to impair your judgement on behalf of the Tribe.

(B) Never accept or solicit, even indirectly, gifts, loans, "kick-backs", special privileges, services, or unusual hospitality. Does not apply to low value promotional items of a general advertising nature.

103.5-4. Enterprise employees are specifically encouraged to protect the Tribe's intellectual property and proprietary information. Proprietary information is any information or knowledge created, acquired or controlled by the Tribe that the Tribe has determined should not be published or released to others. It includes, but is not limited to, financial and billing records, unannounced products and services, technical information, sales and marketing data, and employee records. If the release of the information could cause the Tribe the loss of a critical competitive advantage, could hurt relationships with customers or could embarrass or harm fellow employees it is considered proprietary.

When enterprise employees leave the Tribe, all documents and records containing proprietary information must be returned to the Tribe. Further, there is a continuing obligation to safeguard any information obtained during the course of their employment.

103.5-5. All enterprise employees are required to conduct themselves according to the highest ethical standards of integrity and honesty. Further, each employee is expected to comply with all applicable tribal, federal, state and local laws. Finally, an employee should not undertake any activity that is aimed at, or could reasonably have the effect of, retarding the success of the Tribe in the market place, and should avoid any actions inconsistent with this commitment.

103.6. Enforcement.

103.6-1. This code shall be enforced according to the following:

(a) Government officials may be subject to either removal, if elected, or termination, if appointed, for a violation of any portion of this ethics code as it applies to them.

(b) Programs and Enterprises shall be removed according to the procedures set out in the Oneida Personnel Procedures and Policies Manual. Provided that, suspension while investigation or termination is an appropriate action, and one offense is sufficient for termination. Provided further, that any suspension shall be without pay.

103.7. Gifts and Gratuities

103.7-1. Notwithstanding any provision of this law, no governmental official, administrative staff, employee of a program or enterprise, or a program or enterprise may accept a gift or gratuity of any value for the privilege of doing business with the Oneida Tribe of Indians of Wisconsin.

103.7-2. Further, any person or entity listed in section 7-1 is required to report gifts of gratuities with a value of \$50.00 or more which is given:

(a) For activities participated in or organized by the Oneida Tribe; or

(b) To the person or entity listed in section 7-1 on behalf of the Oneida tribe.

Those gifts or gratuities with a value of \$50.00 or more shall be document on form CE-1 and forwarded to the Property Management Office within the Accounting Department of the Oneida Tribe.

103.7-3. All gifts or gratuities having a value of \$49.99 or less need not be documented on form CE-1. However, no individual may retain any gift or gratuity meeting the definition set out in section 7-2 for personal gain.

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Emergency Amendment - BC-04-12-06-JJ

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