

**TUNICA-BILOXI TRIBE OF LOUISIANA
ETHICS CODE**

GENERAL PROVISIONS

SECTION 1 — SHORT TITLE

This Code may be cited as the “Tunica-Biloxi Ethics Code.”

SECTION 2 — AUTHORITY AND PURPOSE

- 2.1 The Tunica-Biloxi Tribe of Louisiana, hereinafter referred to as “Tribe,” is empowered by its Constitution to enact codes and hereby enacts this Code to promote the utmost integrity in the conduct of all of its elected and appointed officials and employees.
- 2.2 The purpose of this Code is to provide the standards and expectations for the conduct of those individuals serving the Tribe and to set forth the methods of enforcement for any violations of this Code, which could compromise the spiritual and financial well-being of this Tribe and the trust and confidence of not only our tribal members but the public with whom the Tribe interacts.

SECTION 3 — DECLARATION OF TRIBAL POLICY

It is the policy of the Tribe that:

- (a) All elected and appointed officials and employees shall seek to maintain the utmost integrity in their interactions with tribal members, fellow officials and employees, any service providers or vendors, business partners, and the public;
- (b) When operating in the Tribe, a close-knit community with various familial relationships, all representatives of the Tribe, in any capacity, shall endeavor to avoid situations that create appearances of impropriety;
- (c) All representatives of the Tribe shall seek to foster a culture of honesty, integrity and accountability by complying with not only the letter, but also the spirit of this Code.

SECTION 4 — APPLICATION

This Code applies to all elected or appointed officials and employees of the Tribe or any Tribal Entity.

SECTION 5 – DEFINITIONS

For purposes of this Code, the following definitions shall apply:

- (a) “Agreement” means any written contract, agreement or other instrument.

- (b) “Code” means this Tunica-Biloxi Ethics Code.
- (c) “Confidential Information” means any information or material known to or used by or for the Tribe that is not generally known to any person not employed by the Tribe. This term includes, but is not limited to, any technical or non-technical data, budgets, policies, procedures, proprietary information, personnel and tribal member data and files, and any materials pertaining to items discussed in executive session of the Tribal Council.
- (d) “Dating relationship” means a relationship that is or may be reasonably expected to lead to the formation of a consensual “romantic” or sexual relationship, without regard to the gender or sexual orientation of the individuals involved.
- (e) “Executive Employee” means an executive employee position appointed by the Tribal Council and designated in the Executive Code, including the Tribal Administrator, Chief Financial Officer, and Attorney General.
- (f) “Employee” means any individual employed full-time or part-time by the Tribe or a Tribal Entity.
- (g) “Financial interest” means any monetary interest gained like salary, income, benefits, funding, or other payments for services or equity interest held through ownership or investment like stocks, stock options, intellectual property rights, and the like.
- (h) “Gift” means anything of monetary value, including any gratuity, special discount, favor, honorarium, hospitality, payment, loan, subscription, economic opportunity, advance, deposit of money, services, or other benefit received, directly or indirectly, which the recipient did not obtain for fair market value or lawful equivalent consideration. This definition includes transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. This definition does not include tips or other compensation that may be authorized for employees or officials in his or her position.
- (i) “Immediate family member” any person who is closely related to an employee or official by blood or marriage, including spouse, parent, child, sibling, legal dependent, or any other person who has a similar relationship to the employee or official or resides in the home of an employee or official (such as common-law spouse or partner).
- (j) “Official” means any person elected, appointed, or assigned to serve the Tribe including, but not limited to, full-time or part-time Tribal Council Members and any Board or Commission members.

- (k) “Selection Committee” means the three individuals appointed by the Tribal Council to make recommendations for appointment or removal of Ethics Commission members.
- (l) “Supervisor” means any employee who supervises at least one other employee and has decision-making authority for the purchase of goods or services on behalf of the Tribe.
- (m) “Tribal Council” means the elected governing body of the Tribe.
- (n) “Tribal Court” means any present or future court established by the Tribe.
- (o) "Tribal Government" means the Tribal Council, the office of the Tribal Chairman, all offices and departments that report directly to the Tribal Chairman, governmental authorities, commissions, and all boards, instrumentalities, and other entities established by the Tribal Council responsible for the administration, management, or oversight of a government program, department, service, operation, grant, or any other government-related activity assigned by the Tribal Council.
- (p) “Tribal Entity” means an arm of the Tribe formed under Tribal Law as an instrumentality, agency, unincorporated department or division, or business entity that is wholly owned by the Tribe or tribal subsidiaries, including, without limitation, a corporation or limited liability company.
- (q) “Tribal Law” means all laws of the Tribe enacted by the Tribal Council, including without limitation, this Code, ordinances, resolutions, policies, or other motions.
- (r) “Tribe” means the Tunica-Biloxi Tribe of Louisiana.

SECTION 6 — SOVEREIGN IMMUNITY

Nothing in this Code, or in any arbitration or other provision of any Agreement, shall constitute a waiver, in whole or in part, of the sovereign immunity of the Tribe, any Tribal Entity, or any of their subsidiaries, departments, affiliates, agents, officers or employees, beyond the terms of any express limited waiver agreed to therein.

SECTION 7 – PRIOR CONTRACT OBLIGATIONS

7.1 Nothing in this Code shall be interpreted, applied, or enforced in such a way as to cause the Tribe or any Tribal Entity to be in violation of any prior contractual obligation or otherwise result in the Tribe or any Tribal Entity breaching any covenant made by the Tribe or any Tribal Entity in existence as of the Effective Date of this Code.

7.2 Any official or Executive Employee who has a prior contractual obligation with the Tribe or any Tribal Entity as of the Effective Date of this Code shall terminate or divest himself/herself

of any interest in the contractual obligation within six months of the Effective Date, or July 1, 2019, if the contractual obligation does not expire by its own terms by July 1, 2019.

SECTION 8 — SAVINGS PROVISIONS

If any section or part of this Code or the application thereof shall be held invalid for any reason whatsoever by a court of competent jurisdiction or by federal legislative action, the remainder of the relevant section or part of this Code shall not be affected thereby and shall remain in full force and effect.

SECTION 9 — REPEAL OF INCONSISTENT PROVISIONS

Any prior legislation or other Tribal Laws that are inconsistent with the purpose and procedures established by this Code are hereby repealed to the extent of any such inconsistency.

SECTION 10 — EFFECTIVE DATE

This Code shall become effective on January 1, 2019.

ETHICS COMMISSION

SECTION 11 – ESTABLISHMENT AND DUTIES

The Tribal Council hereby establishes an Ethics Commission to provide guidance on the standards of conduct set forth herein and to address all reports of alleged violations by employees or officials of the Tribe. The Ethics Commission shall have all the powers necessary and proper to carry out the purposes set forth in this Code and the authority to perform the following:

- (a) To adopt and amend rules and regulations to implement this Code and carry out its duties and responsibilities, including, but not limited to, the election of its own officers;
- (b) To preserve all statements and information filed pursuant to this Code, including, but not limited to, reports, evidence, and the complete record of all hearings, for not less than five years from the date of filing;
- (c) To issue written advisory opinions to guide the conduct of Tribal officials and employees when requested by Tribal official or employees;
- (d) To receive, review, and investigate ethics reports filed against any Tribal official or employee and exercise independent authority to continue ethics investigations in the event of a withdrawal of a report or to initiate a new ethics report against a different Tribal official or employee if an investigation uncovers evidence justifying such a report;
- (e) To ensure compliance with the Annual Disclosure requirement in §11(c) and compel the filing of any supplements thereto with probable cause;
- (e) To administer oaths and issue subpoenas to compel attendance of witnesses or to produce any documents relevant to the matter before the Ethics Commission;

- (f) To negotiate appropriate dispositions or to conduct administrative hearings on alleged violations of noncompliance with this Code;
- (g) To hold in contempt any person found disobeying any lawful order or direction of the Ethics Commission; and
- (h) To impose sanctions and/or penalties against any employee, official, or tribal member for violations in accordance with Section 30.

SECTION 12 – MEMBERSHIP AND QUALIFICATIONS

12.1 Membership. The Commission shall be comprised of three (3) individuals, at least two of whom must have tribal affiliation (other than Tunica-Biloxi) and one of whom must have a Juris Doctorate, and one (1) alternate. The initial Commission members shall be appointed to staggered terms, and each Commission member thereafter shall serve a term of five (5) years.

12.2 Qualifications. Each Commission member shall meet the following qualifications:

- (a) A satisfactory background check showing no felony convictions;
- (b) Must not be a current employee or official of the Tribe (may resign from a current position to serve);
- (c) A bachelor's degree from an accredited college or university and ten (10) years of professional work experience. The degree or work experience shall be in relevant areas, such as law, governance, accounting, business, policy interpretation and/or investigation. However, it shall be in the sole discretion of the Selection Committee to determine what areas of expertise are appropriate for appointment to the Commission. Advanced degrees and certifications, such as Certified Public Accountant, Juris Doctorate, and Master of Business Administration are helpful, but not required;
- (d) Demonstrated experience in reviewing and interpreting laws, regulations, policies and procedures;
- (e) Demonstrated knowledge of federal Indian law and/or ethics laws;
- (f) Strong interpersonal, verbal and written communication skills; and
- (g) Demonstrated ability to deal effectively and efficiently with situations requiring resolution and negotiations skills.

SECTION 13 – APPOINTMENT AND REMOVAL

13.1 The Selection Committee shall review all independent and Tribal representative candidates for the Commission and shall make a recommendation to the Tribal Council for each appointment. The Tribal Council shall appoint each Commissioner by a majority vote.

13.2 The Selection Committee can make a recommendation to the Tribal Council that a Commissioner should be removed for neglect of duty, incompetence, misconduct, disability

that makes him or her unable to discharge his or her powers or duties, engagement in behavior involving moral turpitude, or criminal conviction of any misdemeanor or felony. If such recommendation is made, the Tribal Council shall vote on the recommendation. Further, the Tribal Council may call for the removal of a Commissioner for the above stated reasons without the recommendation of the Selection Committee. In both instances, a Commissioner shall not be removed unless there is a two-thirds vote of the Tribal Council for removal.

SECTION 14 – QUORUM

The Commission shall have the authority to act if a quorum of at least two (2) members is present. An alternate may be called upon to provide a quorum if one or more Commission members have recused themselves from participation.

SECTION 15 –THIRD-PARTY INVESTIGATION

The Ethics Commission may engage an external auditor or investigator to assist in the evaluation and investigation of any report, if deemed necessary based on the circumstances.

SECTION 16 – FUNDING

The Ethics Commission, in coordination with the Tribal Administrator and the Tribal Chief Financial Officer, shall provide a budget to Tribal Council for approval during its annual budgeting process at a level sufficient to support its execution of its duties and obligations set forth herein. If the Ethics Commission needs a budget modification during a fiscal year, it shall make its request to Tribal Council.

STANDARDS OF CONDUCT

SECTION 17 — CONFLICT OF INTEREST

No employee or official may participate in any decision regarding a business, transaction, or professional activity in which he or she or an immediate family member has a financial interest that could reasonably be expected to interfere or conflict in any way with the interests of the Tribe, Tribal Government, or a Tribal Entity and/or to affect the individual's ability to perform his or her duties objectively and effectively. An official may participate in the discussion and comment period on any matter, but must recuse himself/herself from the vote.

(a) Exceptions:

(1) An employee or official may participate in or make a decision regarding a benefit or program offered by the Tribe to all tribal members, all tribal employees, or a substantial subset of either group (more than 50% of whom are not the employee and his or her immediate family members) if the participation is based upon objective criteria established by the Tribal Council or the federal government.

(2) An employee or official may participate in the development and/or approval of annual budgets, which may include his or her own or his or her

immediate family member's compensation or other financial interest, if this participation falls within the scope of his or her professional duties and does not require the exercise of any discretion with respect to the individual's or his or her immediate family member's financial interest.

(b) Ongoing Duty to Disclose. If an employee or official is or becomes aware of an actual or potential conflict of interest during a meeting or while exercising his or her duties, including where the employee or official is to participate in or make a decision regarding any business, transaction, or professional activity in which he or she or an immediate family member has a financial interest, he or she should immediately disclose the existence and nature of the conflict to his or her immediate supervisor or the Tribal Council, as applicable, and recuse himself or herself as appropriate. An employee's supervisor should notify any appropriate persons within his or her chain of command for potential resolution of the conflict.

(1) The appropriate Executive Employee in coordination with Human Resources shall be responsible for making all decisions concerning resolutions of conflicts involving employees and supervisors within his or her chain of command, with written notice to the Tribal Council.

(2) The Ethics Commission shall be responsible for making all decisions concerning resolutions of conflicts involving the Executive Employees or Officials. If the Ethics Commission determines that the Executive Employee's or official's participation is not prejudicial, or the financial interest is insubstantial, then the Executive Employee or Official may participate in the matter or decision.

(c) Annual Disclosure. Any official or Executive Employee shall submit an annual financial disclosure that lists all actual, potential and appearance of conflicts of interests known by the individual, including the following:

(1) all material interests owned in major competitors, suppliers or customers of the Tribe, Tribal Government, or any Tribal Entity;

(2) any proposed transaction involving the Tribe, Tribal Government, or any Tribal Entity in which the Official or Executive Employee may have a direct or indirect (as a result, for example, of a close family relationship) financial interest; and

(3) any outside business relationships that may interfere with the individual's independent judgment.

If during the course of the year an official or Executive Employee or his or her immediate family member develops a new direct or indirect financial interest or relationship, or significantly alters the nature of the existing interest or relationship, such that he or she has an actual, potential and appearance of a conflict of interest, the individual should fully disclose the conflict of interest in writing to the Ethics Commission within ten (10) business days.

The Ethics Commission shall make a determination as to whether a conflict in fact exists and what subsequent action is appropriate (if any), such as the placement of an ethical “wall” with respect to the individual’s participation in his or her official activities related to the conflict. The Ethics Commission shall retain the right to modify or reverse such determination and action, and shall retain the ultimate enforcement authority with respect to the interpretation and application of this Code.

SECTION 18 – SOLICITATIONS AND GIFTS

No employee or official of the Tribe shall solicit or accept, directly or indirectly, any gift from a person or organization who is seeking official action by, doing business or seeking to do business with, or is regulated by the Tribal government; or has interests that may be substantially affected by the performance or nonperformance of an employee’s or official’s professional duties.

(a) Exceptions.

- (1) A gift given as a part of the traditions or ceremonies of the Tribe or during a public event in the course of diplomatic relations by a tribal, federal or state government.
- (3) Gifts available to the general public under the same conditions that they are available to the employee or official;
- (4) Civic, charitable, educational, or religious organization awards for recognition of service or accomplishment, or invitations to events; or
- (5) Food and beverages consumed at banquets, receptions, conferences, or similar events, or a business dinner with a person or organization that does not meet the standard above; or
- (6) Transportation, lodging, and other travel costs related to an employee or official’s formal representation of the Tribe, provided that the costs are (i) incurred at reasonable rates and (ii) comply with the Tribe’s policies.

(b) Reporting. Any unauthorized gift must be reported in writing to the immediate supervisor (or the next management level if the employee is a supervisor) or Ethics Commission (for Tribal Council, officials, or Executive Employees) within three (3) days of the receipt of the gift. The immediate supervisor or Ethics Commission, as applicable, should instruct the employee/official as soon as practicable to handle the unauthorized gift in one of the following ways:

- (1) Employee/official may return the gift;
- (2) Employee/official may pay its market value;
- (3) Employee/official may destroy the gift; or

- (4) Employee/official may share a perishable gift with charity or the office.

If the gift to an employee cannot be disposed of by any of these means, the supervisor should report the gift to the Ethics Commission and seek instructions as to how to handle the gift.

SECTION 19 – MISUSE OF CONFIDENTIAL INFORMATION

No employee or official shall use any Confidential Information to which he or she has access in his or her official or professional capacity and which has not been made public, to (a) acquire a financial interest in any property, transaction, or enterprise that may be affected by such information, (b) speculate or wager on the basis of such information, (c) damage a person's reputation, (d) further political advancement; or (e) aid another to do any of the foregoing. An employee or official shall maintain the strict confidentiality of such information during and after termination of employment with the Tribe, Tribal Government, or a Tribal Entity or during and after resignation or removal from the Commission.

SECTION 20 – MISAPPROPRIATION OR MISUSE OF TRIBAL FUNDS OR PROPERTY

No employee or official of the Tribe shall misappropriate or misuse Tribal funds, and/or Tribal property or engage in any impropriety with respect to the handling, reporting, or accounting of Tribal funds. All employees or officials of the Tribe shall strictly comply with the Tribe's Travel Policy.

SECTION 21 – MISUSE OF TRIBAL RECORDS

No employee or official shall disclose, conceal, remove, mutilate, or destroy any Tribal record or copy any Tribal record for improper purposes.

SECTION 22 – ABUSE OF AUTHORITY

22.1 No employee or official shall use his or her position or title to coerce, threaten, intimidate, or improperly influence a Tribal member or Tribal employee who is acting within the scope of his or her professional duties to provide personal, financial, or political benefit to himself, herself, his or her immediate family member, or someone to whom he or she has business or financial ties, or for any other purpose.

22.2 No employee or official shall use his or her official title to conduct personal business.

22.3 No employee or official shall enter into any obligation on behalf of the Tribe or make any public policy statements on behalf of the Tribe without proper approval or authorization.

SECTION 23 – OUTSIDE EMPLOYMENT OR SERVICES

23.1 No employee or official shall accept employment from, or perform services for, a customer, a potential customer, vendor, or a competitor of the Tribe. An employee may perform community, industry, and charitable activities as long as the activities do not: (1) interfere,

compete, or conflict with Tribal interests; or (2) hinder the employee's or official's ability to meet the responsibilities and demands of his or her required duties.

(a) Disclosure. An employee who wishes to engage in outside employment must disclose in writing any outside employment or services to his or her immediate supervisor who will consult with Human Resources (or to the Ethics Commission) to receive appropriate approval. A current employee or official must make this disclosure prior to engaging in such employment or services, and a new employee or official must make this disclosure and receive approval prior to beginning his or her employment with or service to the Tribe.

23.2 No official or Executive Employee shall hold or enter into a contract or agreement or engage in any business with the Tribal Government or a Tribal Entity, directly or indirectly, during his or her term of office or tenure of employment. In addition, no official or Executive Employee shall receive any share or part of any contract or agreement with the Tribal Government or a Tribal Entity or any benefits therefrom during his or her term of office or tenure of employment.

SECTION 24 – NEPOTISM

No employee or official shall supervise, hire, promote, appoint, or participate in the supervision, hiring, promotion, or appointment of any immediate family member or anyone with whom he or she has or enters into a dating relationship during his or her employment or service.

(a) Disclosure. In the event such a relationship arises during his or her employment or service, an employee or official must immediately report the situation to his or her immediate supervisor or Tribal Council, as applicable. An employee's supervisor will coordinate with Human Resources to move one or both of the employees to another available position, restructure reporting, or find another appropriate resolution of the situation within 90 days. If the supervisor and Human Resources cannot resolve the situation, the situation should be referred to the Ethics Commission to determine an appropriate resolution. The Ethics Commission will determine the appropriate resolution for any situation involving a Tribal official or Executive Employee.

SECTION 25 – PREFERENTIAL TREATMENT

No employee or official shall show greater regard in making any decision or taking any action for the personal advantage or interest of himself/herself, his or her immediate family member, or any person, group, or organization with whom he or she has a personal or business relationship, than for the interest of other Tribal members or employees (other than preferences authorized by applicable law, policy, or procedure).

SECTION 26 – FALSE CLAIMS AND RETALIATION

26.1 No employee, official, or tribal member shall file an ethics report when he or she has no good faith belief that a violation has occurred and/or when the primary motivation is harassment.

26.2 No employee or official shall threaten, intimidate, discipline, or retaliate in any way against any person who in good faith files a report of an ethics violation, or otherwise participates in an investigation, official proceedings, or enforcement of confirmed violations.

SECTION 27 – CONDUCT UNBECOMING

No employee or official shall engage in conduct or behavior that would disgrace the Tribe or a Tribal Entity or himself/herself or that would compromise his or her standing or ability to function in his or her professional or official capacity. Examples of conduct unbecoming, including, but are not limited to, the following:

- (a) Illegal use, possession, distribution, transportation, sale, purchase or transfer of controlled substances or drugs;
- (b) Intoxication or fighting while on the job or Tribal property or while traveling or otherwise representing the Tribe or a Tribal entity on official business;
- (c) Possession of unauthorized firearms;
- (d) Using rude, abusive or obscene language with or around tribal members, employees, or other third-parties who are conducting business with the Tribe or a Tribal Entity;
- (e) Making slanderous or libelous statements about a tribal member, employee, or official in front of others;
- (f) Conviction of theft, embezzlement, or any other crime that would cause tribal members, employees, or officials to question the honesty and integrity of the employee or official; and/or
- (g) Failing without good cause to pay court-ordered support of a child or former spouse.

ENFORCEMENT OF ETHICS CODE

SECTION 28 – ADVISORY OPINIONS

Any Tribal official or employee may seek an advisory opinion from the Ethics Commission regarding any situation that may potentially fall under this Title. This advisory opinion will not be binding upon the Commission, but any actions taken by the Tribal official or employee in reliance upon the opinion shall be taken into account if a later report is filed. The advisory opinion may also prevent the official or employee from taking any actions that would cause an individual to file a report under this Code. The Tribal official or employee seeking the advisory opinion may designate whether he or she wishes the advisory opinion to remain confidential or be available to the tribal members or the public for review upon request.

28.1 Request for Advisory Opinion. The request for an advisory opinion, together with a description of the facts at issue, should be submitted in writing to the Ethics Commission. The Ethics Commission will issue an advisory opinion within fourteen (14) days.

28.2 Reconsideration. Within fourteen (14) days of the Ethics Commission's issuance of an advisory opinion, the Tribal official or employee who requested the advisory opinion may ask the Ethics Commission to reconsider its advisory opinion if (1) the Tribal Official or employee has new facts that may alter the outcome of the advisory opinion, or

(2) one or more of the factual findings of the Ethics Commission was erroneous. Ten (10) days after the request for reconsideration is received by the Ethics Commission, the Ethics Commission shall issue its response to the request for reconsideration. If two (2) or more Ethics Commission members vote in favor of reconsideration, the Ethics Commission shall reconsider the advisory opinion and issue a supplemental advisory opinion no later than ten (10) days from issuing its response to the request for reconsideration.

28.4 Request for Code Revisions. If the Ethics Commission, the official or the employee determines at any time that the Tribal Council should consider clarifying or revising this Code to resolve any concerns with interpretation of any provision of this Code, a written request should be submitted to the Tribal Council explaining the need for clarification.

SECTION 29 – REPORTING

Every employee, official, volunteer, manager, director, and other individual responsible for carrying out the Tribe's activities who becomes aware of questionable or suspicious behavior that he or she believes might constitute ethical violations, including fraud, waste, or abuse, is responsible for reporting suspected ethical violations or acts of misconduct. All reports will be taken seriously and investigated thoroughly.

29.1 Filing of Report.

(a) Employee Report. An employee may report (on a form to be developed by the Ethics Commission) suspected misconduct of any person covered by this Code to an immediate supervisor and/or the Human Resources Director as soon as practicable. The Human Resources Department shall investigate and attempt to resolve the situation, but provide notice to the Ethics Commission of the report, the results of its investigation, and the resolution.

(b) Official Report. An official or Executive Employee shall report in writing suspected misconduct of any person covered by this Code to the Ethics Commission as appropriate as soon as practicable. The Ethics Commission shall establish a drop box and email address to be used for reporting.

(c) Tribal Member Report. A tribal member may report (on a form to be developed by the Ethics Commission) suspected misconduct of any person covered by this Code to the Ethics Commission as appropriate as soon as practicable. The Ethics Commission shall establish a drop box and email address to be used for reporting.

(d) Withdrawal of Report. The person filing the report may withdraw the report at any time, but depending on the allegations, the Ethics Commission may exercise its independent authority to investigate any potential violations even after the withdrawal of a report.

29.2 Timing of Report. All violations shall be reported within 30 days of the alleged violation or the discovery of the alleged violation in order to trigger an investigation. In no event shall any

alleged ethics violation be investigated or enforced if more than one (1) year has passed since the alleged violation occurred.

29.3 Contents of Report. Any report of an alleged violation shall include, but not be limited to, the following information:

- (a) The name of the person alleged to have violated the Code;
- (b) The nature of the alleged violation, including the date, time, place, and persons involved or who may have knowledge pertinent to the alleged violation; and
- (c) A statement attesting that the information the person has forwarded is true, accurate, and complete to the best of his or her knowledge.

SECTION 30.0 – PROCEDURE FOR EVALUATION OF REPORT

30.1 Initial Review. Within three (3) days of receiving a report regarding an official, the Ethics Commission shall provide notice of the allegation(s) to the official and the Tribal Council. Within three (3) days of receiving a report from Human Resources regarding an employee, the Ethics Commission should review the report to determine if the allegations of the report have been sufficiently addressed and, if not, provide notice to the employee and Tribal Council. If the Ethics Commission deems it necessary to maintain the integrity and efficiency of the investigation, the Ethics Commission may request that Human Resources place the employee on paid administrative leave or that Tribal Council suspend the official pending completion of the investigation.

30.2 Opportunity to Answer. Within seven (7) days of the notice of the allegation(s), the employee or official shall answer the allegation(s), provide any documentary evidence on his or her behalf, and provide a list of witnesses to whom the Ethics Commission should speak.

30.3 Evaluation. Within three (3) days of receipt of the employee's or official's response, the Ethics Commission shall determine whether continuing the investigation is warranted. If the Ethics Commission determines that there has been no violation or that the violation has been resolved, it shall dismiss the report and notify the employee or official of the dismissal. If it determines that there may have been a violation or that the resolution by the Human Resources Department has not been sufficient, it shall provide the employee or official notice of an informal conference with the Commission, which shall be held within seven (7) days of the Commission's receipt of the response.

30.4 Informal Conference. The Ethics Commission shall facilitate discussions between the employee or official and any other interested parties. If the parties agree to resolve the report and the Commission deems it appropriate, the Commission shall enter a stipulated agreement reflecting the resolution, which shall be binding only on the parties and shall have no application to a person who is not a party to the agreement. The Commission shall have the authority to enforce the stipulated agreement and any civil monetary penalties due in any manner authorized for recovery of debts or obligations to the Tribe. If the report is not resolved informally between

the reporting party/the Tribe and the respondent, the Commission shall proceed to a hearing on the merits within fourteen (14) days of the informal conference.

30.5 Hearing on the Merits. If the Ethics Commission holds a hearing on the merits, the Commission, as a quasi-judicial body, shall serve as the hearing body for all matters brought before them. The Commission shall have the opportunity to formally question the employee or official and any witnesses. The Ethics Commission shall have the authority to take testimony under oath, to issue subpoenas, and to compel the production of documents and other evidence before and during the hearing. The hearing on the merits shall be held in accordance with the following procedures:

(a) Ex Parte Communication. Neither the respondent nor any of the witnesses nor the Ethics Officer shall have any oral or written communication regarding the complaint with members of the Ethics Commission. Any such communication shall be reported in writing to the Ethics Commission Chair who, in turn, will report the communication to the other members of the Ethics Commission, so that necessary and appropriate measures may be taken, including, but not limited to, disqualification from participation in the proceedings.

(b) Subpoenas. The Ethics Commission shall be empowered to issue subpoenas to compel attendance of witnesses and to produce relevant documents. All subpoenas shall be signed by the Chair of the Ethics Commission and issued seven (7) days prior to a hearing. Persons failing to obey such subpoenas shall be subject to contempt proceedings by the Ethics Commission.

(c) Representation. A respondent may be represented by legal counsel or other appropriate representative of his or her choice at his or her own expense.

(d) Conduct of Hearings.

(1) All hearings shall be conducted privately in a designated, secure location;

(2) The Chair shall preside over the hearing and begin the proceedings by reading the allegations of the complaint into the official record;

(3) Witnesses shall be excluded from the hearing until such time as they are called upon to testify. Witnesses will be sworn under oath by the Chair or Court reporter prior to testifying;

(4) The reporting party or the presiding officer for the Commission may give an introductory statement explaining the allegations in the report and the rules of the proceeding;

(5) The respondent may give an opening statement;

(6) The Ethics Commission may call any witnesses and submit any documentary evidence in support of the report and the respondent shall be afforded the opportunity to cross-examine each witness;

(7) The respondent may call any witnesses and submit any documentary evidence in support of his or her position and the Ethics Commission shall be afforded the opportunity to cross-examine each witness;

(8) The Ethics Commission need not strictly adhere to the rules of evidence, but shall ensure that due process is afforded to the respondent;

(9) Any sworn testimony by a respondent or witness may be used for impeachment or as a party admission in any further civil or criminal proceedings in accordance with the rules of evidence otherwise applicable in such other proceedings;

(10) Upon the conclusion of the testimony and receipt of evidence, the respondent may give a closing statement in support of his or her position; and

(12) The Ethics Commission shall convene in executive session to deliberate and determine whether the allegations are supported by a preponderance of the evidence; and, if so, to determine what sanctions and/or penalties the Commission believes are warranted.

30.6 Range of Sanctions and/or Penalties. If ethical violations are found to have occurred, the Ethics Commission shall determine the appropriate penalties. The penalties for violations of this Code of Ethics, may include, but are not limited to the following, which should reflect the severity of the violation(s):

- (a) Written private or public reprimand;
- (b) Restitution of any improperly received benefit;
- (c) Monetary fines;
- (d) Administrative leave, suspension, termination, and/or removal, as appropriate; and/or
- (e) Any other appropriate disciplinary, civil, and/or criminal action available under Tribal law or policies and/or applicable federal or state law.

30.7 Final Determination. Within fourteen (14) business days of the hearing on the merits, the Ethics Commission shall issue a final determination as to whether a violation has occurred and the appropriate disciplinary action and provide a copy of the final determination to both the employee or official. The Ethics Commission shall coordinate with Human Resources and/or any appropriate prosecution office. Any disciplinary action taken shall be documented in an employee's or official's personnel file.

30.8 Appeal to Tribal Court. Within seven (7) days of issuing a final determination, an employee or official may appeal the final determination to the Tribal Court. There shall be no appeal beyond the decision of the Tribal Court.

SECTION 31 – CONFIDENTIALITY

The Ethics Commission or any other person involved with the investigation, evaluation, or enforcement of any alleged violation of this Code shall keep all information obtained during this process confidential. The Human Resources Director is responsible for maintaining the

confidentiality of all records pertaining to the investigation of any employees, including the fact-finding report and final determination.