

# **CODE OF ETHICS**

**FOR THE**

**EXECUTIVE &  
LEGISLATIVE  
DEPARTMENTS**

**OF THE**

**CHOCTAW NATION OF  
OKLAHOMA**

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**CHAPTER I. PURPOSE**

As leaders of the Choctaw Nation of Oklahoma, the Chief, Assistant Chief and Tribal Council Members will represent the citizens by acknowledging the values of Faith, Family and Culture. The citizens of the Choctaw Nation of Oklahoma are entitled to have confidence in the loyalty and integrity of their Executive and Legislative Departments. To that end, the purpose of this Code of Ethics is to establish standards for the ethical conduct and behavior of the Covered Officials. This Code seeks to require accountability to the Nation by the Covered Officials in discharging the authority vested with them. It is the intention of the Tribal Council that the Covered Officials be bound by the provisions of this Code. This Code is to be construed and applied in each instance, so as to accomplish its purpose of protecting the Choctaw Nation of Oklahoma and its citizens from government decisions and actions resulting from, or affected by, undue influence or Conflict of Interest.

**CHAPTER II. DEFINITIONS**

As used in the Code of Ethics for the Executive and Legislative Departments of the Choctaw Nation of Oklahoma:

**SECTION 1. ASSOCIATED BUSINESS:** includes any Business in which the person is a director, officer, partner, trustee or Employee, holds any position of management or receives Compensation or Income in any form such as wages, commission, investment Income or any Business in which the person, individually or through any other entity, has any ownership, investment, security or other Economic Interest in said Business.

**SECTION 2. BUSINESS:** means any enterprise, organization, trade, occupation or profession whether or not operated as a legal entity for profit, including any Business, trust, holding company, corporation, partnership, limited liability company, joint venture, sole proprietorship or other enterprise.

**SECTION 3. CENSURE:** means a public or private statement issued by the Ethics Committee which finds that a Covered Official has violated this Code and that the Committee disapproves of the Covered Official's action.

**SECTION 4. CODE:** means this Code of Ethics for the Executive and Legislative Departments of the Choctaw Nation of Oklahoma.

**SECTION 5. COMPENSATION OR INCOME:** means any money or value received, or to be received, in return for goods or services, whether in the form of a fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend,

royalty, rent, capital gain or any other form of recompense or any combination thereof.

**SECTION 6. CONFIDENTIAL INFORMATION:** means information which by law or practice is not available to the public at large.

**SECTION 7. CONFLICT OF INTEREST:** exists when a Covered Official's private interests conflict with official responsibility. A Conflict of Interest involves any act or omission by a Covered Official in the discharge of official duty which would affect the Covered Official's Economic Interest or those of an Immediate Family member or any Associated Business with which the Covered Official or an Immediate Family member is involved in a manner which benefits the Covered Official or an Immediate Family member over the interest of the Nation.

**SECTION 8. CONSTITUTION:** means the Constitution of the Choctaw Nation of Oklahoma.

**SECTION 9. COVERED OFFICIAL:** means the Chief, Assistant Chief, and Tribal Council Members.

**SECTION 10. ECONOMIC INTEREST:** means an interest held by a Covered Official, member of the Covered Official's Immediate Family or an Associated Business which is:

- a) any ownership, Income, investment, security or other beneficial interest in a Business; or
- b) any Employment or prospective Employment.

**SECTION 11. EMPLOYEE:** means any person, Business or entity performing any act for another person, Business or entity in return for Compensation or Income, at any time temporarily, permanently, or indefinitely in any capacity whether as agent, servant, representative, consultant, advisor, independent contractor or otherwise.

**SECTION 12. EMPLOYMENT:** means the status or relationship existing or created by and between a person designated or acting as an Employee and the person, organization, group or other entity for whom or on whose behalf any such work, acts, services or other benefit has been, is being, or will be rendered or performed for pay or any other form of Compensation.

**SECTION 13. ETHICS COMMITTEE:** means Ethics Committee of the Nation.

**SECTION 14. GIFT:** includes any gratuity, favor, hospitality, payment, loan, economic opportunity, deposit of money, service, or other benefit received in excess of \$200 or the aggregate value of \$200 or more from the same source without equivalent consideration and not extended or provided to all citizens of the Nation.

**SECTION 15. IMMEDIATE FAMILY:** means a spouse, son, daughter, step-son,

step-daughter, father, grandfather, step-father, father-in-law, mother, grandmother, step-mother, mother-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, child, stepchild, son-in-law, daughter-in-law, aunt, niece, uncle, nephew and cousin.

**SECTION 16. NATION:** means the Choctaw Nation of Oklahoma.

**SECTION 17. PECUNIARY BENEFIT:** means benefit in the form of money, property, commercial interests or anything else the primary significance of which is economic or financial gain.

**SECTION 18. RECUSAL or RECUSE:** means an act by a Covered Official to avoid a Conflict of Interest by excusing himself or herself from functions, meetings, or other events generally required to fulfill the duty of office.

**SECTION 19. TRIBAL COURT:** means the Constitutional Court of the Choctaw Nation of Oklahoma.

### **CHAPTER III. FIDUCIARY DUTIES**

**SECTION 1. Generally.** Covered Officials shall at all times conduct themselves in an honesty in fact manner, with regard for the responsibility they bear in their official capacity. Covered Officials shall remain objective in the performance of their duty and shall act in the best interests of the Nation. Covered Officials shall not accept any Pecuniary Benefit, other than those granted by the Nation through official action, which may affect a Covered Official's ability to remain objective in the performance of his or her duty.

**SECTION 2. Procurement Policy.** Procurement of goods and services for the Nation must be conducted in an open and competitive environment pursuant to the Nation's procurement policy.

**SECTION 3. Illicit Conduct.** Covered Officials shall not advocate, discuss, or vote on any motion, resolution, council resolution or bill, or render any executive opinion or policy which financially benefits the Economic Interest of themselves, an Immediate Family member or an Associated Business.

**SECTION 4. Recusal.** When appropriate, a Covered Official shall Recuse from performing any act of official duty to avoid a Conflict of Interests. A Recusal in this instance shall not be considered a neglect of official duty.

### **CHAPTER IV. CONFLICT OF INTEREST**

**SECTION 1.** Covered Officials shall not receive a Pecuniary Benefit as a result of their position, other than those benefits provided for officially by the Nation.

**SECTION 2.** Covered Officials shall disclose pursuant to Section 3 of this Chapter any of the following interests:

- a) Employment;
- b) Any Associated Business; and

c) Any Economic Interest.

SECTION 3. Disclosure shall be made to the Ethics Committee within thirty (30) days of the time the Covered Official acquires or learns of an interest described in Section 2 of this Chapter. This disclosure shall be on a form provided by the Ethics Committee and shall identify the Employment, Associated Business, or Economic Interest of the Covered Official.

SECTION 4. Covered Officials shall not:

- a) Make personal investments in any Business that will create a conflict with their duty;
- b) Use their position to obtain Employment or Business in or for the Nation or its Businesses for themselves, members of their Immediate Family, or any Associated Businesses;
- c) Enter into arrangements with individuals or Businesses for Compensation in matters that are before the Executive or Legislative Departments;
- d) Transfer any Pecuniary Benefit provided by the Nation in a manner that affords the Covered Official, Immediate Family, or Associated Business with any Pecuniary Benefit or Economic Interest.
- e) Participate in the selection or in the award or administration of a contract, Business or Employment, or grant award of funds from any Nation agency, if a Conflict of Interest exist.

SECTION 5. A Covered Official may seek a waiver of the Conflict of Interest by:

- a) submitting a signed, written application for a waiver of Conflict of Interest to the Ethics Committee; or
- b) if any Associated Business with which the Covered Official or the Immediate Family of a Covered Official is involved follows the open and competitive procedures pursuant to the Nation's procurement policy.

#### **CHAPTER V. ABUSE OF POWER**

SECTION 1. No Covered Official shall seek in any manner to benefit from the profits of any contract, job, work, or service for the Nation, or accept any service or thing of value, directly or indirectly, upon more favorable terms than those granted to all citizens of the Nation from any person, firm, or corporation having dealings with the Nation.

SECTION 2. No Covered Official shall seek to use his or her official influence to assist any person for a fee or other Compensation or Income. The receipt of normal and customary tribal benefits does not constitute an abuse of power.

SECTION 3. No Covered Official shall use his or her position to access information, documents, or other materials which are not available to all citizens of the Nation generally, unless such access is necessitated by a Covered Official's position with the Nation.

## **CHAPTER VI. CONFIDENTIAL INFORMATION**

No Covered Official shall disclose Confidential Information which he or she has acquired by reason of his or her role as a Covered Official.

## **CHAPTER VII. GIFTS**

SECTION 1. A Covered Official shall not accept a Gift:

- a) From a person seeking to obtain a contract, grant, loan, Employment, or any financial relationship from or with the Nation;
- b) From a person or Business having a financial relationship with the Nation;
- c) From a person or Business whose operation or activity is regulated or inspected by the Nation;
- d) From a principal and or attorney in proceedings in which the Nation is an adverse party;
- e) From any person or Business where the performance or nonperformance of any official duty may be affected or influenced.

SECTION 2. Exceptions to § 1 of this Chapter:

- a) Acceptance of a nonmonetary award for meritorious achievement from a charitable, religious, professional, recreational, social, fraternal, public service, or civic organization;
- b) Acceptance of a plaque or memento of nominal value offered as a token of esteem or appreciation on the occasion of a speech or public appearance;
- c) Small tokens or favors given to everyone attending a function or celebrating an occasion;
- d) Traditional cultural Gifts, such as feathers, pouches and blankets.

## **CHAPTER VIII. USE OF PROPERTY OF THE NATION**

Covered Officials shall not use, waste, request, or permit the use or waste of the Nation's motor vehicles, airplanes, equipment, materials, supplies, or property, except for the conduct of official Business.

## **CHAPTER IX. ETHICS COMMITTEE**

SECTION 1. Formation. An Ethics Committee shall be empaneled at the passage of this Code.

SECTION 2. Duration. The Ethics Committee members shall serve 4-year, staggered terms. The second appointment from each Department shall serve only a 2-year term for the first term, then 4-year terms thereafter.

SECTION 3. Composition. The Ethics Committee shall be made up of five (5) citizens of the Nation.

SECTION 4. Selection. Two (2) members of the Ethics Committee shall be

appointed by the Legislative Department, two (2) of the members shall be appointed by the Executive Department, and one (1) member shall be appointed by the Chief Judge of the Tribal Court. Once the Ethics Committee is established, it shall elect the Chair of the Committee from among its members.

SECTION 5. Impartiality. In accordance with the procedures promulgated by the Ethics Committee, an Ethics Committee member shall not participate in a matter before the Ethics Committee in the event that the member is unable to render an impartial decision on the matter.

#### **CHAPTER X. ETHICS VIOLATIONS; ETHICS HEARINGS; PENALTIES AND CONSEQUENCES**

SECTION 1. Ethics hearings shall be conducted in conformance with hearing procedures promulgated by the Ethics Committee. All complaints filed and hearings conducted in conformity with this Code and the procedures promulgated by the Ethics Committee shall be protected as confidential.

SECTION 2. Any Covered Official who is found by the Ethics Committee to have violated any of the provisions of this Code or pleads guilty to a violation of this Code may be subject to Censure and/or a fine, not to exceed \$5,000 per violation, as provided in the hearing procedures.

SECTION 3. To charge an ethics violation a written complaint shall be filed with the Ethics Committee. The complaint may only be filed by a citizen of the Nation or an individual employed by the Nation. The Person charged shall have 20 days to respond to the complaint. The Ethics Committee, by majority vote, shall determine if a hearing is necessary. If the Ethics Committee determines a hearing is necessary, said hearing shall be held within 30 days of the response to the complaint.

SECTION 4. The Ethics Committee shall find an Ethics violation only by majority vote.

SECTION 5. As this Code directly addresses the integrity of the Nation's leadership, immunity cannot be invoked by any Covered Official to preclude any hearings, investigations, or other duty of the Ethics Committee.

SECTION 6. Nothing in this Code shall be construed to preclude any Covered Official from claiming the benefits and privileges generally enjoyed as a citizen of the Nation.

#### **CHAPTER XI. APPEAL FROM ETHICS COMMITTEE FINDINGS**

Any Covered Official may appeal any findings or rulings by the Ethics Commission to the Tribal Court established by Article VII, Section 1 of the Constitution. The appeal shall be in writing and shall be filed with the Clerk of the Tribal Court within 30 days from the date of any finding or ruling. The Tribal Court shall establish rules and procedures for any appeal from the Ethics Commission.

**CHAPTER XII. APPLICABILITY**

**SECTION 1.** This Code shall apply prospectively from the date of its adoption; however, all Covered Officials shall be required to disclose, within thirty (30) days after enactment of this Code, any existing Conflict of Interest identified in this Code.

**SECTION 2.** Nothing in this Code effectuates a waiver of sovereign immunity by the Nation.

**SECTION 3.** Nothing in this Code shall impair, delay and/or prohibit an impeachment proceeding as set forth in the Constitution.