

# SKOKOMISH ETHICS CODE

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### **1.05.001 Purpose**

The purpose of this Code of Ethics is to establish ethical standards for the Skokomish Indian Tribe, its Tribal Council, its Committees, and its government (hereafter, “officials and employees”). All those acting on behalf of the Skokomish Indian Tribe are imbued with a sacred trust to act in the highest ethical manner, carrying out their duties in such a manner as to keep inviolate the best interest of the Tribe and its members. Those Individuals elected, appointed, or employed shall not place their personal interest above that of the Tribe.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

### **1.05.010 Authority**

This code is enacted pursuant to Article IV, Section 1 and Article V, Sections I (j), (t), and (u) of the Constitution of the Skokomish Indian Tribe.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

### **1.05.20 Definitions**

- (a) Elective office means any office regularly filled by a vote of the eligible members of the Tribe.
- (b) Standing Committees are those committees, boards, authorities, teams or commissions whose members are appointed by the Tribal Council to carry out designated actions or provide advice and counsel to the elected Tribal Council.
- (c) Employees are those individuals hired or contracted by the Tribe to carry out identified duties and responsibilities.
- (d) Immediate Family means father, mother, son, daughter, husband, wife, partner, brother, sister, granddaughter, grandson, or any other person in a similar relationship living in the home of an official or employee.

- (e) Conflict of Interest means an action taken by an official or employee of the Tribe which is in conflict with his or her obligation to take actions in the best interest of the Skokomish Indian Tribe. In most cases a conflict of interest arises because an individual has taken an action in his or her own personal interest rather than the interest of the Tribe or tribal membership as a whole. A conflict of interest does not necessarily arise when the individual takes an action or position believing it to be in the best interest of the Tribe even though others may disagree.
- (f) Personal interest means an action taken by an official or employee which is intended to benefit him or her and/or his or her immediate family rather than the Skokomish Tribe or tribal membership as whole. Personal interest does not necessarily occur when an official or employee acts on a matter or issue that results in an incidental benefit to him or her or to his or her immediate family. Personal interest may be determined by an objective review of the circumstances surrounding the beneficial action.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

### **1.05.030 Standards of Ethical Conduct**

The following represents standards of conduct important to the maintenance of trust and ethical behavior.

- (a) Officials and employees of the Tribe shall treat service to the Tribe as a sacred public trust with fiduciary responsibility to the Tribe requiring that they place loyalty to the Tribe and its constitution, laws and ordinances above personal and private gain.
- (b) Officials and employees of the Tribe shall not hold financial interests that conflict with the conscientious performance of their obligations to the Tribe.
- (c) Officials and employees of the Tribe shall protect and conserve Tribal property and only use it for authorized purposes.
- (d) Officials and employees of the Tribe shall disclose instances when they believe there is fraud, waste, abuse, and corruption to the appropriate authorities.
- (e) Officials and employees of the Tribe shall make every effort to adhere to the laws, customs, and traditions of the Tribe.
- (f) No official or employee of the Tribe may use his or her position or office to obtain a personal gain of substantial value for the personal benefit of himself or herself or for his or her immediate family. For the purpose of this section substantial value is defined as items exceeding \$100 in value.
- (g) Officials and employees of the Tribe shall not threaten, intimidate, or discipline any employee in reprisal for the employee acting within the scope of the employee's official duties.

- (h) Officials and employees of the Tribe shall not solicit or accept, directly or indirectly, anything of value if the gift could reasonably be expected to influence the vote, official actions, or judgment of the official or employee, or could reasonably be considered a reward for any official action or inaction.
- (i) Officials and employees of the Tribe shall not make public policy statements on behalf of the Tribe without obtaining approval from the cognizant tribal authority.
- (j) Officials and employees of the Tribe shall not disclose materials pertaining to those items discussed in executive session except by a consensus of the Tribal Council.
- (k) No official or employee of the Tribe shall take any official action or participate in a decision with respect to a matter if it will have a direct and predictable effect on the financial interest of the official or employee or his or her immediate family member. Any official or employee in such situation shall disqualify himself or herself from participating in a discussion and /or vote on the matter.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

#### **1.05.040 Code of Ethics Oversight**

The Skokomish Tribal Council shall designate a person not affiliated as an official or employee of the Tribe to receive and investigate complaints of ethical misconduct pursuant to this code. For the purpose of this code this individual shall be identified as the Skokomish Tribal Ethics Officer.

##### (a) Reporting Violations

Any person who, in good faith, believes or has reason to believe that an official or employee subject to this code has committed a violation may report such to the Ethics Officer; or in the absence of an Ethics Officer, the Tribal Manager; or if the Tribal Manager is the individual suspected of committing the alleged violation, the Tribal Council Chairman; for investigation. An alleged violation must be reported within (30) days of the alleged violation to trigger a finding of fact. Any report of an alleged violation shall include but not be limited to the following information:

- (1) The name of the person reporting the alleged violation and the name of the person whose alleged nonconforming behavior is in question. The name of the person reporting the alleged violation shall be kept confidential by the ethics official, to the extent possible, if requested by the person reporting the alleged violation.
- (2) The nature of the alleged violation including the date, time, place, and persons involved or who may have knowledge pertinent to the

alleged violation. The report must clearly state the provision(s) of the Code of Ethics allegedly violated.

- (3) A sworn statement attesting that the information the person has forwarded is true, accurate, and complete to the best of his or her knowledge.
- (b) A report of an alleged violation shall be sent to the Ethics Officer (or responsible employee or official as set forth in section (a) above) by U.S. mail, electronic mail, fax, or by hand delivery to the Ethics Officer.
- (c) The Ethics Officer (or responsible employee or official) must provide notice of the report to the person who is alleged to have violated the ethics code and an opportunity for that person to answer the allegations and to provide witness testimony and other evidence on his or her behalf.
- (d) Frivolous complaints or unsubstantiated allegations are violations of this Code of Ethics and may additionally subject the complainant to civil suit in Tribal Court or other court of competent jurisdiction.
- (e) The Ethics Officer (or responsible employee or official) shall have (60) days to complete the investigation and file a finding of fact report. Such reports shall be filed with the Tribal Council Chair or Vice Chair as appropriate. All final determinations by the Ethics Officer shall be made available for public review.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

#### **1.05.050 Enforcement**

- (a) This Code shall be given liberal interpretation in the interest of insuring compliance with its requirements.
- (b) The Tribal Council as a whole shall determine penalties for violations of the Code of Ethics by individual Tribal Council Members.
- (c) The Tribal Council Chairman and/or Council members designated by him shall determine penalties for violations of the Code of Ethics for the following persons: Members of committees, boards, commissions, teams, or authorities established by action of the Tribal Council; Tribal Manager.
- (d) An Ethics Committee of three persons unaffiliated with the alleged violation and selected by the Tribal Manager shall determine penalties for violations of the Code of Ethics for the following persons: General Council President; Ethics Officer.
- (e) The Tribal Manager shall determine penalties for violations of the Code of Ethics for Tribal employees, pursuant to the established policies of the Tribe.
- (f) The enforcing official or body must provide a copy of the finding of fact report to the person alleged to have violated the ethics code, an opportunity for that

person to present witness testimony and other evidence on his or her behalf before penalties are imposed, and an opportunity to request that the imposed penalties be reconsidered by the enforcing official or body.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

#### **1.05.060 Penalties**

Those authorized to enforce the provisions of this Code shall ascribe the penalties for violations, which may include, without limitation, restitution of any improperly received benefit, monetary fines reflecting the severity of the violation, or any other appropriate disciplinary action in accordance with the Skokomish Constitution, the Skokomish Tribal Code, and the Personnel Policies of the Tribe.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

#### Legislative History prior to July 5, 2017

Adopted by Resolution No. 05-107 (October 12, 2005)

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

+Ordinance and/or amendments not attached to the resolution in the Skokomish Tribal Archives