

**IOWA TRIBE OF KANSAS AND NEBRASKA
EXECUTIVE COMMITTEE ETHICS POLICY**

Section 1: Purpose

The Executive Committee of the Iowa Tribe of Kansas and Nebraska finds that it is vital that the Executive Committee conduct itself in accordance with the highest ethical standards while carrying out tribal business. To this end, this policy must be construed to prioritize the best interests of the Tribe over an individual Member of the Executive Committee or the current Executive Committee body as a whole.

Section 2: Definitions

For the purposes of this Policy:

- A. “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, LLC, joint venture, or sole proprietorship, consultant or other self-employed enterprise.
- B. “Conflict of Interest” means a circumstance in which there is the reasonable likelihood that any personal or economic interest of a Member of the Executive Committee will be affected in any materially different manner from the interest of a Tribal Member, or by any decision, enactment, agreement, award, or other official action or function of any governmental body of the Tribe.
- C. “Employee”, solely for purposes of this Policy, the definition of employee includes any person or entity working for or rendering or exchanging any services or performing any act for, or on behalf of, any person or entity in return for any form of compensation received, or to be received, at any time temporarily, permanently, or indefinitely in any capacity whether as an agent, servant, representative, consultant, advisor, independent contractor or otherwise.
- D. “Employment” means the status or relationship existing or created by and between a person designated or acting as an Employee, as defined in this Policy, 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 any form of compensation.
- E. “Executive Committee” means the five (5) member elected governing body of the Tribe as defined in the ITKN Constitution Article IV Section 2.
- F. “General Council” means all enrolled members who are at least eighteen (18) years old as defined in the ITKN Constitution Article IV Section 1.
- G. “Gift” means any gratuity, favor, hospitality, payment, loan, economic opportunity, deposit of money, services, or other benefit received, whether provided in-kind, by purchase of a

ticket, payment in advance, or reimbursement after the expense has been incurred, without equivalent consideration and not extended or provided to Tribal Members or the public-at-large.

- H. “Honorary Tribal Member” means an individual with the title of “honorary tribal member” as defined in the ITKN Constitution Article II Section 4.
- I. “Immediate Family” means any person having a relationship with another as a spouse, son, daughter, step-son, step-daughter, father, step-father, father-in-law, mother, stepmother, mother-in-law, brother, half-brother, step-brother, brother-in-law, sister, half-sister, step-sister, sister-in-law, child, step-child, adopted child, grandchild, great-grandchild, foster child, a child placed in a home by an authorized placement agency for legal adoption, son-in-law, daughter-in-law, parent-in-law, grandparent-in-law, great-grandparent-in-law, the following if related by blood: aunt, uncle, nephew, or niece, and any persons living in the home for a period in excess of thirty (30) days.
- J. “Member of the Executive Committee” means an individual serving on the five (5) member elected governing body of the Tribe as defined in the ITKN Constitution Article IV Section 2: Chairman, Vice-Chairman, Secretary, Treasurer, and member.
- K. “Non-Tribal Member” means an individual who is neither a Tribal Member nor an Honorary Tribal Member.
- L. “Quorum” means thirty (30) members of the General Council present for Business meetings. Or three (3) members of the Executive Committee present for meetings.
- M. “Tribal Employee” means an individual an individual who has an employment relationship with the Tribe.
- N. “Tribal Employment” means any Employment by the Tribe of Tribal Employees.
- O. “Tribal Preference” means any written employment policy that extends a preference to Tribal Members in accordance with Article XI Section 6 of the ITKN Constitution.
- P. “Tribal Member” means any duly enrolled member of the Tribe.
- Q. “Tribe” means the Iowa Tribe of Kansas and Nebraska.

Section 3: Standards of Conduct

The following includes but is not limited to, the standards of conduct that elected Members of the Executive Committee must adhere to.

- A. Members of the Executive Committee shall:

1. At all times conduct themselves in an honest and principled manner and devote a reasonable proportion of their time to the performance of official duties and uphold the Constitution and Bylaws of the Tribe.
2. Remain objective in the performance of their duties and shall act with the best interests of the Tribe and all Tribal Members in mind. In order to remain objective in the performance of his or her duties, a Member of the Executive Committee shall not accept privileges or benefits, either directly or indirectly, except those granted by the Tribe through official action or as set forth in Section 8 of this policy.
3. Not vote on any motion, tribal resolution, ordinance, or Business which knowingly and predictably affects said Member of the Executive Committee personally or his or her Immediate Family, directly or indirectly.
4. Not themselves, or knowingly permit fellow Executive Committee members to, engage in acts of nepotism, abuse of authority, and any questionable or criminal conduct as otherwise set forth herein and in the Constitution of the Tribe.
5. Safeguard data and preserve the integrity of tribal government and operations by not disclosing any confidential information nor shall he or she use such information for his or her personal gain or benefit.

Section 4: Conflicts of Interest

In addition to the requirements set forth in Article VII of the ITKN Constitution regarding Conflicts of Interest, Members of the Executive Committee shall also be bound by the following:

- A. Members of the Executive Committee shall not themselves, or knowingly permit fellow Executive Committee members to: have any financial or personal interest in any Business of the Tribe or transaction with any entity unless the Member of the Executive Committee shall first make full public disclosure of the nature and extent of such interest.
- B. Whenever the performance of official duties requires any Member of the Executive Committee to deliberate and vote on any matter involving his or her financial or personal interest, the Member of the Executive Committee shall publicly disclose on the record at an Executive Committee meeting the nature and extent of such interest and be disqualified from participating in deliberation as well as in the voting.
- C. No Member of the Executive Committee shall engage in private Employment with, or render services for, any private person, partnership, or firm which has Business transactions with the Tribe unless any Member of the Executive Committee shall first make full public disclosure of the nature and extent of such Employment or services. Consent for such private Employment must be obtained from the Executive Committee.
- D. No Member of the Executive Committee shall employ any Immediate Family member on any basis other than merit and fitness for the position. Provided, however, this provision

shall not prohibit the use of Tribal or Indian Preference under written personnel policies and procedures.

- E. No Member of the Executive Committee shall interfere with or participate in any Tribal Employment decisions related to his or her Immediate Family.
- F. No Member of the Executive Committee shall bring an action as a Tribal Member before any court, federal or state government in any proceeding of any matter in which the Tribe is a party or has an interest.
- G. No Member of the Executive Committee shall vote on the contracting or procurement of goods in which they or their Immediate Family have a personal or financial interest unless the interest is fully disclosed to the Executive Committee and the Executive Committee approves the transaction.
- H. This section shall not prohibit the mere presence of a Member of the Executive Committee if his or her presence is necessary to constitute a Quorum.
- I. Each Executive Committee Member shall be provided with a copy of this policy and is required to complete and sign the Acknowledgment and Disclosure Form attached hereto as Appendix A, and file it with the Secretary of the Executive Committee within 15 days of being sworn into office, and annually thereafter by or before January 15th of each year. Completed Acknowledgment and Disclosure Forms shall be available for inspection by members of the General Council through the Freedom of Information policy

Section 5: Abuse of Power

- A. Members of the Executive Committee shall not themselves, or knowingly permit fellow Executive Committee members to:
 - 1. Represent himself or herself as acting on behalf of the Tribe without authorization to do so;
 - 2. Use one's position to coerce, threaten, or intimidate a person or entity to provide a financial benefit or other personal gain to oneself or another person with whom one has family, Business, or financial ties, or for any other purpose; or
 - 3. Use one's official title to conduct personal Business.

Section 6: Confidential Information

- A. Members of the Executive Committee shall not themselves, or knowingly permit fellow Executive Committee members to use confidential information for their personal gain or benefit or the gain or benefit of family or others.

- B. Members of the Executive Committee participating virtually or by phone for a meeting or to otherwise conduct any official Business of the Executive Committee shall ensure confidentiality by:
1. Not recording any part of the meeting (including audio) or taking screenshots;
 2. Meeting in an area away where they cannot be overheard or seen by any other person; and
 3. Enabling video for any meeting on a virtual platform (e.g., Zoom, Teams, etc.).

Section 7: Gifts

- A. Members of the Executive Committee shall not intentionally solicit or accept, for the performance of any tribal service or duty, anything of value, including, but not limited to, any Gift, loan, favor, or service, given for the purpose of influencing them in discharging their official duties. However, Members of the Executive Committee may accept such items if there is no likelihood of improper influence, or the appearance of improper influence and the item is one of the following:
1. A noncash Gift of nominal value (\$75 or less) such as are received at holidays;
 2. Gifts available to all Tribal Members or the general public under the same conditions as they are available to Members of the Executive Committee;
 3. Civic, charitable, academic, or religious organization awards for recognition of service and accomplishment;
 4. Ceremonial and customary Gifts generally granted to dignitaries;
 5. Food or refreshments customarily made available in the ordinary course of Business meetings where a Member of the Executive Committee is properly in attendance;
or
 6. Gifts because of kinship, marriage, or social relationship apart from any Business with the Tribe.

Section 8: Use of ITKN Property and Funds

- A. Members of the Executive Committee shall not themselves, or knowingly permit fellow Executive Committee members to:
1. Utilize property, facilities, or resources belonging to the Tribe for private or personal gain for themselves, family, or others; or
 2. Misappropriate or misuse of funds or property belonging to the Tribe.

Section 9: Procedure to Investigate, Hearing, Sanctions

The Executive Committee shall be responsible for investigating any alleged violation under this Policy and shall initiate investigation proceedings within ten (10) days of receiving credible notice of such allegations. Allegations of a violation of this Policy shall be presented to the Executive Committee and processed in the following manner:

A. Procedure to Investigate.

1. Allegations of unethical or improper conduct against an Executive Committee Member shall only be made in writing and submitted to the Chairperson, provided that if an allegation is made against the Chairperson, said allegation shall be filed with the Vice-Chairperson.
 - a. A written complaint may be submitted by any Council Member, Tribal Member, or Tribal Employee who believes that a Council Member has engaged in unethical or improper conduct as defined by this policy. The complaint shall specify the Executive Committee Member against whom a complaint is being made, and the conduct that is alleged to be unethical or improper.
 - b. If an allegation of unethical or improper conduct involves action which allegedly wronged a person, the complaint can only be made by the person against whom the unethical or improper conduct allegedly occurred.
 - c. The Executive Committee Member against whom the allegation is made shall be provided with a copy of the allegation.
2. The Executive Committee shall perform an initial review in executive session of the allegation and complaint. Such review shall take place no later than 31 days after the complaint has been submitted. The purpose of the initial review shall be to determine whether the allegation made falls within the scope of this policy and whether, assuming the facts alleged are true, said facts might support a determination of unethical or improper conduct. The Executive Committee member against whom the allegation is made shall not participate in the initial review.
3. If the Executive Committee, upon completion of the initial review, determines that the allegation falls within the scope of this policy and alleges facts which, if true might support a determination of unethical or improper conduct, the executive Committee, by majority vote, may refer the allegation for investigation.
 - a. Any investigation requested by the Executive Committee may be conducted by ad hoc committee of the Executive Committee, or an independent, outside investigator appointed by the Executive Committee.

- b. The investigator shall have the authority to take testimony under oath, to issue subpoenas, and to compel the production of documents and other evidence. The Executive Committee Member against whom an allegation is made, the complainant, and members of the Executive Committee, shall have the right to be present when sworn testimony is given.
- c. Any investigation performed under this policy shall be completed by the issuance of a written report which summarizes the evidence, gives an opinion on the issue of whether the allegation is true or false and, if said opinion is that the allegation is true, recommends a sanction, if any, to be imposed on the Executive Committee Member.
- d. The investigator shall notify the Chairperson of the completion of the investigation which shall take no longer than 30 days from completion of the Executive Committee's initial review.. If the investigation will take longer than 30 days to complete, the investigator shall obtain the approval of the Chairperson to extend the investigation for a specified period of time.

B. Hearing Procedures

1. Upon receipt of the investigation report, the Chairperson shall:
 - a. Send notice, by certified mail, to the Executive Committee Member accused of the ethical violation and to the complainant; and
 - b. Set a hearing date and time not less than ten and not more than 45 days from the date of the notice, at which the investigation report will be presented by the investigator or a representative of the ad hoc committee that performs the investigation.; and
 - c. A copy of the investigation report shall be included with such notice along with a statement declaring that the report shall be kept confidential and not disclosed to any other person except the Executive Committee Member, or his or her counsel or spokesperson.
2. If the Executive Committee does not request an independent investigation, then the Chairperson shall set a hearing date not less than ten and not more than 45 days from the date of the completion of the initial review.
3. The hearing shall take place in executive session, with all Executive Committee Members present, and shall be recorded. The results of the investigation, if any, shall be presented to the Executive Committee. Only the Executive Committee, the complainant, accused Executive Committee member and his or her attorney or spokesperson shall be present during the hearing, provided that witnesses may be called into the hearing to testify.

4. At the conclusion of the hearing, the Executive Committee Member accused of an ethical violation, and the complainant shall be excused from the executive session so the Executive Committee may review the evidence and consider a decision and sanction, if any.
 5. The Executive Committee shall decide in open session, by recorded vote, whether an ethical violation under this policy has occurred. Said decision shall be made by a majority vote. If the Executive Committee decides that an ethical violation has occurred, the Executive Committee shall then decide, by motion, an appropriate sanction, if any, to impose on the Executive Committee Member who engaged in unethical conduct.
 6. The Executive Committee Member against whom an allegation of unethical or improper conduct is made shall not participate in the review of the allegation by the Executive Committee, consideration by the Executive Committee of whether unethical conduct occurred and appropriate sanction for such conduct, or voting in open session on whether an ethical violation occurred and on an appropriate sanction.
- C. Sanctions. The Executive Committee may issue one or more of the following sanctions for violations of this Policy:
1. Formal public statement of disapproval of the Member of the Executive Committee. Such formal public statement may be given by video, published letter or by other means to address Tribal Members;
 2. Written reprimand issued by the Executive Committee;
 3. Verbal reprimand issued by the Executive Committee;
 4. Restitution, including reasonable investigative costs; or
 5. Referral to law enforcement.
 6. The decision of the Executive Committee shall be final.

Section 10: Removal Removal from office of a Member of the Executive Committee can only be done through the process outlined by the ITKN Constitution.

Section 11: Severability

If any provision of this Policy is found to be invalid under applicable law, that provision shall be severed from this policy and the remainder of the Policy shall remain in full force and effect.

Section 12: Effective Date

This Policy was hereby adopted on _____

DRAFT

APPENDIX A

CONFLICT OF INTEREST

ACKNOWLEDGMENT AND DISCLOSURE FORM

I have read the Executive Committee Ethics policy set forth above and agree to comply fully with its terms and conditions at all times during my service as a Member of the Executive Committee for the Iowa Tribe of Kansas and Nebraska. If at any time following the submission of this form, I become aware of any actual or potential conflict of interest, or if the information provided below becomes inaccurate or incomplete, I will promptly notify the Board Secretary in writing.

Please describe below any relationships, transactions, positions you hold (volunteer or otherwise), or circumstances that you believe could contribute to a conflict of interest:

_____ I have no conflicts of interest to report.

_____ I have the following conflicts of interest to report. Please specify other nonprofit and for-profit boards you and your spouse sit on, any for profit business for which you or an immediate family member are an officer or director, or a majority shareholder, and the name of your employer and any businesses you or your family member own:

I hereby certify that the information set forth above is true and complete to the best of my knowledge.

Executive Member Signature _____

Executive Member Printed Name _____

Date _____