

**IOWA TRIBE OF KANSAS AND NEBRASKA**  
**ELECTED OFFICIAL ETHICS AND CONFLICT OF INTEREST POLICY**

**Section 1: Purpose**

The General Council of the Iowa Tribe of Kansas and Nebraska (ITKN) finds that it is vital that all elected officials of ITKN conduct themselves 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 elected official 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. “Elected Official” means any person duly chosen through a formal election process conducted in accordance with the Constitution or Election Ordinance of the ITKN. This shall include any person who is on the Executive Committee.
- E. “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.
- F. “Executive Committee” means the same as defined in the ITKN Constitution Article IV Section 2.

- G. “General Council” means the same as defined in the ITKN Constitution Article IV Section 1.
- H. “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.
- 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. “Elected Official” 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, or any other person elected by the General Council of ITKN to serve in a decision making position for ITKN.
- K. “Non-Tribal Member” means an individual who is neither a Tribal Member nor an Honorary Tribal Member.
- L. “Quorum” means the same as defined by ITKN Constitution Article XII Section 1.
- 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 officials must adhere to.

- A. Elected officials 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 order to remain objective in the performance of his or her duties, an elected official 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 7 of this policy.
3. Not vote on any motion, tribal resolution, ordinance, or Business which knowingly and predictably affects said elected official personally or his or her Immediate Family, directly or indirectly.
4. Not themselves, or knowingly permit fellow elected officials 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 or proprietary information nor shall he or she use such information for his or her personal gain or benefit or for the personal gain or benefit of an immediate family member.
6. Put elected duties first before other employment or outside personal business ventures. Elected Officials must be available to serve the needs of ITKN regardless of other employment or business ventures.
7. Not receive compensation from any other entity during duly called meetings of the governing body they represent.
8. Respect the need for culture and ceremony and not infringe upon the rights of tribal citizens to engage in culture and ceremony activities.

#### **Section 4: Conflicts of Interest**

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

- A. Elected officials shall not themselves, or knowingly permit fellow elected officials to: have any financial or personal interest in any Business of the Tribe or transaction with any entity unless the elected officials shall first make full public disclosure of the nature and extent of such interest on an Acknowledgment and Disclosure Form. Consent for such financial or personal interest must be obtained by vote of the Executive Committee a minimum of 5 business days after the Acknowledgment and Disclosure Form is publicly disclosed.

- B. Whenever the performance of official duties requires any elected official to deliberate and vote on any matter involving his or her financial or personal interest or that of an immediate family member, the elected official 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 elected official shall engage in private Employment with, or render services for, any private person, partnership, or firm which has Business transactions with the Tribe or it's entities unless the elected official first makes public disclosure of the nature and extent of such Employment or services on an Acknowledgment and Disclosure Form. Consent for such private Employment or services must be obtained from the Executive Committee a minimum of 5 days after the Acknowledgment and Disclosure Form is publicly disclosed.
- D. No elected official 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 elected official shall interfere with or participate in any Tribal Employment decisions related to his or her Immediate Family. Tribal Employment decisions in the purview of the Executive Committee include only those employees reporting directly to the Executive Committee or in the event the employee's supervisor temporarily designates an elected official to act on their behalf for Tribal Employment decisions.

.. Elected Officials shall follow policies and procedures included in the ITKN Procurement policy, including solicitation of bids and proposals, to ensure equity in the procurement process, and shall also recuse themselves from any vote on the contracting or procurement of goods in which they or their Immediate Family have a personal or financial interest..

#### **Section 5: Abuse of Power**

- A. Elected officials shall not themselves, or knowingly permit fellow elected officials 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.
  - 4. Use their elected position to garner more authority in other roles or positions they hold for the Tribe or their entities outside of their elected duties.

5. Retaliate against tribal citizens or employees for grievances or complaints filed in accordance with ITKN policies or procedures, or at a General Council meeting if no policies or procedures exist.

### **Section 6: Confidential Information**

- A. Elected officials shall not themselves, or knowingly permit fellow elected officials to use confidential information for their personal gain or benefit or the gain or benefit of family or others.

Elected officials participating virtually or by phone for a meeting or to otherwise conduct any official Business of the Executive Committee shall ensure confidentiality by not recording any part of the meeting (including audio) or taking screenshots for personal financial gain or for the financial gain of immediate family members.

### **Section 7: Gifts**

- A. Elected officials or their immediate family 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, elected officials 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, given that these Gifts are reported on the Acknowledgment and Disclosure Form;
  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 an elected official is properly in attendance; or

Gifts because of kinship, marriage, or social relationship apart from any Business with the Tribe.

### **Section 8: Use of ITKN Property and Funds**

- A. Elected officials shall not themselves, or knowingly permit fellow elected officials 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.
3. Receive financial compensation from the sale, loan, rent, lease, or provision of personal property to ITKN or its entities without the public disclosure a minimum of 5 days in advance of the transaction This shall include a disclosure of the full retail or market value of the personal property.

### **Section 9: Acknowledgement and Disclosure Policy and Procedure**

- A. Each elected official 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 3 days of passage of this policy, within 24 hours of being sworn into office, and a minimum of annually thereafter by or before January 15th of each year. Elected Officials will be required to complete and sign updated Acknowledgement and Disclosure forms within 10 days of any change in circumstances included in this policy in order to maintain compliance.
- B. Required Disclosures Acknowledgment and Disclosure Forms
  1. Elected officials must report all conflicts of interest and income they or their immediate family members receive from tribal government employment, tribal entity employment, as well as private businesses, consulting, or other relevant sources including:
    - i. the source of income, including the names of employers, clients, or entities providing the income.
    - ii. The total amount of income received in dollars, and the cadence in which it was received (i.e. annually, monthly, weekly, one-time payment).
    - iii. A description of the nature of the income (e.g., salary, consulting, investments, sales of assets, etc.).
  2. Elected officials must report assets they or their immediate family members have (real estate, business ownerships, stocks) that may present a conflict of interest.
  3. Elected officials must report personal debts, loans, or financial obligations that may affect decision-making.
  4. Elected officials must report any gifts, benefits, or donations they or their immediate family members receive from individuals or organizations doing business with the tribe.
  5. Elected officials must report any direct or indirect financial interests they or their immediate family members have in tribal government contracts, transactions, procurement processes, or development projects.

### **Section 10: Public Disclosure**

- A. There shall be public disclosure of completed Acknowledgment and Disclosure Forms. These forms shall be publicly disclosed within 7 days of filing and remain publicly disclosed for a minimum of 4 years from the date of filing. After 4 years they shall be available for public inspection in accordance with the Freedom of Information Policy.
- B. For the purposes of this policy, a public disclosure includes at least two of the following disclosure methods:
  - 1. Posting of the disclosure on the ITKN website
  - 2. Posting of the disclosure in the minutes of an Executive Committee meeting available to view on the ITKN website.
  - 3. Distributing paper copies of the disclosure at a General Council meeting
  - 4. Other disclosure methods approved by a majority vote of the General Council.

### **Section 11: 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 elected official 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 complaint written and signed by the complainant with supporting documentation may be submitted by any Council Member, Tribal Member, Tribal Employee, or the spouse, parent, or legal guardian for a Tribal Member or Tribal employee who believes that an elected official has engaged in unethical or improper conduct as defined by this policy. The complaint shall specify the elected official against whom a complaint is being made, and the conduct that is alleged to be unethical or improper.
    - b. The elected official 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 10 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 elected official 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 by majority vote 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, shall refer the allegation for investigation.
  - a. Any investigation requested by the Executive Committee shall be conducted by an ad hoc committee of the General Council, or an independent, outside investigator, both 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 elected official 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 elected official .
  - d. The investigator shall notify the Chairperson of the completion of the investigation which shall take no longer than 20 days from completion of the Executive Committee's initial review. If the investigation will take longer than 20 days to complete, the investigator shall obtain the approval of the Chairperson, or the Vice-Chairperson if the Chairperson is being investigated, to extend the investigation for a specified period of time.
4. The elected official under investigation may be required to be on paid administrative leave until the investigation is complete.

## B. Hearing Procedures

1. Upon receipt of the investigation report, the Chairperson shall:
  - a. Send notice, by certified mail, to the elected official accused of the ethical violation and to the complainant; and
  - b. Set a hearing date and time not more than 15 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 elected official , or his or her counsel or spokesperson.
2. The hearing shall take place, 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 elected official and his or her attorney or spokesperson shall be present during the hearing, provided that witnesses may be called into the hearing to testify.
  3. At the conclusion of the hearing, the elected official 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.
  4. 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 elected official who engaged in unethical conduct.
  5. The elected official 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 elected official.. Such formal public statement may be given by video, published letter or by other means to address Tribal Members;
  2. Verbal reprimand issued by the Executive Committee;
  3. Written reprimand issued by the Executive Committee;
  4. Restitution, including reasonable investigative costs; or
  5. Referral to law enforcement, which shall be mandatory where the investigation finds misconduct under this policy rises to the level of criminal conduct.

The decision of the Executive Committee shall be final.

**Section 12: Removal**

Removal from office of an Elected Official may also be a sanction for violations of this policy, but it can only be done through the process outlined by the ITKN Constitution.

**Section 13: 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 14: Effective Date**

This Policy was hereby adopted on \_\_\_\_\_

DRAFT

**APPENDIX A**

**CONFLICT OF INTEREST**

**ACKNOWLEDGMENT AND DISCLOSURE FORM**

I have read the Elected Official Ethics and Conflict of Interest policy set forth above and agree to comply fully with its terms and conditions at all times during my service as an elected official 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 file a new form with the Secretary of ITKN.

Please include all required disclosures, and describe below any relationships, transactions, gifts received, 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 immediate family member 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 \_\_\_\_\_