

TITLE 22

CODE OF CONDUCT, CORE VALUES AND ETHICAL STANDARDS

1. INTRODUCTION

The successful operation and reputation of the Hoh Indian Tribe is built upon the principles of fair dealing and ethical conduct of our elected officials and observance of the spirit and letter of all applicable law and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The Hoh Indian Tribe will comply with all applicable laws and regulations and expects its Tribal officers and elected officials to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, the use of good judgment, based on high ethical principles will guide us with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly and immediately with legal counsel and/or the Hoh Tribal Business Committee (HTBC) for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every Hoh officer and elected official, and for those individuals, to assure that this responsibility carries over to the other agents that serve the interests of the Tribe. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action and up to and including removal/forfeiture of office.

2. DEFINITIONS

1. Substantial Gift: Anything carrying a value of five hundred dollars (\$500) or more.
2. Immediate Family: One's spouse or partner, mother or father, or children (either adopted or biological), siblings, in-laws, spouses of any children or any person living with the respective officer.
3. Family Related by Second Degree: Any relative who is two meioses away from a particular individual in a pedigree; a relative with whom one quarter of an individual's genes is shared (i.e., grandparent, grandchild, uncle, aunt, nephew, niece, half-sibling)

4. Officers: Members of the HTBC and any other elected or appointed official or committee member of the Hoh Tribe.
5. Psychological Harassment: Humiliating or abusive behavior that lowers a person's self-esteem or causes them torment. This can take the form of verbal comments, actions or gestures.
6. Sexual Harassment: Unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser.

3. PURPOSE

This code of conduct provides the HTBC and other Tribal officers with a framework for the lawful and appropriate conduct of such officers. In addition to general ethical standards of conduct, this Code prohibits real and apparent conflicts of interest that may arise among the members of the governing body of the Hoh Indian Tribe, The HTBC, its officers, and other elected or appointed officials or committee members. This code also prohibits the solicitation and acceptance of gifts or gratuities by those herein identified above for their personal benefit in excess of minimal value and outlines procedural and disciplinary actions that shall apply to remedy violations of such standards. As a requirement of election to any governing body or committee of the Hoh Tribe, these individuals shall have been provided and shall be mandated to read and adhere to this Code in conduction all relations with the Hoh Tribe. Failure to meet the requirements of this Code of Conduct is grounds for disciplinary action, including removal/forfeiture of office.

None of the aforementioned persons shall participate in the selection, award, or administration of a contract, supported by funds from any source if a real or apparent conflict of interest would be involved. Such a conflict would arise when the officers or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in benefiting in the award, administration, or selection of a contractor, or the contract, and application of such funds derived from the contract in a manner that benefits them had they not been involved.

Members of the Hoh's governing body and committee members or other officers shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to sub-agreements, unless the item is of nominal value, under \$100.00. A violation of this provision shall be grounds for immediate removal/forfeiture of from officer, and such action shall disallow any such person to hold office, take employee, or to hold a contract with the Tribe for no less than two years.

4. CONFLICTS OF INTEREST

All Hoh officers have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes the framework within which the Hoh officer's activities shall operate. The purpose of these guidelines is to provide general direction so that officers can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the Hoh Tribal attorney for more information or questions about conflicts of interest and the Hoh Tribal Executive Director for copies of this Code.

5. NEW OFFICER ORIENTATION

Within thirty (30) days of election or appointment, every newly elected officer shall be provided a copy of and brief orientation on this Code. Special attention shall be given in the presentation to the drug and alcohol free policies of this Code. Additionally, there will be updates from every Tribal Department and

6. CONDUCT AND PERSONAL APPEARANCE

All officers shall be neat and clean and shall conduct themselves at all times in a manner which is appropriate for an officer of the Tribe. They shall be efficient, courteous, and helpful to everyone they come into contact with, and shall strive to do the best possible job on every assigned task and come prepared and well versed in the topic/task. Public relations is an integral part of each officer's duties.

7. ETHICAL STANDARDS

Officers are to be constantly aware of the importance of ethical conduct. They must refrain from taking part in, or exerting influences in any transaction in which their own interest may conflict with the best interests of the Hoh Tribe. In particular and without limitation, the following conduct is barred:

- A. Officers may not vote on issues that substantially and/or directly affect or involve immediate family members or persons related to them in the second degree or closer.
- B. Promoting or encouraging the Tribe to do business with a firm in which the officer or close relative of the officer, has substantial ownership or interest, without full disclosure to and approval of the HTBC.
- C. Holding substantial interest in or participating in the management of a firm to which the Tribe makes sales or from which it makes purchases, unless the

- officer's interest is fully known or disclosed, and the employee exerts no influence whatsoever regarding the Tribes purchase or sales decision.
- D. Borrowing money from the Tribe's customers or vendors, other than recognized loan institutions or banks.
 - E. Accepting substantial gifts or excessive entertainment from an outside organization or agency, without full disclosure to the HTBC.
 - F. Speculating or dealing in materials, equipment, supplies, services, or property purchases by the Hoh Tribe.
 - G. Participating in civic or professional organization activities in a manner whereby confidential Hoh Tribal information is divulged.
 - H. Misusing or revealing privileged or confidential information.
 - I. Using one's position with the Tribe or knowledge of its affairs for outside personal gain or family gain.

Transactions with outside contractors must be conducted within a framework established and controlled by the executive level of the Hoh Indian Tribe. Business dealings with outside contractors should not result in unusual gains for those firms. Unusual gain refers to bribes; product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit the Tribe, officers or both. Any plans or offerings that may be construed as "promotional" or offering special benefits as referred to herein that could be interpreted to involve unusual gain should first have executive-level approval and, potentially, legal review. An actual or potential conflict of interest occurs when an officer is in a position to influence a decision that may result in a personal gain for that officer or a relative as a result of the Hoh Tribe's business dealings. For the purposes of this policy, a relative is any family member related to the officer by second degree of closer.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if officers have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose it to an officer of the HTBC or Tribal attorney as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may also result when an officer or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the Tribe. Because it is not possible to define all the various circumstances and relationships that would be considered a conflict, the Tribe reserves the right to determine when an officer's activities represent a conflict with the Tribe's interests.

8. DISCLOSURE OF POTENTIAL CONFLICTS AND CRIMINAL CONVICTIONS

Officers must immediately disclose all actual or potential conflicts of interest including those in which they have been inadvertently placed due to either business or personal relationships with Tribal members, suppliers, business associates, or family members. A written description of the situation shall be submitted to the HTBC when it occurs.

Officers must, within five (5) days of any criminal conviction, disclose said conviction to the HTBC in writing. Officers with questions on this Code or issues related to drug or alcohol use, should raise their concerns with the Hoh Tribal attorney without fear of reprisal, so that the reporting party may seek treatment.

9. CONFLICTS BETWEEN AFFILIATED PARTIES

It is a matter of Tribal policy that no officers may be involved in making decision in which they or members of their immediate family or family members related to them in the second degree or closer, have a direct personal beneficiary interest.

10. BUSINESS VENTURES

Officers may not do business, directly or indirectly on behalf of the Tribe with any customer or vendor in which the employee or an affiliated party owns a significant financial interest or holds a position of influence without full disclosure to and written approval from the HTBC. Further, officers must be disqualified from any decisions concerning Tribal business when the officer or any affiliated party has a personal financial interest in the outcome of the decision.

11. BUSINESS VENTURES WITH CONTRACT SUPPLIERS

Officers shall not enter into or participate in business ventures with contractors or suppliers of the Tribe without prior approval of the HBTC.

12. ACCEPTING GIFTS: The Tribe recognizes that there are instances where an employee may be offered something of value from an individual engaged in or seeking to do business with the Tribe. Generally, officers are prohibited from accepting personal favors, gifts or other forms of compensation from individuals or organizations doing business with the Tribe. An officer may however accept such items if there is no likelihood of improper influence or the appearance of improper influence and the time is one of the following:

- A. A non-cash gift of nominal value (\$200 or less) such as are received at holidays or special occasions;
- B. Gifts available to the general public under the same conditions as they are available to the officer;
- C. Gifts because of kinship, marriage or social relationship apart from any business with the Tribe;
- D. Civic, charitable, educational or religious organizations awards for recognition of service and accomplishment;
- E. Trips, guest accommodations or other travel expenses that could otherwise be reimbursed as a legitimate business expense and that involve formal

representation of the Tribe or conducting of Tribal business. In this instance, such travel is provided without any favor granted in exchange or appearance of gaining a favor in exchange.

- F. Any gift, service or favor received beyond what is authorized must be reported in writing to the HTBC.
- G. Officers are prohibited from soliciting or accepting anything of value from anyone in return for any business, service or confidential Tribal information. Officers are also prohibited from using their positions to obtain any item or benefits for others to whom the item or benefits are not available. Examples include, but are not limited to, receiving personal discounts or free products from a supplier of the Tribe. Any gift, service or favor received beyond what is authorized is to be reported to the HTBC who will provide instructions to the recipient as to the appropriate actions to resolve the matter.

13. INSIDER INFORMATION

Officers are prohibited from using confidential, inside information for personal gain. Inside information is defined as information that is material, nonpublic and known only to officers or affiliates of the Tribe. Officers may not use Tribal member information for personal reasons and shall take all necessary steps to protect themselves from any possible perception that they are using such information in that manner.

14. COLLECTION PROCEDURE FOR FINANCIAL OBLIGATIONS TO THE TRIBE

Financial obligations between officers and the Tribe should result in written acknowledgments at the time the obligations are incurred. Obligations may occur as a result of expense advances or draws. The accounting department is responsible for collection of moneys owed the Tribe.

15. DRUG AND ALCOHOL POLICY

Alcohol and drugs are prohibited while on Tribal property, and the use of substances that adversely affect an officer's performance or the public perception of the Tribe is not acceptable. The legal use of controlled substances, except marijuana, prescribed by a licensed physician is not prohibited. The use of marijuana, with or without a prescription is prohibited. Officers who violate this provision are subject to disciplinary action, up to and including removal from office/position. All officers are subject to random drug and/or alcohol testing.

The use of drugs, including alcohol, by officers in the course of official business is prohibited, as such use may adversely affect health and safety, and productivity, as well as public confidence in trust. Whenever possible, the Tribe shall assist officers in overcoming drug abuse, alcohol abuse, and other problems, which may adversely affect

the duties of officers. The Tribe recognizes drug and/or alcohol dependency as an illness and a major health problem. The Tribe also recognizes drug abuse as a potential health, safety and security problem. Officers needing help in dealing with such problems are encouraged to use social service programs and health insurance plans, as appropriate. Conscientious efforts to seek such assistance shall not jeopardize an officer's position. All of the following is strictly prohibited:

- a. Performing officer's duties while under the influence or in possession of illegal substances, alcohol or marijuana. Violations of this provision may result in removal from office and may have legal consequences.
- b. Operating a motor vehicle or any Tribal property while under the influence of any mind altering substance, whether prescribed or not.
- c. The legal use of prescribed substances, except marijuana, is permitted while performing the duties of an officer, only if it does not impair an officer's ability to perform those duties effectively and in a safe manner that does not endanger other individuals.
- d. The after-business hours use of alcohol is permitted, only if it does not impair an officer's ability to perform those duties effectively and in a safe manner that does not endanger other individuals.
- e. The manufacturing, distribution or dispensation of a controlled substance is absolutely prohibited. Any criminal conviction for any of the above, constitute violations of this provision and shall result in removal from office.

16. DRUG AWARENESS AND EDUCATION

An officer who either voluntarily discloses an addiction, or who tests positive for a substance prohibited by this code, or who is convicted of an alcohol related crime, shall obtain a alcohol/chemical dependency evaluation by a professional licensed to perform such evaluations. Officer shall comply with the recommendation of any such evaluation. Said officer shall sign a release of information with the evaluator and any recommended services provider in order for the Hoh Tribal attorney to report on the compliance of the officer with any such program. Non-compliance with the recommended treatment plan constitutes a violation of this Code and subjects the respective officer to discipline up to removal. Participation in a rehabilitation or treatment program shall be covered by the Hoh Tribe's health insurance coverage or paid for by the Tribe if the officer is not covered by insurance. Tribal or other treatment resources shall be exhausted before requesting direct payment from the Tribe for evaluation and treatment.

17. PROHIBITED OFFICER CONDUCT

It is not possible to list all the forms of officer behavior that are considered unacceptable. The following are prohibited and shall result in disciplinary action as indicated below:

- a. Theft or inappropriate removal or possession of tribal property.

- b. Habitual absence from regular or special committee meetings or assigned tasks, without notice and having been excused by the HTBC.
- c. Fighting or threatening violence.
- d. Disruptive conduct such as disrupting a meeting or causing a disturbance within the Tribal administration.
- e. Negligence or improper conduct leading to damage of Tribal property of the property of another.
- f. Sexual or other unlawful or unwelcomed harassment.
- g. Possession of dangerous or unauthorized materials such as explosives or firearms.
- h. Unauthorized use of the Tribal mail system, computers or other tribally owned equipment.
- i. Bullying, physical and psychological harassment perpetrated against an individual
- j. Unauthorized disclosure of business “secrets” or confidential information.
- k. Unsatisfactory performance or conduct, such as attending meetings or performing assigned tasks without appropriate/ample preparation.
- l. Any negative use of social media involving the Tribe, the Tribe’s confidential information or other officer’s, unless specifically authorized, in writing shall be prohibited.

Because it is not possible to define all the various circumstances and conduct that would be considered a prohibited, the Tribe reserves the right to determine when an officer’s activities represent unauthorized/improper conduct.

18. SEXUAL AND OTHER UNLAWFUL HARASSMENT

Actions, words, jokes, comments or any form of harassment or discrimination based on an individual’s sex, race, creed, color, national origin, age, religion, disability, marital status, sexual orientation, veteran status or any other legally protected characteristic is strictly prohibited.

Sexual harassment is prohibited. The following is a partial list of examples of sexual harassment:

- a. Unwanted and repeated physical or verbal sexual advances, profane sexual remarks, and/or lewd gestures;
- b. Offering employment or other benefits/preferential treatment in exchange for sexual favors;
- c. Making or threatening reprisals after a negative response to sexual advances;
- d. Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters;
- e. Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes;
- f. Demanding sexual favors or activity from another officer or Tribal employee or contractor or subtle pressure for sexual favors or activity from another officer or Tribal employee or contractor;

- g. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, pictures, calendars, graffiti, objects or invitations; or
- h. Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Unwelcome verbal or physical sexual advances, requests for sexual favor, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- (2) Submission or rejection of the conduct is used as a basis for making employment decisions; or,
- (3) The conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

If any officer experiences or witnesses any unlawful harassment, including sexual harassment, they shall report it immediately to the Chairperson of the HTBC. If the Chairperson is unavailable or the officer believes it would be inappropriate to contact that person, they should immediately contact the Hoh Tribal Attorney. Any reporting person can raise concerns and make reports without fear of reprisal or retaliation. All allegations of sexual harassment will be quickly and discreetly investigated. To the extent possible, the reporting person's confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure.

Any officer who becomes aware of possible sexual or other unlawful harassment must immediately advise the Hoh Tribal Attorney so it can be investigated in a timely and confidential manner. Anyone engaging in sexual or her unlawful harassment will be subject to disciplinary action, up to and including removal from office.

19. COMPLAINT PROCEDURE

Any report of a violation of this code, sexual harassment, discrimination or other harassing behavior prohibited by this Code, must be made to either the Chairperson of the HTBC and/or the Hoh Tribal Attorney so that the matter can be investigated and appropriate action taken. All complaints or reports of harassment are to be investigated promptly by an outside third party qualified to perform such an investigation. Said investigation shall be conducted in as impartial and confidential a manner as reasonably possible. Officers are required to cooperate in any investigation. A timely resolution of each complaint will be reached and communicated to the HTBC with a recommended course of action.

20. CORRECTIVE OR DISCIPLINARY ACTION

Following any investigation into a violation of this Code, if corrective action is recommended, the HTBC shall determine what action to take, based on the recommendations of the investigator. Disciplinary action shall be progressive, whenever possible and begin with a formal written warning, suspension without pay, training, then removal. This provision does not bar the HTBC from enforcing any level of discipline as it deems appropriate to the circumstances. Disciplinary action shall be delivered in a timely manner after the investigation is completed.

The HTBC, may, by simple majority vote, remove, suspend or otherwise sanction a fellow HTBC member from office if the respective member is found to have repeated incidents of any or all of the following:

criminal convictions;

instances of gross neglect of duty;

malfeasance in office, misconduct reflecting on dignity and integrity of the tribal government; and/or

failing to attend tribal council meetings without permission by the HTBC. Permission by the HTBC shall be obtained in advance except in the case of emergencies and shall be sought by contacting the Tribal Secretary or Chairperson.

Upon the removal of any HTBC member, the HTBC shall advertise the vacancy to the Tribal membership for thirty (30) days, during which the HTBC shall accept letters of interest, and within forty-five (45) days from removal, appoint a new HTBC member.

An officer removed from his/her position for violations of this Code shall not be eligible for re-appointment or election to the same or any other official position within the Hoh Tribe for a period of not less than five (5) years.

21. RETALIATION

Retaliation against any person making a good faith complaint of a violation of this code or of harassment or for providing information in connection with an investigation of such a complaint is strictly prohibited. Violations of this provision should be reported in accordance with section 19 of this Code. Anyone found to have violated this provision is considered to be in serious violation of this Code. If an investigation of a complaint reveals that the complaint was made or information was provided in bad faith or was frivolous or malicious, the individual making the complaint or providing the information also shall be considered to have committed a serious violation of this Code. Where the HTBC receives information that retaliation may include violent acts of any kind, intended to harm the HTBC or administrative staff, the Tribe shall request, and the Court is hereby authorized to issue appropriate Orders to prohibit such conduct.

22. APPEAL OF DISCIPLINE

Any officer disciplined for violating this policy may request a review of the process by the Hoh Tribal Court. The Court may only review the disciplinary action for procedural error and violations of due process. The Court does not have the authority to award damages of any kind to the officer requesting review. Where procedural error or violations of due process are found, the Court may only remand to the HTBC and direct the HTBC to remedy the error.