

THE TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

CODE OF ETHICS

(All interpretations of this document shall be made in accordance with the definitions of terms for the Code of Ethics of the Turtle Mountain Band of Chippewa Indians).

The purpose of the Code of Ethics of the Turtle Mountain Band of Chippewa Indians is to require the highest standards of ethical conduct of all elected officials and tribal personnel. This Code of Ethics provides a process whereby the people may hold such officials and employees accountable for their actions in performing the duties and responsibilities of office or employment in accordance with Article IV, Governing Body, Section 3, (Amendment XV (a), approved November 3, 1992) and Article VIII, Referendum and Recall, Section 2, of the Turtle Mountain Band of Chippewa Indians' Constitution and By-Laws.

Art. IV, Governing Body, Section 3., authorizes this Code of Ethics as follows: "The Turtle Mountain Tribal Council shall establish a Code of Ethics that will govern all elected officials and tribal personnel to become effective May 1, 1993."

This Code of Ethics governs the conduct and activities of all elected and appointed officials and tribal personnel, and provides due process, as mandated by Article VIII, Referendum and Recall, Section 2, and the Indian Civil Rights Act of 1968.

The provisions of this Code of Ethics shall be interpreted in accordance with the Constitution, By-Laws, and Law and Order Code of the Turtle Mountain Band of Chippewa Indians.

ARTICLE I - GENERAL DUTIES AND RESPONSIBILITIES.

Section 1. All elected and appointed officials and tribal employees shall adhere to the mandates of the Constitution and By-Laws of the Turtle Mountain Band of Chippewa Indians; and all laws and policies issuing from that document.

Section 2. Elected and appointed officials and tribal employees shall use their authority only under the express mandates of their office.

ARTICLE II - VIOLATIONS OF TRIBAL CONSTITUTIONAL LAWS AND POLICIES.

The following shall constitute cause for Recall:

Section 1. The following as defined evidences of Gross Neglect:

Gross Incompetency – The inability or unwillingness to perform the duties of office.

No elected or appointed official or tribal employee shall engage in any activity which would hamper or be in conflict with efficient performance of duty or the interests of the Turtle Mountain Band of Chippewa Indians.

If an elected or appointed official or tribal employee is unable to perform her/his duties due to substance abuse, that official or employee shall be afforded all the rights in accordance with personnel policies of the Turtle Mountain Band of Chippewa Indians dealing with such handicap.

Section 2. Improper conduct shall include, but not be limited to:

Unauthorized use of the position or office to influence or cause the consideration of any business agreement or any other decision on behalf of the Turtle Mountain Band of Chippewa Indians (Ultra vires);

Intimidation of fellow elected or appointed officials and tribal employees of the Turtle Mountain Band of Chippewa Indians;

Conversion of Turtle Mountain Band of Chippewa Indians property or monies without authorization, through omission or misrepresentation (kick backs, vote buying, etc.);

Unauthorized personal use of Turtle Mountain Band of Chippewa Indians' equipment, manpower, or materials;

Violation of the Code of Ethics:

Insubordination;

Dishonesty;

Contempt of Court (tribal, federal);

Public Intoxication.

ARTICLE III – PROCEDURE FOR BRINGING CHARGES OR IMPROPER CONDUCT OR CAUSE FOR REMOVAL.

If an elected or appointed official or tribal employee is charged with acts constituting cause for removal and/or discharge, including gross neglect or improper conduct, the following procedure shall be observed. This procedure includes a process for appeals from administrative decisions.

According to due process, the provisions of the Indian Civil rights Act of 1968, accusation of an infraction must be made in writing, including particular definition of the infraction. Such accusation must be made and the accused made aware of the accusation within five (5) days.

At any time in the process, the accused shall be entitled to representation of his/her own choosing at his/her own cost.

The written accusation shall be presented to the Tribal Chairman, and in the event the accused is the Tribal Chairman, to another member of the Tribal Council selected by a duly constituted majority of the Tribal Council, who shall cause a preliminary, informal investigation with five (5) days of receipt of the written charges.

If the Chairman (or member) deems there is probable cause, and there is danger to life or property, she/he shall convene the Tribal Council to recommend that the accused be suspended with pay.

Following the suspension of the accused, the Tribal Chairman (or member) shall immediately appoint a special independent investigator. This investigator shall be a professional person knowledgeable of the rules of confidentiality and due process, and shall have authority to cause audits, access personnel and financial records, depose and interrogate witnesses, and request assistance from the tribal judiciary if required.

If at any point in this informal investigation the findings do not constitute prime-facie evidence, the records shall so state, and the accused shall be cleared and reinstated immediately.

If circumstances constitute prime-facie evidence, the special investigator shall report to the Tribal Chair (or member) who shall convene a special and closed session of the Tribal Council with three (3) days notice. At this session, the Tribal Council will review the findings of the special investigator and determine whether formal charges shall be

brought or if charges shall be dropped.

If the findings so warrant, the accused shall be notified in writing of the special investigator's findings and those issues that require a hearing. The Tribal Council shall consult with the Judicial Board to appoint a trial judge pursuant to Section 1.0506 of the Turtle Mountain Tribal Code, who shall be a member of any state bar in good standing. This trial judge shall schedule a hearing to take place within no less than thirty (30) days. The trial judge shall set his/her own procedures, conforming to the requirements of due process.

Suspension of the accused with pay shall be continued at the discretion of the trial judge.

The decision of the trial judge shall be final and appealable only to the Federal Court System.

Reserved

ARTICLE IV - CAUSE FOR IMMEDIATE SUSPENSION FROM AND POSSIBLE FORFEITURE OF OFFICE OR EMPLOYMENT.

The following shall constitute cause for immediate suspension from or forfeiture of office or employment:

Conviction of a felony while in office,

Violation of the provisions of Chapter 1.15, Sec. 1501 of the Turtle Mountain Tribal Code (revised, January 20, 1993);

Bribery: Any person who shall give or offer to give any money, property or services, or anything else of value to another person with corrupt intent to influence another in the discharge of his/her public duties or conduct and any person who shall accept, solicit or attempt to solicit any bribe as above defined, shall be guilty of a Class 3 offense. Any Tribal office held by such person shall be forfeited.

Three (3) convictions of tribal and/or state law within any twelve (12) month period of employment or term of office.

Discrimination in application of the Indian Civil Rights Act of 1968.

Fraudulent claims for compensation, such as salary, mileage, or per diem while in office.

Perjury in affidavits required to run for tribal office or to apply for tribal employment.

Criminal or civil contempt of court (tribal or federal) as defined in the Tribal Code, while in office.

Failure to satisfactorily liquidate liabilities that might impinge upon the integrity of the Turtle Mountain Band of Chippewa Indians.

ARTICLE V - APPLICABILITY OF REFERENDUM AND RECALL.

Elected officials, after exhaustion of the rights accorded in this Code of Ethics, and having been found guilty, constituting cause for removal as required by Article VII, Referendum and Recall, Section 1, shall be subjected to a referendum of eligible voters.

Severability - If any provision of this Code or application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or application of this Code which can be given effect without the invalid provision or application, and to this end the provisions of this Code are severable.