

STA Code of Conduct
(01.03)

Chapter 1 General Provisions

1.01 Purpose

The purpose of this Code of Conduct is to establish ethical standards for the Sitka Tribe of Alaska (STA) Tribal Council, employees, or agents.

1.02 Authority

Under the Sitka Tribe of Alaska Constitution, Article VII, Section 1.d. and f., the Tribal Council shall regulate the internal affairs and procedures of the Tribal Council and authorize or direct subordinate boards, committees, Tribal officials, or Tribal employees to administer the affairs of the Tribe and to carry out the directives of the Tribal Council.

1.03 Statement of Policy

All Tribal Council members, employees, or agents of STA must always conduct themselves in a professional and ethical manner that promotes the best interest of STA.

All persons acting on behalf of STA will be provided with a copy of this Code of Conduct at the time of hire, contracting, or the beginning of his/her term as a Tribal Council Member or committee or commission member. All employees are also subject to the terms and conditions of the STA Employee Handbook.

1.04 Definitions

a. Agent means any person or business acting on behalf of STA, including contractors, consultants, committee or commission members, or volunteers.

b. Calendar Day means every day of the week, including weekend days and holidays.

c. Favoritism means the display of partiality toward a favored person or group.

d. Immediate Family means an individual's spouse, parent, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, child (including adopted children and stepchildren).

e. Nepotism means favoritism shown or patronage granted to immediate family members or a business owned by immediate family members.

1.05 Severability

The provisions of this Code of Conduct are severable. If a court of competent jurisdiction finds any provision of this Code of Conduct to be invalid, that determination does not affect the validity of any other provision of this Code.

1.06 Computation of Time

A deadline under this Code that falls on a weekend day or holiday shall be met on the regular working day prior to the weekend day or holiday.

Chapter 2 Standards of Conduct

2.01 Conflict of Interest

STA business must be conducted in a professional manner that prohibits real or apparent conflicts of interest. A real or apparent conflict of interest may occur when a Tribal Council member, employee, or agent of STA, or an immediate family member of any of the above, has a financial or personal interest in any of STA's government or business dealings.

1. Disclosure of Conflict of Interest

Any Tribal Council member, employee, or agent who has a financial or personal conflict of interest in a matter before STA must disclose that conflict of interest immediately and disqualify himself or herself from participating in a discussion and/or vote on the matter.

a. Tribal Council Member Failure To Disqualify

If the majority of the Tribal Council determines that a Tribal Council member should have voluntarily disqualified himself or herself from a vote or discussion due to a financial or personal conflict of interest, the Tribal Council may prevent the Tribal Council member from participating in the discussion or the vote.

2. Financial Conflict of Interest

A financial interest means an interest held by the affected person, which is an ownership, income, investment, security, employment or other beneficial interest in a business, government or organization.

3. Personal Conflict of Interest

A personal interest means any situation in which the affected person is in a position to exploit a professional or official capacity in some way for his/her personal benefit.

a. Cultural, Tribal, or Clan Affiliation Conflict of Interest

No Tribal Council member, employee, or agent will place his/her personal cultural, tribal or clan interests above the interests of STA. The best interests of STA must be the highest priority at all times.

b. Organization, Government, Employer, or Board Conflict of Interest

No Tribal Council member, employee, or agent will place his/her personal interest in an organization, government body, employer or board, above the interests of STA.

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2.02 Confidential Information

No Tribal Council member, employee, or agent shall disclose or use for his/her own benefit or the benefit of others confidential information that he or she has acquired by reason of his or her office or position.

2.03 Use of STA Property

No Tribal Council member, employee, or agent shall use or permit the use of STA equipment, vehicles, boats, materials, or property for unauthorized activities or personal benefit.

2.04 Public Statements

Only the Tribal Chairman, or in his or her absence, the Presiding Officer, and the STA General Manager are authorized to speak on behalf of STA. Tribal Council members must obtain permission from the Tribal Chairman before speaking with the media or on behalf of STA. Employees or agents of STA must obtain permission from the STA General Manager before speaking with the media or on behalf of STA.

2.05 Use of Alcohol and Controlled Substances

Alcohol or controlled substances must not be abused. No Tribal Council member, employee, or agent of STA shall use alcohol or controlled substances in a manner that results in harm to the reputation of the tribal government or negatively affects the integrity of his/her office or position.

2.06 Gifts or Favors

a. Permitted Gifts

The following gifts are permitted regardless of value:

1. Gifts that are received as an award or honor, customarily and publicly presented in recognition of public service.
2. Gifts that are obviously motivated by family or social relationships, as among immediate family members or family inheritances.

b. Prohibited Gifts

Notwithstanding the permitted gifts listed in Section 2.06(a), all Tribal Council members, employees, or agents are prohibited from soliciting or accepting gifts or gratuities for their personal benefit in excess of \$50.00 in value from any person receiving benefits or services from STA, from any person or entity performing services under contract for STA, or from any person who is otherwise in a position to benefit from the actions of any employee, Tribal Council member, or agent of STA.

2.07 Favoritism and Nepotism

The practice of favoritism or nepotism, as defined in Section 1.4, creates a negative environment where some persons receive preferential treatment at the expense of others. No Tribal Council member, employee, or agent of STA will participate in any action or that could be construed as favoritism or nepotism.

2.08 Timeline For Calling Tribal Council Meetings

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Under the STA Constitution, Article IV, Section 5, the Chairman or a majority of the Tribal Council may call a meeting of the Tribal Council. Personal notice must be provided to each Council member no less than forty-eight (48) hours prior to the meeting.

a. Committee Meetings

This provision does not apply to STA committee meetings. However, committee members, employees and agents of STA will make to provide adequate notice to members of scheduled meetings and to not schedule committee meetings at the same time as previously scheduled meetings or obligations of the Tribal Council.

2.09 Special Provisions: Tribal Council Members

1. Tribal Council Members' Meeting Attendance

Tribal Council members must make every effort to attend regular Council meetings, special council meetings, assigned committee or commission meetings, government-to-government meetings, work sessions, and executive sessions, as scheduled.

a. Excused v. Unexcused Absences

Any Tribal Council member, who will not be able to attend a Tribal Council meeting, must notify the Tribal Chairman or the Presiding Officer prior to the start of the meeting and provide an explanation for his/her absence. During the roll call at the Tribal Council meeting, the Chairman or the Presiding Officer will share the absent Council member's reason for the absence, if appropriate, and state whether the absence is excused or unexcused.

b. Consequence For Unexcused Absences

Pursuant to the STA Constitution, Article IV, Section 7, a Tribal Council member who is absent from three (3) successive monthly Tribal Council meetings without being excused by the Tribal Council for good cause, automatically forfeits his/her office. The Chairman will meet with Council members with numerous unexcused absences from meetings and Council obligations other than the regular monthly meeting as necessary.

2. Convictions

Under the STA Constitution, Article IV, Section 7 and the STA Election Ordinance 3.02, a Tribal Council member who is convicted of a felony crime or a misdemeanor involving a sexual offense, automatically forfeits his/her office.

3. Executive Session

No Tribal Council member or staff privy to an executive session will disclose information discussed during that session unless expressly authorized by the Tribal Council.

4. Tribal Council Interaction With Employees and Agents

- a. Tribal Council members shall not threaten or intimidate any employee or agent in retaliation for the employee or agent acting within his/her scope of duties.

- b. Tribal Council members shall not direct employees or agents or assign specific tasks unless specifically authorized by the Tribal Council and the STA General Manager. However, Tribal Council members through their work on STA committees may direct the work of the staff assigned to that committee.

Chapter 3 Ethics Committee & Penalties

3.01 Ethics Committee

1. Alleged Ethics Violations of Tribal Council, Committee or Commission Members, or the General Manager

The Chairman of the Tribal Council will address Tribal Council member, committee or commission member, or General Manager alleged violations of the Code of Conduct. The Chairman will appoint an Ad Hoc Committee consisting of three Tribal Council members to review the allegation and make a recommendation to the full Tribal Council. The full Tribal Council will have the final decision-making authority concerning Tribal Council, committee or commission, and General Manager violations of the Code of Conduct, and there is no further right to appeal.

2. Alleged Ethics Violations of Employees, Contractors or Volunteers

For employee or agent alleged violations of the Code of Conduct, the General Manager will review the allegations and make a determination. The General Manager's decision may be appealed to the Tribal Council for review.

3. Ethics Complaint Process

Ethics complaints must be filed in writing within forty-five (45) calendar days of the date the alleged violation occurred or within forty-five (45) calendar days of the date the alleged violation was discovered. Complaints against Tribal Council members, committee or commission members, or the General Manager, will be filed with the Tribal Chairman. Complaints against the Tribal Chairman will be filed with the Presiding Officer. Complaints against employees, contractors or volunteers will be filed with the General Manager. Complaints will be reviewed and a final decision issued, notwithstanding any appeal, within twenty-one (21) calendar days of receiving the complaint.

3.02 Penalties

Violations of the Code of Conduct may result in a letter of reprimand, repayment of amount of personal gain, demotion, termination of employment or contract, censure, or removal from office, depending on the nature and circumstances of the violation.

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