

ORDINANCE OF THE TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL ENACTING THE OGLALA SIOUX TRIBE CODE OF ETHICS.

WHEREAS, the Oglala Sioux Tribe has adopted its Constitution and By-Laws by referendum vote on December 10th, 1935, in accordance with Section 16 of the Indian Reorganization Act of 1934, and under Article IV of the Constitution, the Oglala Sioux Tribal Council is the governing body of the Pine Ridge Indian Reservation, and

WHEREAS, under Article IV § 1(u) of the Oglala Sioux Tribe Constitution, the Oglala Sioux Tribal Council has the authority to adopt ordinances regulating the procedures of the Council itself and of other elected officials of the Pine Ridge Reservation through a comprehensive Code of Ethics, and

WHEREAS, it is imperative that the Oglala Sioux Tribal Council enact a comprehensive Code of Ethics to ensure that the Oglala Oyate have the utmost faith and confidence in the Oglala Sioux Tribe's government to govern the Oglala Sioux Tribe, and

WHEREAS, through a comprehensive Code of Ethics, elected officials and appointed officials will be held to act in the best interest of the Oglala Oyate by ensuring that the public trust of the Oglala Oyate is maintained and strengthened; now

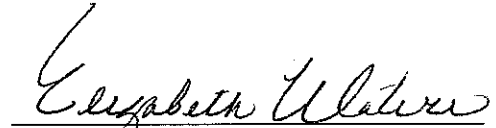
THEREFORE BE IT ORDAINED, that the Oglala Sioux Tribe under its legislative powers under the Oglala Sioux Tribe Constitution enacts the Oglala Sioux Tribe's Code of Ethics, and

BE IT FURTHER ORDAINED, that the Ethics Code shall not become effective for 60 days from the adoption of this Ordinance.

C-E-R-T-I-F-I-C-A-T-I-O-N

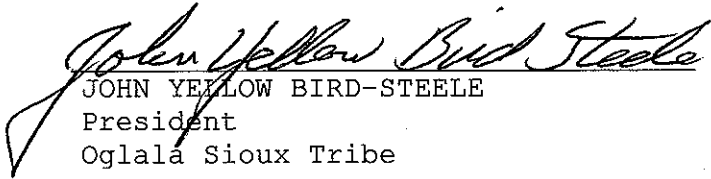
I, as the undersigned Secretary of the Oglala Sioux Tribal Council of the Oglala Sioux Tribe, do hereby certify that this Ordinance was adopted by the vote of 15 for, 1 against, 0 abstaining, and 0 not voting, during a SPECIAL SESSION held on the 28th day of APRIL 2008.

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ELIZABETH WATERS
Secretary
Oglala Sioux Tribe

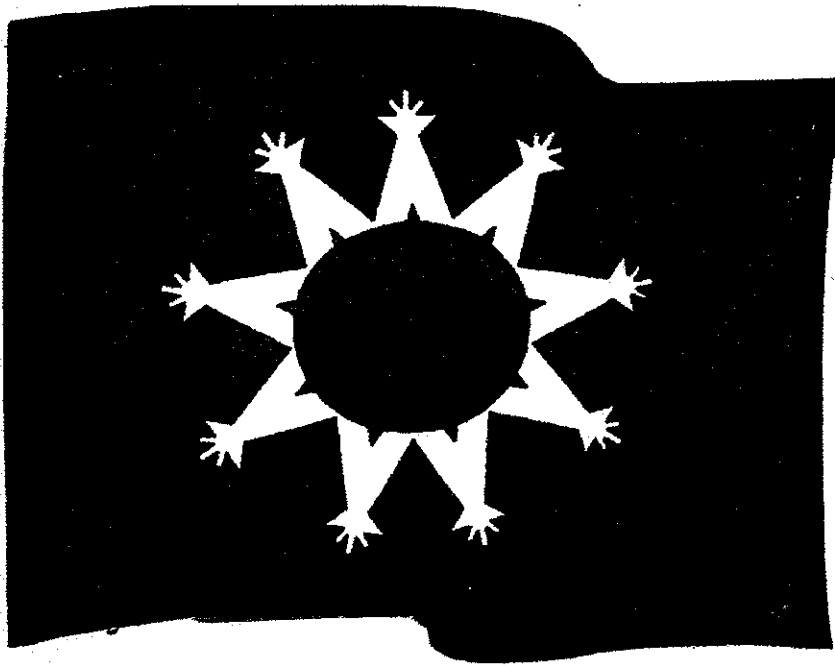
A-T-T-E-S-T:



JOHN YELLOW BIRD-STEELE
President
Oglala Sioux Tribe



**OGLALA SIOUX TRIBE
CODE OF ETHICS**



APPROVED BY OSTC ON 4-28-2008

CODE OF ETHICS

I. TITLE

This document shall be referred to and cited as the "Oglala Sioux Tribe Code of Ethics" or "Code of Ethics."

II. AUTHORITY

This Oglala Sioux Tribe Code of Ethics is adopted pursuant to Article IV § 2(u) of the Oglala Sioux Tribe Constitution, in which the Oglala Sioux Tribal Council has the power "[t]o adopt ordinances regulating the procedure of the council itself and of other elected officials of the reservation through a comprehensive code of ethics."

III. PURPOSE

The purpose of the Oglala Sioux Tribe Code of Ethics is to maintain and protect the public trust of the Oglala Sioux Tribe and the Oglala oyate by requiring elected officials to adhere to the highest ethical obligations expected of elected officials, and also setting forth consequences for violating the public trust of the Oglala Sioux Tribe and the Oglala oyate. In particular, the purposes and enforcement of the Oglala Sioux Tribe Code of Ethics shall be governed by, but not limited to, the following:

- A. To set forth high ethical standards by which elected officials of the Oglala Sioux Tribe will conduct themselves in a manner that protects, promotes, and strengthens the inherent sovereignty of the Oglala Sioux Tribe as recognized by both the 1851 Ft. Laramie Treaty and the 1868 Ft. Laramie Treaty, and the Oglala Sioux Tribe Constitution.
- B. To set forth high ethical standards of honesty, integrity, fairness, and impartiality for elected officials of the Oglala Sioux Tribe.
- C. To guide elected officials of the Oglala Sioux Tribe in avoiding any actions that would adversely impact the Oglala Sioux Tribe and the Oglala oyate. To ensure that elected officials of the Oglala Sioux Tribe act in the best interests of the Oglala Sioux Tribe and the Oglala oyate, and not in the personal interests of elected officials.
- D. To foster a free and good government of the Oglala Sioux Tribe by assisting elected officials of the Oglala Sioux Tribe in avoiding conflicts between personal interests and public responsibilities.
- E. To protect the interests of the Oglala Sioux Tribe and the Oglala oyate by providing for fair, honest, and efficient tribal government.
- F. To promote and strengthen the faith and confidence of the Oglala oyate in their government.

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- G. To ensure that elected officials must put forth an honest effort in the performance of their governmental duties.
- H. To distinguish between issues of ethical conduct by elected officials, and minor and inconsequential conflicts that are unavoidable by elected officials.
- I. To provide clarification and notification concerning what may constitute a "for cause" impeachable offense as defined under Article VIII § 2 of the Oglala Sioux Tribe Constitution.
- J. To ensure that the public trust of the Oglala oyate is at all times adhered to and respected by elected officials of the Oglala Sioux Tribe.

IV. INTENT

It is the intention of the Oglala Sioux Tribal Council that the provisions of the Oglala Sioux Tribe Code of Ethics be construed and applied in each instance to encourage elected officials to make decisions and actions free from undue influences, conflicts of interest, or other inappropriate and unethical behavior.

V. SCOPE

The Oglala Sioux Tribe Code of Ethics shall only apply to all elected officials of the Oglala Sioux Tribe, which shall include Oglala Sioux Tribal Council members as defined under Article III of the Oglala Sioux Tribal Council and members of the Oglala Sioux Tribe Executive Board as defined under Article I § 5 of the Oglala Sioux Tribe Bylaws.

VI. STANDARDS OF CONDUCT

The following includes, but is not limited to, the standards of conduct that Oglala Sioux Tribe elected officials must adhere to:

- A. Elected officials of the Oglala Sioux Tribe hold their official positions as a public trust with a fiduciary responsibility to the Oglala Sioux Tribe and the Oglala oyate.
- B. Elected officials of the Oglala Sioux Tribe shall make no commitments or promises purporting to bind the Oglala Sioux Tribe without appropriate authorization under the laws of the Oglala Sioux Tribe.
- C. Elected officials of the Oglala Sioux Tribe shall not use their official position or office to obtain financial gain or anything of substantial value for the private benefit of the elected official or their immediate family, or for an organization with which the elected official is associated.

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- D. Elected officials of the Oglala Sioux Tribe shall not utilize the Oglala Sioux Tribe's resources and property for an unauthorized purpose or activity.
- E. Elected officials of the Oglala Sioux Tribe shall not use or attempt to use their official positions in a manner that could place their personal or political interests before that of the Oglala Sioux Tribe and the Oglala oyate. Moreover, elected officials should not act in a manner which appears to place their personal or political interests before that of the Oglala Sioux Tribe and the Oglala oyate.
- F. Elected officials of the Oglala Sioux Tribe shall not threaten or intimidate any employee of the Oglala Sioux Tribe in reprisal for the employee acting within the scope of the employee's official duties and authority.
- G. Elected officials of the Oglala Sioux Tribe shall not give preferential treatment to any private person or organization.
- H. Elected officials of the Oglala Sioux Tribe shall not solicit or accept, directly or indirectly, anything of value in return for introducing a Resolution or Ordinance, casting a vote in a certain way, or otherwise influencing any decision of the Tribal government. Nothing in this provision shall be interpreted to prevent the giving of gifts in accordance with traditional Lakota practice, ceremonies, honorings, or giveaways.
- I. Elected officials of the Oglala Sioux Tribe shall not intentionally use or disclose information gained in the course of or by reason of the elected official's position or activities in any way that could result in the receipt of anything of value for the elected official or for their immediate family, or for any other person, if the information is not in the public domain.
- J. Elected officials of the Oglala Sioux Tribe shall not commit perjury before any tribal court, board, committee, commission, or other governmental entity of the Oglala Sioux Tribe.
- K. Elected officials of the Oglala Sioux Tribe shall not use or attempt to use their official position to influence or gain unlawful benefits, advantages, or privileges for themselves or for their immediate family.
- L. Elected officials of the Oglala Sioux Tribe shall not intentionally or otherwise neglect the duties of an elected official. Such duties include, but are not limited to, regularly attendance at and on-time arrival at scheduled meetings, work assignments, conferences, workshops, seminars, or other official governmental related meetings or activities.

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M. ~~Elected officials of the Oglala Sioux Tribe shall not serve on or be a member of any board, commission, executive board, or any other governmental position of the Oglala Sioux Tribe or chartered organization that may be directly related to the governmental affairs of the Oglala Sioux Tribe. [Stricken per OSTC Meeting on 4-28-2008].~~

N. Elected officials of the Oglala Sioux Tribe shall not use their official position to contravene or interfere on behalf of any employee or member of the Oglala Sioux Tribe engaged in or exercising any administrative process or remedy established, and elected officials shall not intimidate or threaten any administrative personnel in an attempt to influence the administrative personnel's decisions or rulings.

O. Elected officials should not lobby any group or individual to file a complaint on another elected official; any person or group who has a complaint should file that complaint, if appropriate, themselves.

VII. CONFLICTS OF INTEREST

For purposes of this Code of Ethics, the term "immediate family" shall include relatives of up to the third degree (first cousin or closer) and the spouse of the relevant person.

The following activity governs any conflict of interest elected officials may have:

A. Elected officials of the Oglala Sioux Tribe may not take any official action or participate in any decision that involves immediate family or in which elected officials may have a substantial financial interest.

B. Elected officials must regulate their extra-governmental activities to minimize the risk of conflict with the duties of their elected office.

Elected officials of the Oglala Sioux Tribe must respect and comply with the laws and Lakota traditions of the Oglala Sioux Tribe and shall at all times act in a manner that promotes confidence in the honesty and impartiality of the government of the Oglala Sioux Tribe by resisting any improper influence of family or other personal interests, avoiding the use of the prestige or resources of the elected or appointed office to advance the private interest of immediate family or other personal interests, and not employing any special influence or being specifically influenced.

VIII. NEPOTISM PROHIBITED

A. Elected officials of the Oglala Sioux Tribe shall not employ, appoint, attempt to influence a hiring decision concerning, or

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otherwise cause to be employed, any immediate family member for any position associated with the Oglala Sioux Tribe or any board, committee, commission, or other governmental position with the Oglala Sioux Tribe.

- B. Elected officials of the Oglala Sioux tribe shall respect and comply with the laws of the Oglala Sioux Tribe and shall at all times act in a manner that promotes public confidence in the honesty and impartiality of the Oglala Sioux Tribe by resisting any improper influence of immediate family or other personal relationships, avoiding the use of the prestige or resources of the elected or appointed office to advance the private interest of immediate family or other close relationships.
- C. The immediate family of any elected or appointed official of the Oglala Sioux Tribe must adhere to the hiring practices set forth under the Oglala Sioux Tribe Personnel Policies and Procedures and any other applicable laws enacted by the Oglala Sioux Tribe

IX. CONFIDENTIALITY

- A. Elected officials of the Oglala Sioux Tribe shall not disclose materials presented, discussed, or considered in executive or closed session.
- B. Elected officials of the Oglala Sioux Tribe must respect the privacy of employees, clients, and members of the Oglala Sioux Tribe, and shall not use or disclose confidential information gained in the course of, or by reason of, their official position.

X. ETHICS REVIEW BOARD

The Oglala Sioux Tribe shall establish and fund an Ethics Review Board.

- A. Composition and Terms of the Ethics Review Board. The Ethics Review Board shall be comprised of three (3) individuals aged 45 or older, selected by the Oglala Sioux Tribal Council. Each member shall serve a term of four (4) years. Individuals serving on the Ethics Review Board shall not be employed by the Oglala Sioux Tribe nor serve on any board, committee, commission, or other governmental entity of the Oglala Sioux Tribe. The Ethics Review Board must elect a Chairperson to preside over the Ethics Review Board. The Ethics Review Board shall meet bimonthly at most, and shall not meet if no complaints have been filed in the time since the last meeting.
- B. Qualifications of the Ethics Review Board. In addition to the qualifications criteria set forth in the Oglala Sioux Tribal Election Code, individuals seeking to serve on the Ethics Review Board shall be of high moral character, understand and respect

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Lakota values, submit a writing sample to demonstrate the ability to write in a coherent and concise manner, and possess the ability to use independent objective judgment in the discharge of their duties. To be eligible, candidates shall not have been convicted of a felony, shall not have been convicted of a misdemeanor within the past 12 months, and shall be an enrolled member of the Tribe.

C. Powers of the Ethics Review Board. The Ethics Review Board shall have the following powers:

- (1) The Ethics Review Board shall initiate, receive, review and/or investigate ethics complaints filed with the Ethics Review Board, and shall issue to the Tribal Council recommendations on sanctions and/or impeachment for such complaints the Ethics Review Board finds substantiated and worthy of Tribal Council consideration;
- (2) The Ethics Review Board may schedule and conduct public ethics hearings involving alleged violations of the Oglala Sioux Tribe Code of Ethics. Hearings shall be held within 21 days of service of notice of the allegations by the alleged violator;
- (3) The Ethics Review Board shall not be bound by formal rules of evidence when conducting an ethics hearing, but must electronically record all such hearings;
- (4) The Ethics Review Board may administer oaths to persons called to testify before the Ethics Review Board;
- (5) The Ethics Review Board may issue subpoenas to compel the attendance and testimony of witnesses or to produce any documents relevant to a matter before the Ethics Review Board;
- (6) The Ethics Review Board may hold in contempt any person who willfully disobeys any lawful order, finding, or decision of the Ethics Review Board;
- (7) The Ethics Review Board shall establish Rules and Procedures to conduct its own governance. Such Rules and Procedures must be approved by a majority vote of the Oglala Sioux Tribal Council, and any amendments to the Rules and Procedures must also be approved by a majority vote of the Oglala Sioux Tribal Council;
- (8) The Ethics Review Board shall dismiss any ethics complaint that the Ethics Review Board determines to be without merit or filed with malicious intent;

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(9) The Ethics Review Board may utilize the assistance of independent legal counsel to provide legal advice during hearings and other matters before the Ethics Review Board.

(10) Members of the Ethics Review Board should not lobby any group or individual to file a complaint on an elected official; any person or group who has a complaint should file that complaint, if appropriate, themselves.

D. Ethics Review Board Opinions. The Ethics Review Board shall issue an opinion or schedule a hearing concerning alleged ethics violations within fifteen (15) days of receipt of the complaint. If a hearing is held, the Ethics Review Board shall issue an opinion within fifteen (15) days after the hearing. Opinions issued by the Ethics Review Board must contain all information pertinent to the alleged ethics violation, the investigation, and other information, findings, and conclusions. The opinion shall also include any recommendations to the Tribal Council, such as suggested sanctions.

XI. FILING AN ETHICS COMPLAINT

Any enrolled tribal member over the age of eighteen (18) years may file an ethics complaint alleging violations of the Oglala Sioux Tribe Code of Ethics.

A. Filing Ethics Complaint. Ethics Complaints must be filed with the Ethics Review Board in writing and signed by the Complainant on a form prescribed by the Ethics Review Board.

B. To file a complaint with the Ethics Review Board, the complaining party shall file the complaint with the Tribal Secretary. The Tribal Secretary shall then provide a verification of receipt of the complaint to the complaining party, and shall forward copies of the complaint to the Ethics Review Board. In the event the complaint is against the Tribal Secretary, the complaint shall be filed with the Office of the President, who shall provide a verification of receipt of the complaint to the complaining party and shall forward copies of the complaint on to the Executive Review Board.

C. Contents of Ethics Complaint. Contents of the Ethics Complaint shall include, but not limited to, the following:

- (1) Complainant's name, and official title, if any;
- (2) Respondent's name and official title;
- (3) Date(s) of the alleged violation;
- (4) Specific alleged violations of the Oglala Sioux Tribe Code of Ethics;

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- (5) Supporting document(s) substantiating and supporting the complaint;
 - (6) Names of individual(s) who may be a witness to the complaint.
- D. Responding to Ethics Complaint. A copy of the ethics complaint must be sent to the Respondent within five (5) working days after the complaint has been filed with the Ethics Review Board. The Respondent after receiving the ethics complaint must file an answer to the ethics charges within ten (10) working days. The Ethics Review Board must proceed with the ethics investigation even if the Respondent fails to file an answer within the required ten (10) working days. The Ethics Review Board may, upon a reasonable demonstration of cause by the Respondent, extend the deadline of ten (10) working days for filing an answer to the ethics charges, but such an extension shall not exceed no more than twenty (20) days from the date on which the Respondent is served with the complaint.
- E. Improper Complaint. The Ethics Review Board shall not accept any complaint that is not properly filed, or is deemed insufficient by the Ethics Review Board.
- F. Frivolous Ethics Complaints. Filing a frivolous ethics complaint or unsubstantiated alleged ethics violation against an elected official of the Oglala Sioux Tribe may subject the individual filing the ethics complaint to civil suit in the Oglala Sioux Tribal Court brought by the elected official accused by the false or frivolous accusation.
- G. Statute of Limitations. No ethics complaint shall be permitted under the Oglala Sioux Tribe Code of Ethics one (1) year after the alleged ethics violation has occurred. Any such complaint filed after one (1) year after the alleged ethics violation occurred shall be dismissed by Ethics Review Board.

XII. ETHICS REVIEW BOARD INVESTIGATION(S)

- A. Upon the receipt of a properly filed ethics complaint, the Ethics Review Board shall proceed with an investigation in the following manner:
- (1) Conduct a formal meeting the Complainant.
 - (2) If agreed, conduct a formal meeting with the Respondent.
 - (3) Issue a subpoena or subpoenas for witnesses and/or documents as required or requested.

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- (4) Interview witnesses for the Complainant and Respondent and/or review documents subpoenaed or provided by the parties.
 - (5) Determine the sufficiency of the ethics complaint
 - (6) If the ethics complaint is sufficient, schedule a formal ethics complaint hearing that is open to the public.
- B. Ethics Review Board members who have a conflict of interest in a ethics complaint brought before the Ethics Review Board must immediately recuse themselves and shall not participate in the investigation or the formal ethics hearing. Failure of an Ethics Review Board member to recuse themselves due to a conflict of interest shall constitute grounds for immediate removal from the Ethics Review Board.
- C. Should the Ethics Review Board determine that an ethics complaint is frivolous, insufficient, or has been filed with malicious intent, the Ethics Review Board shall dismiss the ethics complaint, notify both the Complainant and the Respondent, and shall take necessary and appropriate action under the Oglala Sioux Tribe Code of Ethics to remedy the situation. If a complaint is frivolous or malicious, the complaint shall be dismissed with prejudice, and if the complaint is insufficient, the complaint may be dismissed with or without prejudice.
- D. If, during the course of the investigation and hearing(s), the Respondent retaliates against the Complainant in any manner, the Complainant shall immediately notify the Ethics Review Board in writing and describe the form of retaliation. Upon determining that retaliation has occurred, the Ethics Review Board shall take necessary and appropriate action under the Oglala Sioux Tribe Code of Ethics and other laws of the Oglala Sioux Tribe.

XIII. SANCTIONS AND PENALTIES

The following sanctions or penalties may be imposed by the Tribal Council for any violation of the Oglala Sioux Tribe Code of Ethics. These sanctions and penalties are in addition to any others provided for under Article VIII of the Oglala Sioux Tribe Constitution or any other laws of the Oglala Sioux Tribe.

- A. The Tribal Council may, on recommendation of the Ethics Review Board, impose sanctions such as fines and/or suspensions.
- B. If an elected official commits a violation that is an impeachable offense under Article VIII of the Oglala Sioux Tribe Constitution, the Chairperson of the Ethics Review Board must initiate and file an impeachment complaint with the Secretary of the Oglala Sioux Tribe.

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C. Removal or impeachment of any elected official shall occur pursuant to Article VIII of the Oglala Sioux Tribe Constitution, Oglala Sioux Tribe Ordinance 41-26, and Oglala Sioux Tribe Resolution 41-90, or any future law of the Oglala Sioux Tribe that governs the impeachment process of elected officials of the Oglala Sioux Tribe.

XIV. SEVERABILITY

Any part of the Oglala Sioux Tribe Code of Ethics found to be unconstitutional by any court of competent jurisdiction shall not affect the validity of the remaining parts of the Oglala Sioux Tribe Code of Ethics.

