



Code of Conduct for Members of Council

1. Purpose

The purpose of this code is to provide guidelines for the conduct and behaviour of Members of Council.

2. Policy Statement

The Code of Conduct shall ensure that the public and Members of Council share a common understanding of acceptable conduct for Members of Council.

3. Definitions

- 3.1 “Administration” – means the senior directors, managers and employees who carry out the activity of government under the direction of Six Nations Elected Council in the exercise of its powers and duties as delegated to its departments and programs
- 3.2 “Child” – includes a person whom a Member of Council has demonstrated an intention to treat as a child of his or her family and includes step-children, foster children, adoption and customary adoption
- 3.3 “Code” – means the *Code of Conduct for Members of Council*
- 3.4 “Conflict of Interest” – means a situation in which a Member of Council has an interest in a matter of a nature that is sufficient to influence, or be perceived to influence, the exercise of his or her public duties and responsibilities. This includes situations in which a Member of Council cannot be perceived as acting with integrity and in the community interest because he or she, or a Family Member, may derive a personal benefit from a decision being made by Council. Conflict of Interest does not include an interest in a decision that:
 - (a) is of general application,
 - (b) affects a Member of Council as one of a broad class of persons; or
 - (c) concerns the remuneration or benefits of a Member of Council
- 3.5 “Council” or “Six Nations Elected Council” – means, collectively, the Six Nations Elected Council consisting of the 12 duly elected district Councillors and the elected Chief.
- 3.6 “Family Member” – means:
 - (a) spouse, including but not limited to common-law spouse and same-sex partner;
 - (b) child, mother, father, sister, brother, grandchild, grandparent, aunt, uncle, niece and nephew;
 - (c) mother-in-law, father-in-law, sister-in-law and brother-in-law;
 - (d) step-mother, step-father, step-sister, step-brother; and
- 3.7 “Gift” – means a present or other personal benefit that is given or received as an incident of protocol, customs or social obligations that normally accompany the

responsibilities of office and does not exceed Two Hundred Dollars (\$200.00) in value

3.8 “Member of Council” – means an individual district Councillor, or the Elected Chief, of the Six Nations Elected Council

3.9 “Six Nations Member” – means an individual whose name is registered on the Six Nations Band List

4. Application

4.1 This Code applies to Members of Council.

5. General Integrity

5.1 The following key principles underlie this Code:

(a) Members of Council have a duty to serve, and be seen to serve, the public and their constituents.

(b) Members of Council shall be committed to carrying out their duties with integrity.

(c) Members of Council shall perform their duties of office and arrange their private affairs in a manner that promotes public confidence.

(d) Members of Council shall maintain the Council’s dignity to justify the respect in which the community holds Council.

(e) Members of Council shall avoid real or perceived Conflicts of Interest and improper use of the influence of their office.

(f) Members shall protect the public interest.

(g) Members shall serve as an example to encourage high ethical standards throughout the organization.

6. Conflict of Interest

6.1 A Member of Council shall not participate in making a decision in the execution of his or her office if the Member of Council knows or reasonably should know that in making the decision there is an opportunity for the Member of Council to be perceived as being in a Conflict of Interest.

6.2 A Member of Council who has reasonable grounds to believe that he or she has a Conflict of Interest in a matter that is before Council or a Committee of Council, shall, if present at a meeting considering the matter:

(a) disclose the Conflict of Interest and the general nature thereof; and

(b) withdraw from the meeting by leaving the room, without voting or participating in consideration of the matter.

6.3 Notwithstanding 6.2, when dealing with land transfers where there is no discussion on the matter, the Member of Council must disclose the Conflict of Interest and must not vote, but does not have to withdraw from the meeting by leaving the room.

6.4 All formal records concerning the matter, such as minutes of meetings, will record that the Member of Council declared a Conflict of Interest and did not participate in the discussion or decision concerning the matter.

6.5 Once a Member of Council has declared a Conflict of Interest he or she is not able to sign any motion, Six Nations Council Resolution or other document related to

the matter for which the Conflict of Interest was declared.

6.6 Where a Member of Council may have a Conflict of Interest but does not declare him/herself as having a Conflict of Interest, another Member of Council may raise a Point of Order to the Chairperson, or may make a motion to defer the matter to a later date until after the Oversight Panel has an opportunity to review and advise Council on the Member of Council's potential Conflict of Interest.

7. Gifts

7.1 A Member of Council must submit to the Finance Department of Council, any fees, Gifts (value \$200.00+) or honoraria received that are connected directly with the performance of his or her duties as a Member of Council for external organizations, associations, committees, trusts and boards.

7.2 The Finance Department shall return any monies submitted to them by a Member of Council to that Member of Council if receipts, invoices or other acceptable documentation indicates that the money submitted was a reimbursement in consideration of actual expenses incurred by the Member of Council during the performance of his or her duties of office.

7.3 Subsection 7.1 does not apply to a Gift of a maximum value of Two Hundred Dollars (\$200.00) that is received as an incident of the protocol, customs or social obligations that normally accompany the responsibilities of office and are:

- (a) within the normal bounds of propriety, a normal expression of courtesy or protocol within the normal standards of hospitality;
- (b) not a cash payment, nor any other form of remuneration for performance of a Member of Council's duties of office;
- (c) not such as to bring suspicion on the Member of Council's objectivity and impartiality; and
- (d) shall not compromise the integrity of Council.

7.4 Gifts, hospitality and other benefits of reasonable value received from governments or in connection with an official or public event are permitted if they are compliant with s.7.3.

7.5 Where a Gift has been accepted by a Member of Council under s.7.3 or 7.4 the Member of Council in receipt of the Gift shall submit to the Finance Department within seven (7) days a brief description of the Gift, the date the Gift was received, the approximate value of the Gift, and the name of the person/organization who gave the Gift.

7.6 Where a Gift accepted under subsections 7.3 or 7.4 has a value of Two Hundred Dollars (\$200.00) or more, the Member of Council shall make arrangements for the Gift to be placed in Council's inventory.

7.7 Gifts and other benefits from Family Members and close personal friends are not subject to the provisions of this section provided that accepting the Gift would not compromise the integrity of Council or the Member of Council.

7.8 Where there is doubt as to the appropriateness of accepting an offer of a Gift, hospitality or other benefit, including from Family Members, Members of Council shall not accept the offer.

8. Contracts with Council

- 8.1 No Member of Council shall knowingly be a party to a contract with Council under which he/she receives a benefit.
- 8.2 No Member of Council shall have an interest in a partnership, joint venture or in a private company that is a party to a contract with Council under which the partnership, joint venture or company receives a benefit.
- 8.3 Subsections 8.1 and 8.2 do not apply to a contract that existed before the Member of Council's election to Council, but they do apply to its renewal or extension.
- 8.4 Subsection 8.1 does not prohibit a Member of Council from receiving retirement benefits funded through Council for past employment.
- 8.5 Subsection 8.2 does not apply until the first anniversary of the acquisition if the interest in the partnership, joint venture or private company was acquired by inheritance.
- 8.6 No Member of Council shall commit, guarantee, promise, pledge nor otherwise represent to a third party that Council will enter into any agreement or contract, or disburse money or undertake anything that cannot be accomplished without a Six Nations Council Resolution.

9. Permissible Activities

- 9.1 Subject to sections 6 and 8, nothing in this Code prohibits a Member of Council from:
- (a) engaging in employment or in the practice of a profession;
 - (b) engaging in the management of a business carried on by a corporation;
 - (c) carrying on a business through a partnership, joint venture or sole proprietorship;
 - (d) holding shares or an interest in any corporation, partnership, syndicate, cooperative or similar commercial enterprise;
 - (e) being a director or officer of a corporation, business or unincorporated association; or
 - (f) participating or volunteering for a non-profit association or community group.

10. Confidential Information

- 10.1 No Member of Council shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of his or her office, in either written or oral form, except when required by law or authorized by Council to do so.
- 10.2 No Member of Council shall use confidential information for financial or other gain, or for the financial or other gain of a Family Member or any person or corporation. (For example, no Member of Council should directly or indirectly benefit, or aid others to benefit, from knowledge respecting tendering of a Public Works contract)
- 10.3 No Member of Council shall disclose the content of a matter that has been discussed at or the substance of deliberations of an In-Camera meeting, except for content that has been authorized by Council to be released to the public pursuant to the *In-Camera Meeting Policy*.
- 10.4 Examples of the types of content that a Member of Council must keep

confidential in accordance with this Code includes, but is not limited to, information:

- (a) received in confidence by a third party of a financial, commercial, scientific or technical nature;
 - (b) related to potential or ongoing negotiations including acquisitions and dispositions of goods and services, and price schedules in contract tenders or request for proposal submissions;
 - (c) that is personally identifiable and has not been consented to for public release including personnel relations or employee negotiations;
 - (d) subject to solicitor-client privilege including litigation or potential litigation; and
 - (e) that if released may be a detriment to the safety and security of the Six Nations community, Six Nations members or the Six Nations Elected Council.
- 10.5 Members of Council shall not access or attempt to gain access to confidential information in the possession of Council or the Administration unless it is necessary for the performance of their duties.

11. Conduct at Council and Committee Meetings

- 11.1 Members of Council shall conduct themselves with a professional demeanour. Members of Council shall interact with other persons in a tactful and respectful manner.
- 11.2 Members of Council shall conduct themselves in accordance with the *Six Nations Elected Council Procedure Regulations*.
- 11.3 Members of Council shall refrain from engaging in a dispute, altercation or quarrel with a Six Nations Member who is addressing a matter that is before Council or a Committee of Council. This shall not preclude a Member of Council from asking questions that will clarify the information provided by a Community Member to Council.
- 11.4 All Members of Council are expected to participate fully in discussions and work toward achieving a consensus on issues brought before the Council or a Committee.

12. Election Campaigns

- 12.1 No Member of Council shall use the facilities, equipment, supplies, electronic equipment, services or other resources of the Council, including but not limited to Blackberry, photocopier and facsimile, for any election campaign or campaign-related activities.
- 12.2 No Member of Council shall use the newsletter or website for any election campaign or campaign related activities.
- 12.3 No Member of Council shall use the services of Council employees for any election campaign or campaign related activities during hours in which those employees receive any remuneration from Council.

13. Conduct Respecting Staff

- 13.1 Only Council as a collective shall have the authority to approve budgets, policies, Committee processes and other such matters relating to the business of Six Nations Elected Council.
- 13.2 Under the supervision of the Senior Administrative Officer employees serve the Council as a collective by taking direction from Six Nations Council Resolutions.
- 13.3 Members of Council shall respect the politically neutral and objective role of employees. This shall include Members of Council refraining from unduly influencing or directing employees of Council.
- 13.4 No Member of Council shall maliciously, falsely, negligently or recklessly injure the reputation, prospects or practices of Council employees.
- 13.5 No Member of Council shall compel, request or coerce a Council employee to engage in partisan political activity or be subject to reprisal for failing to engage in such activity.
- 13.6 No Member of Council shall use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or bribing any employee with the intent of interfering with that employee's duties, including the duty to disclose improper activity.
- 13.7 Members of Council shall refer complaints from Council employees to the appropriate supervisor for resolution.

14. Use of Council Property

- 14.1 No Member of Council shall for personal purposes use any Council property, equipment, services or supplies other than for purposes connected with the discharge of Council duties or associated community activities of which Council has been advised.
- 14.2 Members of Council shall be permitted exceptions to s.14.1 if the use of property is for a reasonable and incidental purpose (ex. Computers, fax, blackberries...) where the Council incurs no additional cost relating to such use, and the use is of limited duration and frequency. Exceptions to s.14.1 shall also be granted if the use of property is authorized by a Council policy or resolution.
- 14.3 No Member of Council shall obtain financial gain or other benefit from the use or sale of Council-developed intellectual property, programs, technical innovations, or other items capable of being patented, since the rights to all such property remains exclusively that of the Council.
- 14.4 No Member of Council shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.
- 14.5 Members of Council shall adhere to *Six Nations Council's Electronic Equipment Use Policy* in terms of use of Council owned electronic equipment.

15. Authorization

15.1 This policy was approved by Six Nations Elected Council at the General Council meeting held on November 2, 2010 by SNCR No. GC#746/11/02/2010 to come into effect on the first day of the 55th General Council.

15.2 Amendments to this policy must be approved by a Council Resolution.

15.3 This policy repeals and replaces any previous policies on Conflict of Interest or conduct of Members of Council including *Conflict of Interest Code for Six Nations Council 2006* and *Six Nations of the Grand River Code of Conduct 2001*.