



## **INTEGRITY COMMISSION ( and related documents)**

### **PREAMBLE:**

The Integrity Commission is established to ensure that confidence in the governance of the Six Nations of the Grand River Elected Council is upheld in an ethical and respectful manner. It serves to restore, uphold and maintain a positive political reputation to promote the general welfare of the Six Nations people.

The Integrity Commission is an autonomous body that seeks to promote integrity as the foundation for the Six Nations Elected Council; ensuring that all council members fulfill their duties and responsibilities to the electorate, which they have committed to serve, and to work together for the good of the entire community in a manner which fosters and seeks to promote and advance, open, honest and accountable governance, based upon integrity and respect, void of internal conflict, personal gain and corruption. The Six Nations Elected Council “*Code of Conduct*” is the major tool for providing and maintaining this responsible, respectful and ethical environment.

The Integrity Commission is established and viewed as a significant step forward, in an effort to improve, enhance and maintain: pride, trust and confidence in the Six Nations Elected Chief and Councillors, by ensuring that all Six Nations codes, rules and regulations are strictly adhered to. All members of Council must always be accountable and take full responsibility for their deeds and actions. The Integrity Commission, through a fair, unbiased and organized process, will accept, validate and investigate complaints of *suspected* violations. The Commission shall also impose penalties for non-compliance and proven violations.

The Commission will therefore advise and educate members of Council, and include the community in this process, to seek, advance and maintain open, honest and accountable governance.

Funding for the Integrity Commission will be included in the Council budget each fiscal year.

It is the responsibility of the Chief Electoral Polling Officer to advertise for and select qualified members of the community to serve as members of the Integrity Commission. A pool of at least ten (10) qualified members should be available, from which a panel of three shall be selected when a formal complaint is received. (Appendix D) It is also the responsibility of the Chief Electoral Polling Officer to receive complaints. Members of the Integrity Commission will be compensated only when an issue is brought forward for the involvement of the Integrity Commission.

Qualifications for members of the Integrity Commission ...

- (1) must be at least 18 years of age
- (2) must be a resident Band Member of the Six Nations of the Grand River Territory
- (3) proven community participant with knowledge of community dynamics
- (4) be honest, honourable, and of good character as demonstrated by providing two letters of reference and a clean CPIC report
- (5) possess the ability to be impartial and non-judgemental
- (6) have no employment with Band Administration, or personal financial gain/interest in work undertaken by the Band
- (7) have no involvement in political campaigning/endorsements

- (8) must uphold and honour the oath of a member of the Integrity Commission
- (9) must not hold an elected political position, nor be related to an elected official
- (10) will be removed for violation of the Integrity Commission Oath (Appendix B)

The term of service is to be four (4) years (renewable) with, ideally, no more than one-half of the qualified Integrity Commission members being replaced on an annual basis, to ensure continuity.

The full mandate of the Integrity Commission has four components and is as follows:

**Advisory:**

The Integrity Commission will provide written and oral advice to individual members of Council about their own situation respecting the *Code of Conduct* and other policies governing the ethical behaviour of members and providing the full Council with specific and general opinions and advice respecting compliance by elected officials with the provisions of governing codes and other conduct policies;

**Complaint Investigation:**

The Integrity Commission will have the power to assess and investigate complaint made to the Commission from a member of Council/public; or the whole Council (Appendix C);

**Complaint Adjudication:**

The Integrity Commission will have the power to determine whether the Chief or member of Council has in fact violated a protocol or policy governing his or her ethical behavior and to impose a penalty to be enforced by Council;

**Education:**

When a case is concluded, findings will be made public in a timely fashion. The Integrity Commission will also publish an annual report of findings of typical advice and complaint cases; will provide, as required, outreach programs to members of Council on rules, protocols, and procedures emphasizing the importance of ethics for public confidence in government; and will disseminate information regarding the Integrity Commission to the public.

## CODE OF CONDUCT FOR SIX NATIONS COUNCIL

### PREAMBLE:

Improving the quality of public administration and governance can be achieved by encouraging high standards of conduct on the part of all elected officials. In particular, the public is entitled to expect the highest standards of conduct from the members that it elects to local government. In turn, adherence to these standards will protect and maintain the reputation and integrity of the Elected Council of the Six Nations of the Grand River Territory, hereafter referred to as the Elected Council.

To these ends, it is important to institute a policy with respect to Accountability & Transparency and further, provide tools and mechanisms with which to implement such a policy, including allowing for the establishment of a Code of Conduct for Council Members and the enforcement of same.

The key statements of principle that underline the *Code of Conduct* are as follows:

- Members of the Elected Council shall serve and be seen to serve their constituents in a conscientious and diligent manner,
- Members of the Elected Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
- Members of the Elected Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the decisions and policies of the Elected Council.

**WHEREAS** the Six Nations Community have approved a *Code of Conduct*, the Six Nations Elected Council has the responsibility to implement this code of conduct for all Council members and;

**WHEREAS** the Six Nations Elected Council expects its members to conduct business in a professional and ethical manner and;

**WHEREAS** the integrity and respect of the Six Nations Elected Council is reflected by its members and;

**WHEREAS** the members of the Six Nations Elected Council are in a position of trust to band members;

**THEREFORE** the Six Nations Elected Council agrees to abide by this *Code of Conduct* which applies to all Council members, including the Chief.

### (I.) STATUTORY PROVISIONS REGULATING CONDUCT:

This *Code of Conduct* operates along with and as a supplement to the existing rules governing the conduct of members.

### (II.) APPLICATION:

This *Code of Conduct* applies to all members of Council, including the Chief.

This *Code of Conduct* also applies to Council appointments to local boards and to all other appointments to Elected Council committees, boards, and commissions.

### **(III.) DEFINITIONS:**

In the *Code of Conduct*, the terms “child”, “parent” and “spouse” are defined as follows:

“child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

“parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

### **(IV.) MANDATORY COMMUNITY MEETINGS:**

On an annual basis, Councillors must have a minimum of two (2) Community Meetings. Councillors shall work together to schedule and chair said meetings in locations throughout the community.

### **(V.) COUNCIL REMUNERATION:**

All members of Council, including the Chief, shall, on an annual basis, publicly disclose all remuneration paid to him or her as a result of being elected as a Member of Council, including all amounts earned in connection with sitting on any and all Boards, Commissions and Council Committees to which they are appointed by virtue of being Members of Council.

### **(VI.) CONFIDENTIAL INFORMATION:**

Confidential information includes; information in possession of the Elected Council that it is either prohibited from disclosing, or is required to refuse to disclose. Generally, accepted practice restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.

Information that concerns personnel, labour relations, litigation, property acquisitions, and the security of the property of the Elected Council should remain confidential. For the purposes of the *Code of Conduct*, “confidential information” also includes this type of information.

No member 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 oral or written form, except when authorized by Council to do so.

Nor shall members use confidential information for personal or private gain, or for the gain of relatives or any person or corporation. As one example, no member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of Elected Council property or assets.

A matter that has been discussed at an in-camera (closed) meeting remains confidential. No member shall disclose the content of any such matter, or the substance of deliberations, of the in-camera meeting, until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

The following are examples of the types of information that a member of Council must keep confidential:

1. items under litigation, negotiation, or personnel matters;

2. information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence); price schedules in contract tender or Request For Proposal submissions if so specified; information deemed to be “personal information” and statistical data required not to be released (e.g. certain census or assessment data).

Members of Council should not access or attempt to gain access to confidential information in the custody of the Elected Council unless it is necessary for performance of their duties and not prohibited by Council policy.

**(VII.) USE OF PROPERTY, SERVICES, AND OTHER RESOURCES**

No member of Council should use, or permit the use of Elected Council land, facilities, equipment, supplies, services, staff or other resources (for example, Band-owned materials, web sites and Council transportation services) for activities other than legitimate business of the Council. Nor should any member obtain financial gain from the use or sale of Band-developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the Elected Council.

**(VIII.) ELECTION CAMPAIGN WORK:**

No member shall use the equipment, supplies, services or other resources of the Elected Council (including, but not limited to, Council newsletters and websites linked through Six Nations Council’s website). No member shall conduct any election campaign or campaign-related activities in band-owned facilities unless privately paid for. No member shall interrupt the day to day operation of the Council and its employees, during regular working hours, for election campaign or campaign-related activities.

**(IX.) IMPROPER USE OF INFLUENCE:**

No member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.

Examples of prohibited conduct are the use of one’s status as a member of Council to improperly influence the decision of another person to the private advantage of oneself, or one’s parents, children or spouse, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member’s supposed influence within Council in return for present actions or

For the purposes of this provision “private advantage” does not include a matter:

- 1) that is of general application;
- 2) that affects a member of Council, his or her parents, children or spouse, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or
- 3) that concerns the remuneration or benefits of a member of Council.

**(X.) BUSINESS RELATIONS:**

No member shall act as a paid agent before Council, its committees or a board or commission of the Elected Council.

**(XI.) CONDUCT RESPECTING CURRENT AND PROSPECTIVE EMPLOYMENT:**

No member shall allow the prospect of his or her future employment, by a person or entity, to detrimentally affect the performance of his or her duties to the Elected Council.

**(XII.) CONDUCT AT COUNCIL:**

Members shall conduct themselves with decorum at Council.

**(XIII.) CONDUCT RESPECTING STAFF:**

Only Council as a whole has the authority to approve budget, policy, Committee processes and other such matters. Accordingly, members shall direct requests outside of Council-approved budget, process or policy, to the appropriate Committee of Council.

Administrative staff serves the Council as a whole, and the combined interests of all members as evidenced through the decision of Council. Members shall be respectful of the role of staff to advise, based on political neutrality and objectivity, and without undue influence from any individual member or faction of the Council. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of Band Administration.

No member shall compel staff to engage in political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any member use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

In practical terms, there are distinct and specialized roles carried out by Council as a whole and by Councillors when performing their other roles. The key requirements of these roles include: dealing with constituents and the general public, participating as Council Committee members, participating as Chairs of Council Committees, and participating as Council representatives on boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of Band Administration staff in both the carrying out of their responsibilities and in dealing with Council.

**(XIV.) DISCREDITABLE CONDUCT:**

All members of Council have a duty to treat members of the public, one another, and staff appropriately, and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.

**(XV.) FAILURE TO ADHERE TO COUNCIL POLICIES AND PROCEDURES:**

A number of the provisions of this *Code of Conduct* incorporate policies and procedures adopted by Council. More generally, members of Council are required to observe and adhere to the terms of all policies and procedures established by Council.

**(XVI.) REPRISALS AND OBSTRUCTION:**

Members of Council should respect the integrity of the *Code of Conduct* and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commission is therefore prohibited. It is also a violation of the *Code of Conduct* to obstruct the Integrity Commission in the carrying out of its responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications.

**(XVII.) ACTING ON ADVICE OF THE INTEGRITY COMMISSION:**

Should a member of Council be uncertain as to how to deal with a matter which is covered by the *Code of Conduct*, the member may ask the Integrity Commission for advice. Any written advice given by the Integrity Commission to a member binds the Integrity Commission in any subsequent consideration of the conduct of the member in the same matter, as long as all the relevant facts known to the member were disclosed to the Integrity Commission.

**(XVIII.) COMPLIANCE WITH THE CODE OF CONDUCT:**

One way members of Council are accountable to the public is through the election process. Between elections they may, for example, become disqualified and lose their seat if convicted of an offense under the Criminal Code of Canada or a felony in the United States, or for failing to declare a conflict of personal interest.

In addition, the Integrity Commission may impose any of the following penalties on a member of Council following a written report by the Integrity Commission that, in its opinion, there has been a violation of the *Code of Conduct*.

- 1) A reprimand; or
- 2) Suspension of the remuneration paid to the member in respect of his or her services as a member of Council or any local board as the case may be, for a period of up to 90 days; or
- 3) Removal from Council (for frequent, repeat, or multiple disciplinary actions; or for not cooperating with the discipline meted out by it); or
- 4) Removal from membership of a Committee or local board; or
- 5) Removal as Chair of a Committee or local Board; or
- 6) Repayment or reimbursement of moneys received; or
- 7) Return of property or reimbursement of its value; or
- 8) A request for an apology to the complainant, to Council, and the community.

## (Appendix B) INTEGRITY COMMISSION OATH

### Integrity Commission Oath

(to be spoken and signed)

I, \_\_\_\_\_, promise and affirm on my honour and conscience that I will and shall impartially and fairly to the best of my ability; investigate all valid complaints. I will never take advantage of my position or further injustice for kinship, relation by marriage, friendship, envy, ill-will, or fear, nor for bribes or gifts or any other cause in whatever guise it may appear; nor will I declare guilty one who is innocent or innocent one who is guilty. Neither before nor after the pronouncement of the judgement of the Commission shall I disclose to the litigants or to other persons the in camera deliberations of the Commission. All this, as an honest and righteous Commissioner, I will and shall faithfully observe.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Witness)

\_\_\_\_\_  
(Date)

