

OSLH Resolution 2007-13

▪ Ethical Standards of Conduct -

8 pages

OGLALA SIOUX (LAKOTA) HOUSING POLICY

(Summary Sheet)

Title of this Policy (see attachment): Ethical Standards of Conduct
Date this Policy is Adopted: December 6, 2007
Date of this Summary Sheet: December 6, 2007

POLICIES: Oglala Sioux (Lakota) Housing and its Board of Directors have adopted a series of *Policies* that establish basic requirements for its programs. The OSLH Board, employees, sub-grantees and sometimes OSLH contractors are required to adhere and conform to these Policies and requirements. Listed below are OSLH's current Policies, with the Policy attached to this sheet denoted with a checked box. OSLH actions, programs and decisions must conform to this and the other OSLH Policies. Though OSLH Policies are divided into topics, please note that often requirements governing particular OSLH actions are contained in more than one Policy.

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|--------------------------------------------------------------------|-------------------------------------------------------------------------|
| <input type="checkbox"/> Admissions & Eligibility Policy | <input type="checkbox"/> Maintenance & Asset Management Policy |
| <input type="checkbox"/> Participant Grievance Policy | <input type="checkbox"/> Investment & Financial Management Policy |
| <input type="checkbox"/> Personnel Policy | <input checked="" type="checkbox"/> Ethical Standards of Conduct Policy |
| <input type="checkbox"/> Procurement Policy | <input type="checkbox"/> Policy Definitions |
| <input type="checkbox"/> Program Administration & Occupancy Policy | |

RULES: Oglala Sioux (Lakota) Housing also has adopted a series of *Rules* that contain additional requirements. These are established through a formal process with OSLH's Chief Executive Officer officially adopting them. The Rules provide more detailed requirements for OSLH actions, programs and decisions. No Rule, however, can violate or contradict any OSLH Policies. The OSLH Board, employees, sub-grantees and sometimes OSLH contractors are required to adhere to and conform to these Rules and requirements.

PROCEDURES: In establishing organizational requirements, Oglala Sioux (Lakota) Housing has a third level of requirements known as *Procedures*. These are specific written procedures that from time-to-time are developed by OSLH's staff and are officially adopted by OSLH's Chief Executive Officer. OSLH employees are required to adhere and conform to these Procedures. These Procedures, however, cannot violate any OSLH Policy or OSLH Rule.

Attach to Policy

**ETHICAL STANDARDS OF CONDUCT POLICY
OGLALA SIOUX (LAKOTA) HOUSING**

Adopted by Resolution No. 2007-13 on December 6, 2007

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I. STATEMENT OF PURPOSE

The purpose of this Ethical Standards of Conduct Policy ("Policy") is to establish ethical requirements and standards of conduct for current and former Oglala Sioux (Lakota) Housing ("OSLH") employees, Board Members, contractors and grantees. OSLH is a public tribal entity whose Board Members, staff, grantees, contractors and subcontractors must function with high ethical standards to insure that the good and honest reputation of the OSLH is established and maintained and to public moneys.

II. SERVING OSLH INTERESTS

The purpose of the OSLH is to serve the interests of the OSLH and the general population that it services and not the personal interests of Board Members, employees or the individual interests of elected or appointed tribal officials.

III. WAIVERS

The Policy is intended to apply in all cases. However, in rare and unique circumstances, and only in those cases where it is expressly authorized in this policy, a special waiver of particular requirement can be considered and approved by the OSLH Board. In the case of this particular Policy, this may occur only if (1) Board Members with personal direct or indirect interests abstain from and are not present for both the Board's deliberations and decision, (2) full and complete public disclosure of a Waiver request occurs before, during and after a vote, (3) a two-thirds (2/3) favorable vote of all Board Members appointed is obtained and (4) the waived Policy provision is not required by federal or tribal law. If the Board is unsure as to which provisions are required by federal or tribal law, they shall consult with legal counsel.

IV. REQUIREMENTS

A. TRIBAL ETHICAL REQUIREMENTS. Where the Tribe has established by law or resolution ethical and conflicts of interest requirements for the tribal entities, these standards shall apply to OSLH. Furthermore, where those standards permit waivers of those standards such a waiver may only be entertained using the waiver procedures in the Policy. Regulations and enforcement of these Tribal ethical standards shall be done by the OSLH so long as no Tribal law dictates otherwise. The Tribal standards are only minimal standards and the following OSLH standards are additional. If a conflict arises between the Tribal requirements and the following standards the most stringent or the highest standard shall apply.

B. CONFLICTS OF INTEREST ARISING BEFORE, DURING AND AFTER POSITION AT OSLH. The duties and responsibilities of Board Members and employees are to the OSLH. These interests are not to conflict with personal interests of Board Members or employees nor shall there be the appearance of any such conflicts of interest.

1. **Board Members.** OSLH Board Members, including Tribal Councilmen and officials who serve on the Board, are prohibited once they are being considered for appointment to the Board from entering into, proposing or acquiring a contract or financial interest, direct or indirect, in any OSLH project or activity.

Board Members who have such interests prior to being appointed must divest themselves of those interests in order to serve on the Board, except in the case where a Board Member has a small ownership interest, membership or is an officer or employee of a community based not-for-profit entity.

Former Board Members are prohibited for a period of twelve (12) months after their tenure on the Board from acquiring a contract or financial interest, direct or indirect, in any OSLH project or activity. This requirement may be waived in rare and unique cases, but only after full and public disclosure and a determination that this interest is not obtained because of non-public information obtained because of the prior Board position.

2. **Employees.** OSLH employees are prohibited from entering into, proposing or acquiring a contract or other financial interest, direct or indirect, in any OSLH project or activity.

Employees who have such interests prior to being hired must divest themselves of those interests in order to be hired, except in the case of an employee who has a small ownership interest, a membership or is a non-employee Board Member of a community based not-for-profit entity.

Former employees are prohibited for a period of twelve (12) months after termination of their employment from having a contract or financial interest, direct or indirect, in any OSLH project or activity in which the former employee either (1) had a substantial involvement in OSLH procuring or awarding that interest or, (2) was a senior official of OSLH administering that interest. This latter requirement may be waived in rare and unique circumstances but only after full and public disclosure and a determination that this interest is not obtained because of non-public information obtained because of the prior employment.

3. **Periodic Disclosure.** It is important in addressing all Board Member and employee conflicts of interests for all OSLH Board Members and employees to disclose to the public, as well as to OSLH, their financial interests, direct or indirect in any OSLH project or activity. Therefore, all Board Members, senior employees and employees handling contract awards or tenant services shall at least annually fill out a sworn statement regarding these interests on a form prescribed by OSLH. This shall be done for all such interests whether they are permitted, restricted or prohibited. Furthermore, each such Board Members or employees shall initiate themselves any changes or updates in these interests between the annual disclosures.

4. **Award and Administration of Contracts.** No employee or Board Member shall participate in a decision, selection, award, administration of a contract or an OSLH determination if in fact or by appearance the Board Member or employee, has a contract or financial interest, direct or indirect, in that OSLH project or activity. In addition, to other disclosure requirements contained elsewhere in this Policy, Board Members, employees, and the OSLH Board shall strive to openly and publicly disclose these interests whenever there is even merely a question of a conflict of interest and no matter whether it is permitted, restricted or prohibited.

5. **Not Participating.** Not participating in a decision, selection, award or administration of a contract shall mean not discussing the matter in or outside meetings, not being physically present for any discussions and neither voting on nor being present for a vote. Furthermore, it means not using an OSLH position to influence in any way a decision in which the Board Member or employee has a personal interest.

6. **Program Participants, Tribal Officers, and Tribal Employees.** Nothing in this Policy shall prohibit a tenant, homebuyer, or OSLH program participant, who is a Board Member or employee from fully participating in OSLH activities and decision making so long as those activities and that decision making is not particular and unique to their unit, application, contract or OSLH activity.

Also, except as otherwise set out in the OSLH Charter, nothing in this Policy shall prohibit a tribal or tribal entity officer or employee from being an OSLH Board Member. Furthermore, in the case of tribal or tribal entity employees, such employees are prohibited from participating in any OSLH decision making that particularly and uniquely effects their tribal department, division, entity or position.

V. GIFTS AND DONATIONS

A. **GIFTS.** OSLH Board Members, employees, agents, grantee's or grantee's officers or employees will not solicit, nor accept, anything deemed by this Policy to have a significant monetary value from contractors, potential contractors, or parties to agreements. This includes gifts and gratuities.

It is determined that providing meals, entertainment or gifts in an amount in excess of fifty dollars (\$50.00) per gift or meal, or a total per calendar year of meals, entertainment or gifts in excess of two hundred dollars (\$200.00) per individual by an individual company or individual, including all related concerns and individuals, is determined not to be of a significant monetary value and is therefore prohibited.

All gifts in excess of \$50.00 or gifts from one source that total over \$150.00 a

year shall be recorded in writing by the officer, an employee, agent or grantee and routinely disclose it in writing to the OSLH.

B. DONATIONS. The OSLH may solicit and accept donations to its programs, however, all such solicitations and donations shall be open, public, recorded and disclosed at Board Meetings and must be for the sole benefit of the OSLH and not particular employees, contractors or Board Members. Furthermore, no donations shall be solicited, offered or made while the party donating is seeking or being considered for a contract or benefit and no donation shall be considered or accepted if it would in any way influence the award of a contract or a benefit or give the appearance of such possible effects.

C. PARTICIPANT GIFTS OR PAYMENTS. No employee or Board Member, or his or her spouse, or any person physically living in an employee or Board Member household, who has any authority, control or influence in their official capacity shall accept any gift or money from a tenant, homebuyer, program participant or applicant if it would reasonably appear or if in fact such a gift was an attempt to influence that employee or Board Member's actions at the OSLH.

VI. ADDITIONAL STANDARDS IN PROCUREMENT POLICY.

Special additional procurement and contracting practices are contained in the OSLH Procurement Policy.

VII. CONFIDENTIALITY.

OSLH employees may acquire confidential and privileged information during their tenure with the OSLH. They are prohibited from publicly disclosing that information as well as using that information for personal purposes. Former Board Members and employees are prohibited from acquiring a contract or any other financial interest, direct or indirect, in any OSLH project or activity that is affected by that confidential or privileged information. This prohibition shall be for life. This prohibition however may be waived by the OSLH Board but only if this Policy's waiver procedures are followed and if (1) the information remains no longer privileged or confidential, and (2) the information is provided to other competitors by the OSLH or potential competitors of the former employee or Board Member. The OSLH may have other confidentiality requirements that are not contained in this particular policy that apply to Board Members and employees, current and former, that are unrelated to conflicts of interest.

VIII. POLITICAL ACTIVITIES PROHIBITED.

Board Members and employees shall not use or permit others to use OSLH resources, moneys, contracts, personnel or facilities for political purposes. The OSLH shall also restrain others from using OSLH resources for political purposes.

IX. NO OSLH DELINQUENCIES OR CONTRACTUAL VIOLATIONS PERMITTED.

Board Members and employees shall not be delinquent on housing or program payments owed to the OSLH. Such delinquencies, unless immediately resolved after they arise, shall result in the termination of the employee or agent and removal of the Board Member. Furthermore, such individuals shall not violate any other contractual obligations that they might have with the OSLH.

X. OTHER REQUIREMENTS

A. FIDUCIARY RESPONSIBILITY. All Board Members have a fiduciary responsibility to take actions and do what is in the best interest of the OSLH.

B. DRUGS AND ALCOHOL. All Board Members and employees shall adhere to all OSLH drug and alcohol rules and requirements including those set forth in the Personnel Policy.

C. DISCLOSURE OF POLICY VIOLATIONS. All Board Members and employees are required to promptly disclose to the OSLH their acts or conduct and all acts or conduct by other OSLH Board Members and employees, agents, grantees, contractors, tenants, or program recipients that are illegal or are in violation of this Policy and other OSLH policies. Disclosure can be to supervisors, the Executive Director, the OSLH Board, individual Board Members or OSLH attorneys. There shall be no retaliation or other punitive action taken against anyone who makes a disclosure under this section when the activities disclosed turn out to be a true violation.

D. APPLICATION TO GRANTEES, AGENTS AND CONTRACTORS. Some of the requirements contained in this Policy shall additionally apply to OSLH grantees, contractors and agents. Except for what has already been prescribed in this Policy, OSLH shall establish additional rules to show which of these requirements shall also apply. Where feasible these applicable standards shall be included in grants and contracts and where appropriate repeated by grantees and contractors in subsequent sub-grants and sub-contracts.

XI. IMPROPER INVOLVEMENT IN ADMINISTERING THE PROGRAM

A. BOARD MEMBER INVOLVEMENT. OSLH Board Members' primary responsibilities are to establish goals, policies, and practices for the OSLH and to provide an overview direction and monitor for programs and activities. Board Members are to refrain from running the day-to-day activities of the OSLH and from individually interjecting themselves in individual management decisions except where authorized by OSLH policies or Board direction.

B. TRIBAL INVOLVEMENT. Elected Tribal officials including the Tribal President, Tribal Council and members of the Council's Health and Human Services

Committee are important partners in carrying out the activities of the OSLH. The OSLH should routinely consult with and update the Tribe and such officials. However, as a tribally designated housing entity established as a separate organization tribal officials cannot and should not direct particular services, assistance, loans or housing be given by the OSLH to specific individuals and families nor can tribal officials direct that OSLH policies be violated

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