

TRIBAL DECLARATION
CHAPTER 17

DECLARATION OF EXSPECTATIONS

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*Adopted Month 00, 2021 by PBC Statute #21-000, effective immediately.

PAWNEE DECLARATION OF EXPECTATIONS

CHAPTER 17

DECLARATION OF EXPECTATIONS

1-17-101 Title.

This Declaration shall be known as the “Declaration of Expectations.”

1-17-102 Purpose.

The purpose of this Declaration is to ensure all Pawnee Nation elected and appointed officials have a shared understanding of the principles to make good decisions for the Pawnee Nation and expectations of conduct and behavior toward all persons based on Pawnee cultural values and attributes. By sharing, understanding and endeavoring to meet these expectations, their work will be more effective, positive, constructive, and rewarding in serving the Pawnee people and protecting and promoting the Pawnee Nation.

1-17-103 Authority.

This Declaration is enacted pursuant to Article IV, Section 2 of the Constitution of the Pawnee Nation of Oklahoma.

1-17-104 Effective Date.

This Declaration shall take effect on the day following the date of approval by a majority vote of the Pawnee Business Council.

1-17-105 Applicability.

This Declaration applies to all Pawnee Nation Elected Officials and Appointed Officials.

1-17-106 Sovereign Immunity Preserved.

The Pawnee Nation, by the adoption of this Declaration, does not waive, either in a limited manner or otherwise, its sovereign immunity in any respect. There shall be no liability on the part of the Tribe, its agencies, agents, or employees, for any damages which may occur as a result of reliance upon or actions taken pursuant to this Declaration.

1-17-107 Abrogation and Greater Restrictions.

Where this Declaration imposes greater restrictions, obligations, and penalties than are found in other Tribal Ordinances, Codes, or Resolutions, the provisions of this Declaration are supplemental.

1-17-108 Definitions.

As used in this chapter:

- 1) “Appointed Official” means that person who has been duly appointed to a Pawnee Nation committee, commission, board or other non-employee position by the Business Council.
- 2) “Concern” means inefficiency, neglect of duty, official misconduct or conduct contrary to this Declaration.
- 3) “Direct and Predictable Effect.” A particular matter will have such an effect on a financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest. An effect may be direct even though it does not occur immediately.
- 4) “Elected Official” means that person who has been duly elected to Tribal office pursuant to the Pawnee Nation’s Election Act and Constitution.
- 5) “Financial Interest” means those interests held by the elected or appointed official or by his or her spouse or minor children, and includes any current or contingent ownership, equity, or security interests in real or personal property.
- 6) “Leaders” means elected and appointed officials.
- 7) “Non-public Information” means that information that is available to an elected or Appointed Official by reason of tribal employment or service and that he or she knows, or reasonably should know, is not available or has not been made available to the general public.
- 8) “Non-public Information” includes that information 1) that the Elected Official or Appointed Official knows or reasonably should know is routinely exempt from public disclosure or otherwise is protected from disclosure pursuant to tribally-implemented safeguards; and 2) that has not actually been disseminated to the general public and is not authorized to be made available to the general public upon request.
- 9) “Offended person” means a Pawnee Nation tribal member or employee who has a concern about an Elected or Appointed Official’s conduct which is contrary to this Declaration.
- 10) “Official Misconduct” means doing an unlawful? unauthorized ? forbidden act intentionally or willfully or the failure to perform a required duty.

- 11) “Pawnee Business Council” (Business Council) means the supreme governing body of the Pawnee Nation of Oklahoma.
- 12) “Expectation” means that when carrying out their duties or exercising their authority, elected and appointed Leaders will **in embracing Pawnee cultural value to** (i) conduct themselves with good manners, good will, and respect toward their colleagues and employees; (ii) know and adhere to the scope of their authority and responsibilities, and not overstep those boundaries; (iii) follow the established chain of command in their relationship with employees; (iv) observe HR policies and procedures governing conduct and this Declaration; and (v) refrain from taking actions or making decisions in anger, from abusive behavior that intimidates, antagonizes or harasses subordinates, and from misconduct that instigates conflict or dysfunction in the workplace.
- 13) “Tribal Property” means any form or real or personal property in which the Tribal Government has ownership, leasehold or other property interest as well as any right or other intangible interest that is purchased with governmental funds, including the services of contractor personnel, office supplies, telephone and other telecommunication equipment and services, government mails, automated data processing capabilities, printing and reproduction facilities, government records, and government vehicles.

1-17-109 Principles.

- (1) Public service is an honor and public trust, requiring Leaders of the Pawnee Nation to place loyalty to our Nation, its people, its Constitution, laws, confidentiality of tribal information, and ethical principles above private gain.
- (2) Leaders shall put forth honest efforts in the performance of their duties.
- (3) Leaders shall act impartially and not give preferential treatment to any person or organization, except pursuant to such reasonable exceptions as provided in the Tribe’s Indian Preference hiring policy.
- (4) Leaders shall protect and conserve Tribal Property.
- (5) Leaders shall uphold the confidentiality of Non-Public Information.
- (6) Leaders shall disclose waste, fraud, and corruption to appropriate authorities.
- (7) Leaders shall avoid any actions creating the appearance of violating the law and shall at all times comport themselves with conduct consistent with the Principles stated in this Declaration in the performance of their duties. .

- (8) The Pawnee Business Council will provide orientation on the Declaration of Expectations for Elected Officials to coincide with mandated orientation and Appointed Officials upon being appointed to a Committee, Commission or Board.
- (9) The actions of Leaders shall reflect their continuing commitment to conduct all Nation activities in an honest, and professional manner in compliance with all applicable laws and regulations, including Pawnee Nation policies.
- (10) Leaders shall maintain these principles by example and encourage and coach others to apply these principles.

1-17-110 Prohibited Conduct.

- (1) Leaders shall make no unauthorized commitments or promises of any kind purporting to bind the Tribal Government.
- (2) Leaders shall not make any statements, either publicly or privately, purporting to represent the Tribe's position without Business Council action supporting such position.
- (3) Leaders shall not use his or her public or tribal service for private gain.
- (4) Leaders shall not hold financial interests that conflict with the conscientious performance of duty or that will have a Direct and Predictable Effect on any governmental action pertaining to such financial interest.
- (5) Leaders shall not engage in financial transactions using non-public tribal government information or allow the proper use of such information for private gain.
- (6) Leaders shall not engage in neglect of duty or Official Misconduct.
- (7) Leaders shall not use or disclose confidential or privileged information.
- (8) Leaders shall not participate in intentional conduct reflecting adversely on the dignity and integrity of the tribal government.
- (9) Leaders shall not use social media to engage in intentional conduct reflecting adversely on the dignity and integrity of the tribal government.
- (10) Leaders shall not use or participate in the intimidation, harassment, sexual harassment or bullying of Tribal Employees, Tribal members or other Leaders.
- (11) Leaders shall be respectful and approachable to all persons.

1-17-111 Actual or Apparent Conduct Defined and Prohibited.

In performing authorized duties and exercising lawful authority, Leaders must exercise conduct as identified in this Declaration, and shall not engage in conduct contrary to this Declaration.

This section applies to all Leaders, tribal employees, and contract employees who must:

- (1) Refrain from soliciting or accepting, directly or indirectly, gifts, gratuities, favors, entertainment, loans, kickbacks or anything of value from a person, group or private organization seeking to obtain contractual or other business with the Tribe, or having interests that may be substantially affected by the performance or non-performance of the individual's duty, with the following exceptions:
 - a. ceremonial and customary gifts given to dignitaries;
 - b. food and refreshments of a nominal value in the ordinary course of a luncheon or dinner meeting;
 - c. personal achievement awards for meritorious service;
 - d. unsolicited advertising or promotional material of nominal value;
 - e. loans on customary terms to finance proper and usual activities on an equal basis as any other enrolled member of the Tribe; and
 - f. gifts from family members.

1-17-112 Not meeting expectations.

Those Leaders who do not meet the expectations and standards of this Declaration may be requested to participate with mediation with the person offended or having a concern about the Leader's conduct.

1-17-113 Confidentiality.

Leaders shall maintain strict confidentiality over information other Leaders or people would have a reasonable expectation of privacy.. Leaders shall not use or disclose confidential information gained in the course of or by reason of their official position or activities to further their own economic or personal interests.

Confidential information includes information obtained from an Executive Session of the Tribal Council, proprietary matters concerning the Tribe's businesses, pending personnel matters, information pertaining to pending or future legal issues and/or litigation, and any issues the Business Council determines is confidential in nature to protect the best interests of the Nation or its member citizens.

1-17-114 Process for Recourse:

If a Leader fails to meet an expectation or standards under this Declaration, the offended person may ask a mediator employed or appointed by the Pawnee Business Council to provide a mediation at which the offend person may express his or her concern or offense with the Leader. The mediation will be conducted as a non-adversarial discussion with the intended result that the offended person's concern will be heard, the Leader will respond, and there will be a constructive discussion of a resolution of the concern or offense. If the Leader or offended person request a written report, the mediator will prepare such and submit it to the parties and Pawnee Business Council. The mediator will report to the Pawnee Business Council the resolution or result of the mediation.

1-17-115 Retaliation Prohibited

- (1) Retaliation against any party or witness to a requested mediation is prohibited. Retaliation shall include any form of adverse or punitive action by, caused by, influenced, or suggested by any Leader.
- (2) This protection shall also be afforded to any person(s) offering testimony or evidence or complying with directives authorized under this Declaration.
- (3) Any violations shall be subject to action under this Declaration, as well as applicable law.
- (4) This Declaration does not alter, impact, or modify other constitutional, statutory or **Human Resource** Policy provisions for disciplinary or removal from office provisions.