

SAWRIDGE FIRST NATION

GOVERNANCE ACT

Tabled for First Reading: June 12, 2010

First Reading: June 12, 2010

Second Reading (incomplete): August 7, 2010

Second Reading (completed): September 25, 2010

Third Reading : October 16, 2010

Came in to force: October 16, 2010

Sawridge First Nation

Bill 5

Governance Act

The Sawridge General Assembly enacts as follows:

Short title

1. This Act may be cited as the *Governance Act*.

PART I

COMMITTEES

Standing Committees

1. The Assembly may establish a Standing Committee on Assembly Affairs.
2. The Assembly may at any time establish or disestablish one or more additional Standing Committees, setting out the mandates for each committee through the Assembly's Standing Orders.
3. The Council shall determine which Councillor is responsible to act as "portfolio holder" for the subject matter assigned to each Committee and to maintain liaison with each committee established by the Assembly. The portfolio holder shall sit as an ex-officio member of the relevant Committee.
4. The Council may organize the governance of the First Nation into "directorates" reflecting the subject matter or combinations of subject matters of the legislative jurisdiction set out in the Constitution, assigning appropriate staff resources to each,
5. The Council shall assign to a Committee the human resources required by the Committee providing that the expenses involved have been approved by the Assembly and incorporated into the First Nation's financial processes.
6. The Council will respect and cooperate with each Committee as it acts within its jurisdiction. The Committees will respect and cooperate with the jurisdiction of Council as set out in the Constitution.
7. (1) Unless otherwise provided for, each Committee shall consist of four members not including the portfolio holder who sits as an ex officio member..

(2) Once established, a Standing Committee will continue to sit until the next Annual Assembly unless disestablished by the Assembly in accordance with paragraph #2, at which time the Assembly may renew the appointment of the Members of the Committee, change the composition of the committee, or appoint one or more members for a specified period of time.

(3) In establishing a Standing Committee, the Assembly shall provide the Committee with its Standing Orders, setting out the Committee's mandate.

Legislative Committees

8. The Assembly may at any time establish one or more Legislative Committees.

(1) A Legislative Committee shall consist of five members.

(2) The Committee shall consider the Bill for which it has been created from the point in the legislative process at which the Bill stands when the Committee is constituted until the Committee has reported the Bill at Second Reading to the Assembly, after which the Committee shall cease to exist.

Special Committees

9. The Assembly may at any time establish one or more Special Committees. In establishing a Special Committee, the Assembly shall

(a) appoint one or more members to sit on the Committee;

(b) set a fixed date at which the Committee will cease to exist, such date not to be later than the date of the next Annual Assembly.

(c) provide the Special Committee with a specific mandate as to its duties, powers, and reporting responsibilities.

General Provisions for Committees

10. The Assembly shall establish Standing Orders to govern the appointment of members to Committees, the procedures to be followed generally by Committees, the honoraria to be provided to members attending meetings, the budgets to be allocated, and other matters it deems appropriate.

PART II

CONFLICT OF INTEREST CODE

Preamble

1. In order to provide greater certainty in the reconciliation of the private interests and public duties of members of the Assembly and other officials of the Sawridge Government, the Assembly recognizes the following principles:

(1) The culture of the Sawridge First Nation places high priority on the ethical conduct of its leaders, officials, and members,

(2) The First Nation's leaders, officials, and members of its Assembly, having been accorded powers and responsibilities, are expected to act always in the interests of the First Nation and its future generations, arranging the duties of office and their private affairs in a manner that promotes public confidence and trust in each member's integrity, that maintains the dignity of the Assembly, that justifies the respect given by the First Nation to its institutions and to each other;

(3) In the reconciliation of their duties of office and their private interests, members of the Assembly are expected to act with integrity and impartiality that will bear the closest scrutiny.

Definitions

2. (1) In this Part,

"close relative" means a child without regard to the age of the child, a parent, a sibling, or a spouse;

"dependent" means any child who resides with the member and, is under the age of 18 years, or a child, parent, sibling or other person for whom the family is responsible who is over the age of 18 years who for reason of illness, disability or other cause is dependent upon the family for care and well-being;

"spouse" includes a person who is married to a member and a person with whom the member is living in a conjugal relationship outside marriage, but does not include a person to whom a member is married if the member and that person are legally separated.

Controlling interest in a corporation

(2) For purposes of this Part, a person or group of persons holds a controlling interest in a corporation if that person or group of persons exercises direction over, or directly or indirectly owns, shares of the corporation carrying more than 10% of the voting rights attached to all outstanding shares of the corporation.

Conflict of interest

3. (1) For the purposes of this Part, a member has a conflict of interest when the member, or the spouse or a dependent of the member, has significant private interests that afford the member, or the spouse or dependent of the member, the opportunity to directly or indirectly benefit from the performance of any of the duties of office of the member.

Exception

(2) A member does not have a conflict of interest under subsection (1) in relation to an interest that

- (a) benefits the member or the spouse or a dependent of the member as one of a broad class of persons;
- (b) is conferred as an indemnity, allowance, retirement allowance or pension, or expense paid to members under this Act, or to Officers of the First Nation; or
- (c) is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member in the performance of the duties of office of the member.

Conflicts of Interest Related to Employment

(3) Members of the Assembly or a Constitutional body may be employed by, or hold a position with, the Sawridge First Nation in various capacities, but shall declare a conflict of interest and shall abstain from voting on any matter related to the capacity in which the member is employed or holds a position.

Obligations of members participating in the Assembly or persons holding a Sawridge Office

4. Anyone holding an Office, shall

- (a) perform his or her duties of office and arrange his or her private affairs in such a manner as to maintain public confidence and trust in the integrity, objectivity and impartiality of the member;

(b) not accept any remuneration, gift or benefit the acceptance of which might erode public confidence and trust in the integrity, objectivity or impartiality of the member, and in all other respects act in a manner that will bear the closest public scrutiny;

(c) arrange his or her private affairs in conformity with the provisions of this Part and act generally to prevent any conflict of interest from arising;

(d) make all reasonable efforts to resolve any conflict of interest that may arise in favour of the interest of the Sawridge First Nation and its members;

(e) disclose to the Assembly as a member of the Assembly or to Constitutional body in which the person holds office, as the case may be, that the member or person has a conflict of interest, and thereafter not participate in any deliberations or decisions related to the matter.

Complaints of Conflict of Interest

5. (1) If a member complains that another member is in conflict of interest, but there is a disagreement as to whether the conflict of interest exists, the Assembly or the Constitutional body of which the member is a part shall decide whether there is a conflict of interest, and whether the member may vote on the matter.
- (2) Where the Assembly or the Constitutional body decides, pursuant to ss. (1) that a conflict of interest exists, the member shall not take part in the vote on the matter.
- (3) With respect to a Constitutional body, if any member involved in the disagreement is not in agreement with the decision, that member may utilize the processes set out in the *Dispute Resolution Act* for resolution of the disagreement.

Insider Information

6. (1) A member, employee or office holder shall not use or share information that is gained in the assembly, office or employment and that is not available to the general public to further or seek to further, directly or indirectly, the private interests of the member or of the spouse or a dependent of the member.

Actions Required Where Conflict Exists

7. (1) A member who has a conflict of interest in a matter that is before the Legislative Assembly, the Management and Services Board or the Executive Council, or before a committee of the Legislative Assembly or the Executive Council, shall, if present at a meeting considering the matter,
 - (a) disclose the general nature of the conflict of interest, and
 - (b) withdraw from the meeting.

Disclosure by Speaker

- (2) Where the Speaker has a conflict of interest in any matter relating to the performance of the duties of the Speaker, the Speaker shall
- (a) disclose the general nature of the conflict of interest to the Assembly;
 - (b) delegate to the Deputy Speaker the responsibility to perform the duties of the Speaker in respect of the matter;
 - (c) withdraw from the room, and
 - (d) refrain at all times from attempting to influence any decision in respect of the matter.

Disclosure by An Officer of the First Nation

- (3) A person who is appointed by the Council as an Officer shall, if that person has a conflict of interest in any matter relating to the performance of the duties of the Officer
- (a) disclose the general nature of the conflict of interest to the Council;
 - (b) delegate to another Officer designated by the Chief the responsibility to perform his or her duties in respect of the matter; and
 - (c) refrain at all times from participating in the making of the decision, but may provide input to those that are charged with making the decision.

Lobbying

8. Any member who is paid to make representations on behalf of any person, with respect to
- (a) the awarding of a contract by Council or an agency of the First Nation;
 - (b) the extension of a benefit to a person by the Council or an agency of the First Nation;
 - (c) any other matter that relates directly or indirectly to the performance of the duties of office of the member.

shall declare to the Council or agency involved that they are being paid to make such representations.

PART III

CODES OF ETHICS AND STANDARDS OF BEHAVIOUR

1. All meetings of the governing bodies of the First Nation and their committees shall be governed by the following rules of behaviour:
 - (a) No casting of aspersions or derogatory personal attacks against persons or use of foul language, will be accepted at any meetings.
 - (i) In the event of a personal attack, the offender must apologize and withdraw the offensive statement(s) at the meeting where the attack took place.
 - (ii) If there is no apology, the governing body shall take a vote to determine whether the offender will be asked to leave the proceedings of the meeting and lose his/her honorarium or wages, if any, in respect of such meeting.
 - (iii) If the offender refuses to leave the meeting, the remaining representatives of the governing body may choose to adjourn the meeting and to refer the matter to the Elders Commission, or if the matter in question involves an Elders Commissioner, to the Council of the First Nation. The Elders Commission or Council, as the case may be, shall make such decisions or assess such penalties as it shall consider appropriate and just. The decisions of the Elders Commission or Council, as the case may be, may be appealed according to the *Dispute Resolutions Act*.
 - (iv) If the majority of the governing body agrees that an offence occurred, the offence will be documented and recorded in the minutes of that governing body and reported to the next session of the Assembly.
 - (b) Members of the Assembly or a governing body shall not speak of matters discussed at any in-camera meeting to any person not present at such meeting or act in any way which would cause information about the meeting to be disclosed to persons who were not in attendance at the meeting.
 - (c) Any person attending a meeting of a governing body of the First Nation shall be governed by the same rules of behaviour applying to the members of that body.
 - (d) The Speaker of the Assembly, or the chair of a governing body or the majority of the governing body may ask any person attending a meeting of that body

to leave the meeting if the person's behaviour is disruptive to the proceedings of the meeting.

- (e) Unless otherwise agreed to by a governing body on a case-by-case basis, a representative of that body who fails to attend a meeting shall not receive any honorarium, salary, wages, or other compensation in respect of such meeting.

2. Each official and employee of the Sawridge First Nation is expected:

- (1) to carry out the duties and responsibilities of the position held conscientiously, loyally and honestly;
- (2) in actions and words, to promote and uphold the integrity and dignity of the First Nation and its services and programs;
- (3) in the performance of duties and responsibilities, to be prompt, courteous, temperate, cooperative, attentive and to maintain a positive attitude toward all officers, employees, members of the First Nation, and the general public;
- (4) to use initiative to find ways and means of serving the First Nation efficiently, effectively, and economically;
- (5) when responsible for performing duties, to dedicate time to those duties and responsibilities;
- (6) to recommend changes in policy, procedures and priorities which will assist the First Nation to achieve its goals and objectives;
- (7) to conduct oneself in a manner that will not bring discredit to the First Nation;
- (8) to strive for personal and professional development through self-evaluation, literature, and if resources are available, upgrading and training;
- (9) to release information in any manner, including through the public media, only when the release is authorized;
- (10) to preserve and maintain in confidence and secrecy forever all business dealings, records and information obtained as a result of being an official or employee of the First Nation in the past, present and future, except for information that is already in the public domain or which the official or employee is otherwise authorized to release;

- (11) to use equipment, property, or supplies of the First Nation with care and for authorized purposes only;
- (12) to refuse any fees, gifts, other tangibles or preferential treatment offered to the official or employee in reward for duties and responsibilities performed by virtue of being an official or employee if acceptance of the gift might erode public confidence and trust in the integrity, objectivity or impartiality of the official or employee;
- (13) rather than criticizing officers or employees of the First Nation or of its policies and programs, to provide constructive criticism and suggestions through the channels which are provided, always seeking to make the operations and relationships of the First Nation as harmonious as possible;
- (14) to attempt to communicate openly and positively with employees and officers so as to settle differences in a constructive manner;
- (15) when an officer or employee has knowledge of a conflict of interest or a breach of the standards of behaviour, to report the conflict or breach to a higher level in the First Nation's structure;
- (16) with respect to employees, to declare to the employee's supervisor any conflict between the employee's duties and the employee's private interests;
- (17) with respect to supervisors of an employee who has declared a conflict of interest, to ensure that the employee is relieved of any responsibilities in which the employee could be subject to criticism for having acted;
- (18) to recognize and respect the human and cultural rights and differences of all guests, residents, members and employees of the First Nation and persons with whom the First Nation has contact, treating all people with respect and dignity;
- (19) to treat the First Nation's lands, resources, and culture in a respectful way, maintaining an environment in which all people who have contact with the First Nation will have the opportunity to be impacted positively from the experience;
- (20) to provide the highest quality of service and procedural fairness, to resolve disputes in a fair and expeditious manner, to preserve and build good relationships;

- (21) to uphold the inherent responsibilities, rights and powers of the First Nation's people to govern themselves and the lands to which they belong, pursuant to the First Nation's Constitution and Treaty No. 8;
 - (22) to promote the family as the foundation of the Sawridge Community, giving value to community, relationships, cultural survival, the Cree language, and their ancestors;
 - (23) to provide governance and services in a manner which is safe, supportive, friendly and caring, and which will always be here for the First Nation's future generations;
 - (24) to act in a manner which encompasses the traditional values of Love, Honesty, Kindness, Humility, Forgiveness, Respect, Truth, Patience, Contribution, Responsibility, Self-Reliance, Independence, Accountability, and Wisdom;
 - (25) to act in a manner which provides and promotes an effective system of governance which is transparent and accountable to the members of the Sawridge First Nation, which respects and preserves the rights of those members, and manages the property, resources, programs and services of the First Nation, and implements the First Nation's mandate to defend and protect their lands, waters, air, resources, rights and Treaty relationship.
3. (1) The head of all government agencies and governing bodies shall ensure that all officers and employees have been provided copies of the Conflict of Interest provisions and the Code of Ethics, Standards of Behaviour, Code of Conduct, Conflict of Interest Code, and understand their obligation to abide by them.
- (2) It is the responsibility of each officer and each employee, having been provided with the documents named in the above subsection to be proactive in being familiar with these laws and to abide by them.

Confidentiality

4. For purposes of this Code, "confidential information" means information which is to be held in confidence and includes information in the possession of, or received in confidence by an officer or employee of the First Nation, and any other information set out as protected by the Constitution or any Act of the General Assembly unless already in the public domain through no fault of the individual in question.

5. In addition, “confidential information” includes information received in confidence from third parties; information that is personal, and information that is subject to solicitor-client privilege.
6. Further, “confidential information” includes information concerning personnel, labour relations, litigation, property acquisitions, the security of the property of the First Nation and its members.
7. Included in the definition of “confidential information” are matters under litigation, negotiation, personnel matters, information that may infringe on the rights of others such as the source of a complaint where it has been stipulated that the identity of the complainant is given in confidence, price schedules in contract tenders or request for proposal submissions, statistical data required by an Act of the Assembly not to be released.
8. No official or employee of the First Nation shall disclose or release by any means any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so, or when it is being released during the course of a session of the Assembly.
9. Before any confidential information is to be released to the Assembly, the holder of that information shall consult with the Speaker of the Assembly as to the nature of the information, and the Speaker shall determine the conditions under which the information shall be provided, and whether it should be provided to the full Assembly or a Committee established by the Assembly, or in some other way.
10. No official or employee or Member of the General Assembly shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation, unless all Members of the First Nation have an equal opportunity to utilize the information.
11. All matters that have been discussed at *in camera* meetings of the Assembly or any official body of the First Nation, when such *in camera* meetings are provided for, remain confidential. No person shall disclose the content of any such matter, or the substance of deliberations, of the *in camera* meeting except information that has been released by the body holding the meeting.
12. No official or employee or member shall access or attempt to gain access to confidential information in the custody of the First Nation unless it is necessary for the performance of their duties and not otherwise prohibited.

PART IV
LOBBYING CODE

PREAMBLE

The Sawridge First Nation seeks to maintain a high standard of administration and governance as well as high standards of conduct on the part of all government officials.

In particular, Sawridge members are entitled to expect the highest standards of conduct from the members that they elect to positions in their government.

Adherence to these standards will advance Sawridge First Nation's reputation and integrity.

Name of the Code

1. This Code will be known as the *Sawridge Lobbying Code*.

Definitions and Interpretations

2. For purposes of this code, a "lobbyist" is a person who is paid or provided benefits to influence the decisions made by an official of the Sawridge Government, an employee of the Sawridge Government, or a Member of the First Nation with respect to the Member's participation in the Sawridge General Assembly or in the Member's relationship with the Sawridge Government.

Application of the Code

3. This Code is intended to apply to holders of office in the Sawridge Government and Members during the course of their participation as Members of the Assembly or in referenda or plebiscites or in their relationship with any Sawridge Government decision-making process. These persons:
 - (1) shall serve and be seen to serve the people of the Sawridge First Nation in a conscientious and diligent manner, always upholding the Sawridge Constitution;
 - (2) shall be committed to performing their functions and in their relationships with integrity and to avoiding the improper use of the influence of their office or status, and conflicts of interest, both apparent and real;
 - (3) are expected to arrange their private affairs in a manner that promotes the confidence of the First Nation and will bear scrutiny by the First Nation with respect to their duties in office and relationships with the Sawridge Government;

(4) shall seek to serve the interests of the Sawridge First Nation by upholding both the letter and the spirit of the laws of the First Nation;

(5) shall not accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office or relationship with Sawridge Government unless permitted by the following exceptions:

(a) authorized compensation;

(b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;

(c) a political contribution otherwise reported by law, in the case of members running for office;

(d) services provided without compensation by persons volunteering their time;

(e) a suitable memento of a function honouring the member;

(f) food, lodging, transportation and entertainment provided by external governments or their agencies, corporations, or other organizations or by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity;

(g) food, beverages, and activities at banquets, receptions, golf tournaments or similar events, if:

i) attendance serves a legitimate business purpose;

ii) the person extending the invitation or a representative of the organization is in attendance; and

iii) the value is reasonable and the invitations infrequent.

(h) communication to the offices of a member, including subscriptions to newspapers and periodicals; and

(i) sponsorships and donations for community events organized or run by a member or a third party on behalf of a member, subject to the limitations set out in the Policy on Events Organized by Council Members.

(6) For purposes of this section, a fee or advance paid to or a gift or benefit provided with the member's knowledge to a member's spouse, child, or parent, is deemed to be a gift to that member.

4. In the case of categories (b), (e), (f), (g), and (h), of the above section, if the value of the gift or benefit exceeds \$300, or if the total value received from any one source during the course of a calendar year exceeds \$300, the person receiving the gift or benefit shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the Clerk of the Assembly.
5. The disclosure statement shall indicate:
 - a. the nature of the gift or benefit;
 - b. its source and date of receipt;
 - c. the circumstances under which it was given or received;
 - d. its estimated value;
 - e. what the recipient intends to do with the gift; and
 - f. whether any gift will at any point be turned over to the First Nation.
6. Any disclosure statement will be a matter of record available to any Sawridge member who asks to review disclosure statements.
7. Any member of the General Assembly may ask that the Assembly or a Committee of the Assembly to examine disclosure statement and to decide whether the receipt of the gift or benefit might create a conflict between a private interest and the duty of the recipient to act in the best interests of the First Nation.
8. The Assembly may then call upon the recipient to justify receipt of the gift or benefit.
9. The recipient of a gift or benefit has the right to put before the Assembly any justificatory or other information.
10. If the Assembly determines that the receipt of the gift or benefit was inappropriate, it may direct the recipient to return the gift or reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the First Nation.
11. Except in the case of categories (a), (c), (f) and (i), a member or employee may not accept a gift or benefit from one source during a calendar year worth in excess of \$500.

PART V

CODE OF CONDUCT OF ELECTED OFFICIALS

Improper Use of First Nation Property

1. No elected official of the First Nation shall use, or permit the use of First Nation lands, natural resources, facilities, equipment, supplies, services, staff, expense accounts, transportation services or other resources for activities other than the business of the First Nation.
2. No elected official shall obtain personal financial gain from the use or sale of the First Nation's intellectual property, computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the First Nation.
3. No facilities, equipment, supplies, services or other resources of the First Nation shall be used by any person for any election campaign or campaign-related activities.
5. No person shall undertake campaign-related activities inside or near First Nation facilities during regular working hours.
6. No person shall use the services of persons for election-related purposes during hours in which those persons receive any compensation from the First Nation.

Improper Use of Influence

7. No elected official shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties, including the use of one's status as an elected official to improperly influence the decision of another person to the private advantage of the elected official or his or her parents, children, siblings or spouse, staff members, friends or associates, business or otherwise, including attempts to secure preferential treatment.
8. No elected official shall hold out the prospect or promise of future advantage through the official's supposed influence in return for present actions or inaction.
9. For the purposes of this provision, "private advantage" does not include a matter:
 - (a) that is of general application;

(b) that affects an elected official, his or her parents, children or spouse, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or

(c) that concerns the remuneration or benefits of an elected official.

Business Relations

12. No elected official shall act as an agent of an external interest before Council, its committees, or an agency, board or commission of the First Nation if the official receives any gift or benefits from that external interest or has an interest therein unless such external interest is disclosed in advance.

Conduct Regarding Current and Prospective Employment

13. No elected official 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 First Nation.

Conduct Respecting Staff

14. No elected official shall approve budget, policy, Committee processes and other such matters related to staff unless authority to do so has been officially provided and if any requests are made for such approvals, shall direct those requests to the appropriate body or committee.

15. Knowing that the First Nation's employees serve the First Nation as a whole and without favour to any other interest, elected officials shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from any individual member or faction of the First Nation.

16. No elected official shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all elected officials shall show respect for the professional capacities of staff.

17. No elected official shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any elected official 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.

18. No elected official shall direct staff to perform tasks or engage in activities which are not within the scope of the staff member's distinct and specialized roles and responsibilities.

Conduct Respecting Lobbyists

19. Each elected official is responsible for being familiar with the First Nation's laws respecting lobbyists and lobbying.

20. No elected official shall engage knowingly in communications in respect of the list of subject matters contained in the definition of "lobbying" as set out in this Act except as provided for by this Act.

21. No elected official shall continue with any communication with a person once he or she has determined that the communications are contrary to this Act's provisions relating to lobbying, or alternately, if it is determined by the official that it is appropriate to continue the communication, the official shall draw that person's attention to the First Nation's laws and codes regarding lobbying.

22. An elected official should report in writing any such violation or attempted violation of the First Nation's laws and codes regarding lobbying to the Clerk of the Assembly unless the member believes in good faith that the violation in communicating or attempting to communicate with the member was inadvertent or insignificant and the Clerk shall make such reports available upon request to any member of the Assembly.

PART VI

OATH OF OFFICE

1. A person who has been elected to an office of the First Nation shall, upon assuming office, participate alone or with other persons in a public ceremony in which he or she swears or affirms that he or she will abide by the standards and codes of conduct set out in the *Governance Act* along with such other additional commitments as he or she wishes to make to the People of the First Nation.

PART VII

PENALTIES

1. Any official, employee, person or member who violates any of the provisions of this Act may, after having had the benefits of fair and due process, be subjected to such sanctions as are appropriate and are determined by the Assembly.

Discreditable Conduct

2. Because all elected officials, officials, members and staff have a duty to treat members of the First Nation, residents who are not members, staff, one another and the public appropriately and without abuse, or improper bullying or intimidation, and to ensure that they take reasonable steps to create an environment free of discrimination and harassment, any official, member, or staff who fails to fulfil this duty is guilty of “discreditable conduct”..
3. Because all elected officials, officials, members and staff have a duty to respect the integrity of the First Nation’s laws, codes, policies and procedures, any reprisal or threat of reprisal against a complainant or anyone for providing relevant information pursuant to the *Dispute Resolution Act* is prohibited, and shall constitute “discreditable conduct”.
4. It is deemed to be “discreditable conduct” to obstruct the Assembly or any investigative body of the First Nation in the carrying out of its responsibilities, particularly with respect to the destruction of documents or the erasing of electronic communications.
5. Failure to observe the terms of the First Nation’s laws, codes, policies and procedures is deemed to be “discreditable conduct”.
6. It is deemed to be “discreditable conduct” if an elected official, staff person, or Member of the General Assembly
 - (a) fails to declare a conflict of personal interest and participated in decision-making regarding subject matter related to the personal interest;
 - (b) is convicted of an indictable criminal offence.

Compliance by Elected Officials With Codes and this Act

7. Elected officials are accountable to the Members of the First Nation through the electoral process.

Penalties for discreditable conduct

8. After following due process of fairness, the Assembly may determine
 - (a) that an elected official is guilty of discreditable conduct and may declare him or her suspended from official duties for a period of time not to exceed his or her remaining term of office, and may in addition suspend remuneration for the same period, or to declare the official's position to be vacant.
 - (b) that a member of the General Assembly is guilty of discreditable conduct and may declare him or her:
 - (i) suspended from participating in Assembly or committees of the Assembly for a period of time not to exceed one year;
 - (ii) removal from membership of a committee, board, or commission.
9. In addition, when a person has been found guilty of discreditable conduct, the Assembly may determine there should be
 - (i) repayment or reimbursement of moneys received;
 - (ii) return of property or reimbursement of its value;
10. After a finding of discreditable conduct has been made, and before the Assembly considers the penalty to be applied, the Assembly may consider any apology or statement made to the Assembly.