

Code of Ethics Policy



Approved by the Delaware Tribal Council

On May 7, 2012

Ethical Standards of Conduct Policy

The Delaware Tribe Housing Program, hereafter referred to as “DTHP”, has adopted a series of administrative and management Policies. These Policies are formally adopted by the Delaware Tribal Council and until revised or changed by formal action the Council and staff are required to follow them. Some of the provisions of these Policies, but not all, reflect requirements of federal or tribal law. The Council may in certain unique circumstances formally waive some Policy requirements on an individual basis, but in order to do so the Waiver procedure identified later in this Policy must be followed. The DTHP may have also elected by formal resolution to establish alternative policies for programs that are operated without Native American Housing and Self-Determination Act (NAHASDA) assistance. Such alternative policies are not subject to this Policy. Furthermore, the DTHP may from time to time adopt other rules, requirements, and procedures to administer its programs but all of these practices must comply with DTHP Policies.

THE PURPOSE OF THIS POLICY The purpose of this policy is to establish ethical requirements and standards of conduct for current and former DTHP employees, Council Members and contractors as well as for DTHP grantees. The DTHP is a public tribal entity whose council members, staff, grantees, contractors and subcontractors must function with high ethical standards to insure that the good and honest reputation of the DTHP is maintained and public moneys are protected. The purpose of the DTHP is to serve the interest of the DTHP and the general population that it services and not the personal interest of the Council Members, employees or the individual interest to elected or appointed tribal officials. This Policy simply and in a straightforward manner establishes ethical standards so that these rules can be understood and adhered to.

EXPLANATION OF THIS POLICY FORMAT The Policy consists of this **Master Requirements** and possibly one or more **Special Program Requirements**. The **Master Requirements** contained in this Master Policy are intended to apply to all the DTHP programs that are assisted with federal funds under NAHASDA. Additional **Special Program Requirements** may also be established for various individual DTHP programs. The **Master Requirements** together with all of the **Special Program Requirements** constitute the Policy.

I. **DEFINITIONS:**

- A. **“Council”** Shall mean the governing body of the DTHP.
- B. **“Delinquent on Housing Payments”** For purposes of this Policy, whenever the amount owing on travel advances or housing and loan payments to the DTHP by a Council Member, employee, agent or grantee exceeds \$200.00 or one month’s payment (whichever is greater).
- C. **“Individual Interest”** includes but is not limited to an interest held by wife, husband, son or daughter.
- D. **“Immediate Family” or “Family”** means a wife, husband, brother, sister, mother, father, grandmother, grandfather, son., daughter, grandson, granddaughter, and any relative or any other party that a person is living with or intends to live with in the same house or household, whether a relative or not.

II. **REQUIREMENTS:**

- A. **Waivers:** The policy is intended to apply in all cases. However, in rare and unique circumstances a special Waiver of a particular requirement can be considered and approved by the DTHP Council. In the case of this particular policy this may occur only where a waiver is expressly permitted elsewhere in this Policy. Such a Waiver may be made only if (1) Council Members with personal direct or

indirect interests abstain from and are not present for both the Council'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 Council Members appointed is obtained and (4) the waived Policy provision is not required by federal or tribal law. If the Council is unsure as to which provisions are required by federal or tribal law, they may consult with legal counsel.

- B. Tribal Ethical Requirements:** Where the Tribe has established by law or resolution ethical and conflicts of interest requirements for the tribe, tribal council, tribal officials and/or tribal entities, these standards shall apply. Furthermore, where those standards shall apply. 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 enforcements of these tribal ethical standards shall be done by the DTHP so long as no Tribal law dictates otherwise. These Tribal standards are only minimal standards and the following standards are additional. If a conflict arises between the tribal requirements and the following standards the most stringent or highest standards shall apply.
- C. Conflicts of interest:** The duties and responsibilities of Council Members, employees, grantees and agents are to the DTHP. These interests are not to conflict with personal interests of Council Members or employees nor shall there be the appearance of any conflicts of interest.
- 1. Current Council Members.** DTHP Council Members, including Tribal Councilmen and officials who serve on the Council or as liaisons, are prohibited from entering into, proposing or having a contract or any financial interest, directly or indirect, in any DTHP project or activity. This requirement may be waived in rare or unique cases, but only when the Council Member involuntarily acquires or had acquired prior to the beginning of their tenure on the Council any such interest. The interest must be immediately disclosed and the waiver requirements set forth above shall be followed.
 - 2. Former Council Members:** Council Members are likewise prohibited from having such a contract or any financial interest, direct or indirect, in any DTHP project or activity, for a period of one year after their tenure on the Council. This later requirement may be waived in rare and unique cases, but only after a public disclosure and assurance that this interest is not obtained because of non-public information obtained because of the prior Council position.
 - 3. Employees:** DTHP employees are prohibited from entering into, proposing or having any contract or any other financial interest, direct or indirect, in any DTHP project or activity. Except for subsequent employment arrangements, former employees are prohibited from having a contract or any financial interest, direct or indirect, in any DTHP project or activity in which the former employee had a substantial interest, responsibility or involvement with during his or her position with the DTHP for a period of _____ months after termination of their employment. This later requirement may be waived in rare and unique circumstances but only after full and public disclosure and assurance that this interest is not obtained because of non-public information obtained because of the prior employment.
 - 4. Award and Administration of Contracts:** NO employee, Council Member, Officer or agent of DTHP or any grantee shall participate in a decision, selection, award or administration of a contract if in fact or by appearance the Council Member, Employee, officer, agent or any member of his or her immediate family, or his or her partner, or an organization which employs or is about to employ such a person, has a financial or other interest in the firm to be selected or awarded.

Any and all conflicts of interest shall be promptly, openly and publicly disclosed by both individuals and the DTHP. 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 or being present for a vote. Furthermore, it means not using a DTHP position to influence a decision in which you have a personal interest.

- 5. Program Participants:** Nothing in this Policy shall prohibit a tenant, homebuyer, or program participant, who is a Council Member, employee, officer, Agent or grantee from fully participating in DTHP activities and decision making so long as those activities and that decision making is not particular to their unit, application, contract or DTHP activity. .
- D. Gifts:** DTHP or any grantee's officers, employees or agents will not solicit any gifts nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to agreements.
1. It is determined that providing meals, entertainment or gifts in an amount in excess of twenty dollars (\$20.00) per gift or meal, or a total per calendar year of meals, entertainment or gifts in excess of One hundred dollars (\$100.00) per individual by an individual company, including all related concerns and individuals, is determined to be of monetary value and is therefore prohibited.
 2. All gifts shall be recorded in writing by the officer, employee or agent and routinely disclosed to the DTHP.
- E. Donations:** The DTHP may solicit and accept donations to its programs, however all such solicitations and donations shall be open and public and recorded and must be for the sole benefit of the DTHP and not its employees, contractors or Council Members. Furthermore, no donations shall be solicited or made while the party donating is seeking or being considered for a contract and no donations shall be considered or accepted if it would influence the award of a contract or give the appearance of such a possible effect.
- F. Participants Gifts or Payments:** No employee or Council Member or his or her spouse, who had any authority, control or influence in his official capacity shall accept any gift or money for m a tenant, homebuyer, program participant or applicant if it would reasonably appear that such a gift was an attempt to influence that employee or Council Member's action at the DTHP.
- G. Additional Procurement Requirements:** Special additional procurement and contraction practices are contained in the DTHP Procurement Policy.
- H. Confidentiality:** DTHP employees, agents and grantees may have acquired confidential and privileged information during their tenure with the DTHP. They are prohibited from publicly disclosing that information and from using that information for personal purposes. Former Council Members and employees are prohibited from acquiring a contract or any other financial interest, direct or indirect, in any DTHP 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 DTHP Council but only if the Council is its sole discretion so chooses and does so in writing and on the record and it (1) the information remains no longer privileged or confidential, and (2) the information is preceded to other competitors by the DTHP or potential competitors of the former employee or

Council Member. The DTHP may have other confidentiality requirements that are not contained in this particular policy that apply to Council Members and employees, current and former, that are unrelated to confidentiality and conflicts of interest.

- I. **Political Activities Prohibited:** Council Members, staff, agents and grantees shall not use DTHP resources, moneys, contracts, personnel or facilities for political purposes. The DTHP shall also restrain others from using DTHP resources for political purposes.
- J. **Responsibilities Regarding Contractual Obligations:** Council Members, Staff, agents or contractors shall not be “delinquent on housing payments” owed to the DTHP. Such delinquencies, unless immediately resolved after they have arisen, shall result in the termination of the employee or agent and removal of the Council Member. Furthermore, such individuals shall not violate any other contractual obligations they might have with the DTHP.
- K. **Fiduciary Responsibilities:** All Council Members have a fiduciary responsibility to take actions and do what is in the best interest of the DTHP.
- L. **Drugs and Alcohol:** All Council Members, employees and agents shall adhere to all DTHP drug and alcohol rules and requirements including those set forth in the Personnel Policy.
- M. **Disclosures:** All Council Members, employees, agents and grantees are required to promptly disclose to the DTHP their acts or conduct and all acts or conduct by other DTHP Council Members, employees, agents, grantees, contractors, tenants, or program recipients that are illegal or are in violation of this Policy and other DTHP policies. Disclosure can be to supervisors, the Executive Director, the Council of Directors, individual Directors and the DTHP 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.
- N. **Council Member Involvement:** Council Members’ primary responsibilities are to establish goals, policies, and practices for the DTHP and to provide an overview direction and monitor for programs and activities. Council Members are to refrain from running the day to day activities of the DTHP and from individually interjecting themselves in individual management decisions except where authorized by DTHP policies or Council direction.
- O. **Tribal Involvement:** Elected Tribal officials are important partners in carrying out the activities of the DTHP. The DTHP 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 direct particular services, assistance, loans or housing be given by the DTHP to specific individuals and families nor can tribal officials direct that DTHP policies be violated.
- P. **Application to Grantees and Contractors:** All the requirements contained in this Policy shall additionally apply to all DTHP grantees and contractors. Where feasible these standards shall be included in grants and contracts and where appropriate repeated in the sub-grants and sub-contracts.