

**Kitasoo/Xai'Xais First Nation
Operations Manual**

**Section 11
Codes of Conduct
(Committees & Councillors)**



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**Section Eleven
Codes of Conduct
(Committee Members & Councillors)
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11.01 Code of Ethics for Band Councillors – Each Band Councillor adheres to the following Code of Ethics:

- a. A Band Councillor demonstrates a concern for the welfare and needs of the Kitasoo/Xai'Xais First Nation as to the services offered under the programs provided by Kitasoo Band Council, and is prepared to devote the required time and effort to carry out their respective roles and responsibilities;
- b. A Band Councillor does not engage in any act or activity that would bring Kitasoo Band Council or any of its programs into disrepute;
- c. A Band Councillor does not directly or indirectly interfere with service delivery processes and decisions of the various programs delivered by the Kitasoo Band Council and in particular a specific client or family receiving services under such programs in preference to another client or family;
- d. A Band Councillor is courteous and polite to the people in the community who address their concerns to the Councillor;
- e. A Band Councillor does not use intoxicants in public or be seen in an intoxicated state in public;
- f. A Band Councillor abides by all by-laws, rules and regulations of the community;
- g. A Band Councillor does not use his/her position on Council for personal gain or profit or for the personal gain or profit of friends and family;
- h. A Band Councillor does not engage in any illegal activities and immediately notifies the Chief Councillor and resigns as a Band Councillor if he or she is charged and convicted of any offence under the Criminal Code of Canada, unless Band Council specifically waives the requirement of such resignation;
- i. A Band Councillor is required to attend all Band Council meetings as scheduled both within and outside the community and notifies the Chief Councillor if attendance is not possible;
- j. A Band Councillor abides by the oath of Office and Confidentiality as contained in the Operations Manual;
- k. A Band Councillor abides with the Kitasoo Band Council policy and procedures as set out in the Operations Manual;
- l. A Band Councillor encourages and fosters a team spirit within the Kitasoo Band Council organization and Kitasoo Band operations in general.
- m. Failure to abide by the above standards will result in suspension of duties as Councillor and may necessitate a request for the resignation of the Councillor.

11.02 Code of Ethics for Committee Members – Each Committee Member adheres to the following Code of Ethics:

- a. A Committee Member demonstrates a concern for the welfare and needs of the Kitasoo/Xai'Xais First Nation as to the services offered under the programs provided by Kitasoo Band Council, and is prepared to devote the required time and effort to carry out their respective duties and responsibilities;
- b. A Committee Member does not engage in any act or activity that would bring Kitasoo Band Council or any of its programs and committees into disrepute;
- c. A Committee Member does not directly or indirectly interfere with service delivery processes and decisions of the various programs delivered by the Kitasoo Band Council and in particular a specific client or family receiving services under such programs in preference to another client or family;
- d. A Committee Member is courteous and polite to the people in the community who address their concerns to the Committee Member;
- e. A Committee Member does not use intoxicants in public or be seen in an intoxicated state in public;
- f. A Committee Member does not engage in any illegal activities and immediately notifies the Committee Chairperson and resigns as a Committee Member if he or she is charged and convicted of any offence under the Criminal Code of Canada, unless Band Council specifically waives the requirement of such resignation;
- g. A Committee Member is required to attend all Committee meetings as scheduled and notifies the Committee Chairperson if attendance is not possible;
- h. A Committee Member abides by the oath of Office and Confidentiality as contained in the Operations Manual;
- i. A Committee Member abides with the Kitasoo Band Council policy and procedures as set out in the Operations Manual;
- j. A Committee Member encourages and fosters a team spirit within the Kitasoo Band operations in general.
- k. Failure to abide by the above standards will result in suspension of duties as Committee Member and may necessitate a request for the resignation of the Committee Member.

Conflict of Interest (Committee Members & Councillors)**11.03 Definition of Conflict of Interest** – A conflict of interest arises in any situation where a Committee Member or Councillor uses his/her position, authority or influence in such a way as to interfere or alter, or appear to interfere or alter the policies, procedures, standards, protocols and services of the Kitasoo/Xai'Xais First Nation and any particular program in order to gain personal or financial benefits for themselves, family or friends or to directly or indirectly create an advantage in obtaining services from the First Nation for a member of the community over and above any other member of the community.

11.04 Conflict of Interest Rules – Each Committee Member and Councillor is responsible for furthering and supporting the mandate of Kitasoo Band Council in providing quality services to the community and is expected to act with integrity and impartiality, by placing the interests of such community ahead of any self or private interests and in so doing each such person adheres to the following rules:

- a. Avoid circumstances which may result in actual or perceived conflicts of interest;
- b. Act in a manner which promotes and enhances the confidence of the community in the Kitasoo Band Council's organization as a service delivery provider;
- c. Act honestly and in the interest of the community;
- d. Not advocate on behalf of a member of the community receiving service, but rather refer the matter to the appropriate personnel to make contact with the community member and conduct the necessary enquiries and take the appropriate action in providing service;
- e. With respect to services provided by the various Kitasoo Band Council programs, a Committee Member or Councillor is individually prohibited of intervening or advocating on behalf of a person or family being the subject of the respective program services, where there is a process or procedure in place to adequately address the issue and such process or procedure is being followed;
- f. If a Committee Member or Councillor is approached by a member of the community receiving services, to intervene on his/her behalf, the Committee Member or Councillor must decline to do so, and immediately refer such person to the appropriate service provider within the organization;
- g. Not use his or her position , authority or influence to gain an advantage in favour of an individual member of the community receiving services versus another individual;
- h. Not request information from themselves on an individual basis for purposes other than fulfilling their duties and responsibilities as Committee Member or Councillor with respect to services and operations of the Kitasoo Band, unless and until such release of information has been approved by Kitasoo Band Council or the respective Committee;
- i. Not interfere, either directly or indirectly, with the reporting of child neglect or abuse, or with respect to a criminal offence or other illegal acts;
- j. Remove himself or herself from the official duties and responsibilities associated with the Kitasoo Band Council organization in the event such Committee Member or Councillor is under investigation by the Kitasoo Band or the police for alleged neglect or abuse of a child, or any criminal offence, and shall not resume such Committee or Council duties and responsibilities until the matter is formally resolved;
- k. Not place himself or herself under obligation to any person who might benefit from special considerations on their part;
- l. Avoid participation in any official Kitasoo Band matters where such Committee Member or Councillor has a personal or financial interest or appears to have such an interest which may be incompatible with an unbiased exercise of judgement;
- m. If a Committee Member or Councillor personally intervenes on behalf of a member of the community receiving service, such action does not necessarily constitute a conflict of interest,

if the action is properly reported to the appropriate body to handle the situation, however, in the event the Committee Member or Councillor uses his or her position, authority or influence to assist in meeting the best interest of the community member in cooperation with the proper body or personnel of the Kitsoo Band, such action would be interpreted as proper and would not constitute a conflict of interest.

11.05 Conflict of Interest Procedures – The following procedures apply in circumstances where there is a conflict of interest concerning a Councillor or a Committee Member:

Admitted Conflict

- a. A Councillor or Committee Member who is, or perceived him or herself to be in a conflict of interest immediately discloses the matter, verbally or in writing to the Council or to the applicable Committee, at a meeting of Band Council or such Committee, and does not participate in the discussion or vote on the matter when in conflict of interest;

Reported Conflict

- b. In the event a Councillor or Committee Member perceives any other Councillor or Committee Members of the same Committee to be in actual or perceived conflict of interest, such Councillor or Member must immediately report the matter, verbally or in writing, to the Chairperson of the Committee or the Chief Councillor as the case may be, for review at their regular meeting;
- c. Upon receipt of a disclosure or report with respect to a conflict of interest, the member who is subject of the alleged conflict of interest may remove him or herself voluntarily from all further discussions and activities pertaining to the matter in question;
- d. If the Councillor or Member who is subject to the alleged conflict of interest does not remove him or herself voluntarily from all further discussions or activities pertaining to the matter in question, the Council or the applicable Committee investigates the alleged conflict of interest in the absence of the person alleged to be in conflict to determine whether the facts substantiate a conflict, and formally advise the person of their findings;
- e. If the Councillor or Committee Member is found to be in conflict, Council or the applicable Committee may agree in the establishment of rules of conduct or procedures which avoid the conflict and ensure that these rules of conduct are adhered to by the person in conflict;
- f. If the Councillor or Committee Member is found to be in conflict, Council or the applicable Committee ensures that the person in conflict does not participate in applicable Council or Committee matters or any related matters that would give rise to the conflict;
- g. Except in the case of Band Council, in the event a Committee Member in conflict persists in involving him or herself in the matter or related matters which gave rise to the conflict, is regarded as having acted contrary to the interest of the Kitsoo/Xai'Xais First Nation, and may be terminated from the applicable Committee by a majority vote during a meeting of the applicable Committee. In such circumstances, Band Council must be notified immediately of the termination.

- h.** The minutes of the applicable Committee meeting records the disclosure or report of the conflict of interest and the action taken in this regard;
- i.** A Committee Member who has been removed due to a conflict of interest is automatically disqualified from sitting on such Committee and thereupon a substitute Member is appointed in accordance with the provisions of the within Operations Manual;
- j.** In the case of a Councillor in conflict and persisting in involving him or herself in the matter or related matters which gave rise to the conflict of interest, is regarded as having acted contrary to the interest of the Kitasoo/Xai'Xais First Nation, Band Council shall take appropriate action to seek the removal of the Councillor in conflict from Kitasoo Band Council in accordance with electoral provisions of the Indian Act.

Oath of Office and Confidentiality

- 11.06 Oath for Councillor** – Each Councillor, once voted in office, is required to take an Oath of Office and Confidentiality in the form as attached in **Appendix “11A”**.
- 11.07 Oath for Committee Member** – Each Committee Member, as condition of taking office and serving on the Committee, is required to take an Oath of Office and Confidentiality in the form as attached in **Appendix “11B”**.

**Oath of Office
& Confidentiality
(For a Councillor)**

I, _____, do solemnly declare that, as an elected member of the Kitsoo Band Council, I shall faithfully, truly and impartially to the best of my judgement, skill, knowledge and ability carry out, discharge and perform the duties and responsibilities of Band Councillor, remembering that the primary objective of my position is to serve my fellow Band members and the community, which I am a member of.

That I will not, except as required in the discharge of my duties or as required by law, disclose to any person any matter brought before Band Council relating to the business or affairs of the Kitsoo/Xai'Xais First Nation, that is not otherwise public knowledge.

I further declare, that I will respect the authority of the Band membership and seek their approval whenever appropriate. I will familiarize myself and abide with the approved policies of Kitsoo Band Council and the Code of Ethics for Councillor as contained in the Operations Manual.

Councillor Signature

Date

Witness

Witness

**Oath of Office
& Confidentiality
(For a Committee Member)**

I, _____, do solemnly declare that I shall faithfully, truly and impartially to the best of my judgement, skill, knowledge and ability carry out, discharge and perform the duties and responsibilities of the office as a Member of the _____ Committee of the Kitasoo Band Council and will not, except as required in the discharge of my duties or as required by law, disclose to any person any matter brought before such Committee relating to the business or affairs of the Kitasoo/Xai'Xais First Nation, that is not otherwise public knowledge.

I further declare, that I will respect the authority of the Kitasoo Band Council and the Band Membership. I will familiarize myself and abide with the approved policies of Kitasoo Band Council and the Code of Ethics for Committee Members as contained in the Operations Manual.

Committee Member Signature

Date

Witness

Witness