

**LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS
TRIBAL CODE OF LAW**

CHAPTER 17-CODE OF ETHICAL CONDUCT

Table of Contents

SUBCHAPTER 17.1 – INTRODUCTION

- § 17.101 Title
- § 17.102 Purpose
- § 17.103 Authority
- § 17.104 Ethics Officer and Ethics Committee
- § 17.105 Effective Date
- § 17.106 Transition
- § 17.107 Applicability
- § 17.108 Severability
- § 17.109 Sovereign Immunity
- § 17.110 Abrogation and Greater Restrictions

SUBCHAPTER 17.2 – DEFINITIONS

- § 17.201 General Definitions

SUBCHAPTER 17.3 – PRINCIPLES

- § 17.301 Standards of Conduct
- § 17.302 Affirmative Duties
- § 17.303 Digital Ethics and Technology Use
- § 17.304 Social Media Conduct

SUBCHAPTER 17.4 – PROHIBITED CONDUCT

- § 17.401 Prohibited Conduct
- § 17.402 Family Contracts and Nepotism
- § 17.403 Use of Tribal Resources and Non-Public Information

SUBCHAPTER 17.5 – CONFLICTS OF INTEREST

- § 17.501 Conflicts of Interest
- § 17.502 Conflict Waiver Procedure
- § 17.503 Outside Employment and Contracts
- § 17.504 No Retaliation
- § 17.505 Political Activity
- § 17.506 Organizational Conflicts of Interest
- § 17.507 Post-Employment Restrictions

SUBCHAPTER 17.6 – ENFORCEMENT AND MISCELLANEOUS

- § 17.601 Enforcement and Penalties
- § 17.602 Advisory Opinions
- § 17.603 Training and Implementation
- § 17.604 Enforcement of Tribal Council Member Conduct
- § 17.605 Effective Date and Transition
- § 17.606 Regular Review
- § 17.607 Records
- § 17.608 Accessibility

HISTORY NOTE:

Adopted May 12, 1997, pursuant to Article VI, Section 1(t) of the Tribe's Constitution. Resolution No. 164-B(97), effective immediately.

Amendments:

Resolution No. 64(05) adding Section 17.111(7) Actual or apparent improprieties defined and prohibited.

Resolution No. 73(26) pursuant to Article III, Section 1 of the Lac du Flambeau Constitution, accepts the March 3, 2026 Tribal Referendum Election Results adopted on March 12, 2026. Chapter 17- Ethical Conduct code is repealed and replaced with Chapter 17 - Code of Ethical Conduct.

SUBCHAPTER 17.1 – INTRODUCTION

§ 17.101 Title

This Code shall be known as the Code of Ethical Conduct of the Lac du Flambeau Band of Lake Superior Chippewa Indians.

§ 17.102 Purpose

The purpose of this Code is to establish standards for the conduct of Elected Officials and other Covered Persons to protect and promote Tribal integrity and to enhance the Tribe's ability to achieve its objectives in accordance with all applicable laws and regulations. This Code is intended to guide and direct all Covered Persons in addressing situations encountered in the course of their official duties and to assist in making ethical decisions.

§ 17.103 Authority

This Code is enacted pursuant to Article VI, Section 1(a) and (u) of the Tribal Constitution.

§ 17.104 Ethics Officer and Ethics Committee

The Tribal Council may appoint or designate an Ethics Officer and/or an Ethics Committee to administer and enforce this Code and to issue advisory opinions.

§ 17.105 Effective Date

This Code shall take effect on the day following approval by the Tribal Council.

§ 17.106 Transition

Covered Persons serving or holding a position under this Code on the effective date shall have ninety (90) days to comply with new disclosure and training requirements, unless a different period is specified elsewhere in this Code.

§ 17.107 Applicability

This Code applies to all Tribal Elected Officials, Appointed Officials, Tribal employees, contract employees, volunteers, and any person acting in an official capacity on behalf of the Tribe. Where a provision refers only to "Elected Officials and Appointed Officials," it shall be read to include other Covered Persons where the context so requires, except where the Code expressly limits coverage.

§ 17.108 Severability

If any section, provision, or portion of this Code is adjudged invalid by a court of competent jurisdiction, the remainder of this Code shall not be affected.

§ 17.109 Sovereign Immunity

Nothing in this Code shall be construed to waive the sovereign immunity of the Tribe. Administrative remedies and sanctions provided in this Code are internal tribal remedies.

§ 17.110 Abrogation and Greater Restrictions

Where this Code imposes greater restrictions than those contained in other Tribal ordinances, codes, or resolutions, the provisions of this Code shall govern.

SUBCHAPTER 17.2 – DEFINITIONS

§ 17.201 General Definitions

1. Unless otherwise indicated, the following terms have the meanings set forth below:
 - a. Appointed Official: A person duly appointed to a Tribal committee, commission, or other non-employee position by the Tribal Council.
 - b. Cause: Inefficiency, neglect of duty, or Official Misconduct.
 - c. Direct and Predictable Effect: A close causal link between any decision or action and any expected effect on a financial interest.
 - d. Elected Official: A person duly elected into Tribal office.
 - e. Immediate Family Member: Husband, wife, son, daughter, mother, father, brother, sister, grandparent, grandchild, niece, nephew, aunt, and uncle (including great-grandparents, in-laws, and step-relationships, etc.). Immediate family member may also include a partner who has been in a relationship for a period of time or in a relationship under Ojibwe tradition and practices.
 - f. Financial Interest: Interests held by the official or by their spouse or minor children, including any current or contingent ownership, equity, or security interest in real or personal property.
 - g. Conflict of Interest: A situation in which a Covered Person's financial, familial, or other personal interests (actual, potential, or perceived) would reasonably be expected to impair objectivity or independent judgment, or result in private benefit from official actions.
 - h. Covered Person: Elected Officials, Appointed Officials, Tribal employees, contract employees, volunteers, and any person acting in an official capacity on behalf of the Tribe.
 - i. Meeting(s): Any properly noticed meeting of the Tribal Council, a Tribal committee, board or commission, or other meeting where the Tribe is represented in an official capacity, including intertribal, state, federal, or other approved government or commercial function.

- j. **Non-public Information:** Information available by reason of Tribal employment or service that is not available to the general public.
- k. **Official Misconduct:** Doing a forbidden act intentionally or willfully or failing to perform a required duty.
- l. **Tribal Committee:** A subordinate government entity established by the Tribal Council to carry out delegated duties, usually comprised of enrolled members of the Tribe, under Article VI, Section 1(u) of the Tribe's Constitution.
- m. **Tribal Council:** The governing body of the Lac du Flambeau Band of Lake Superior Chippewa Indians, under Article III of the Tribe's Constitution.
- n. **Tribal Court:** The court of the Lac du Flambeau Band of Lake Superior Chippewa Indians, under Article X of the Tribe's Constitution.
- o. **Tribal Entity:** A corporation or other organization wholly owned by the Lac du Flambeau Band of Lake Superior Chippewa Indians and operated for governmental or commercial purposes.
- p. **Tribe:** The Lac du Flambeau Band of Lake Superior Chippewa Indians.
- q. **Tribal Property:** Any form of real or personal property in which the Tribal government has an interest.
- r. **Gift:** Anything of monetary value, with exceptions for ceremonial or customary items in accordance with Tribal tradition, or unsolicited items of nominal value.
- s. **Relative:** Spouse, domestic partner, parent, child, sibling, in-laws, and any person residing in the same household.
- t. **Recusal:** The process by which a Covered Person discloses a conflict of interest and refrains from participating in any related matter.
- u. **Ethics Officer:** The person appointed to administer this Code, receive complaints, provide advisory opinions, and oversee or conduct investigations.
- v. **Ethics Committee:** A committee established to review investigative reports, issue determinations, and recommend sanctions.
- w. **Digital Information:** Any data, record, or communication created, stored, or transmitted electronically in the course of Tribal business.
- x. **Social media:** Any online platform or application used for social networking, communication, or sharing of information.

SUBCHAPTER 17.3 – PRINCIPLES

§ 17.301 Standards of Conduct

1. Public service is a public trust, requiring loyalty to the Tribe, its Constitution, laws, confidentiality, and ethical principles above private gain.
2. Covered Persons shall act impartially, put forth honest efforts, and avoid preferential treatment except as provided by Indian Preference policy.
3. Covered Persons shall protect Tribal property and uphold confidentiality of non-public information.
4. Covered Persons shall disclose waste, fraud, and corruption to appropriate authorities.

5. Covered Persons shall satisfy in good faith their obligations as Tribal members and avoid actions creating the appearance of violating the law or these standards.

§ 17.302 Affirmative Duties

1. Financial Disclosure: Covered Persons must file a Financial Disclosure Statement within thirty (30) days of assuming office and annually by April 30 of each year.
2. Disclosure and Recusal: Covered Persons must disclose conflicts in writing and recuse themselves from participation in related matters.
3. Training: Covered Persons must complete initial ethics training within ninety (90) days and biennial refresher training thereafter.
4. Advisory Opinions: Covered Persons may request written advisory opinions; good faith reliance is a mitigating factor.
5. Recordkeeping: Covered Persons must not destroy or conceal records relevant to investigations.
6. Meetings: Recusals must be recorded in meeting minutes with sufficient detail.

§ 17.303 Digital Ethics and Technology Use

1. Covered Persons must protect digital information and use technology responsibly, in accordance with Tribal cybersecurity and data privacy policies.
2. Use of Tribal technology resources for personal purposes is prohibited except as expressly permitted by policy.
3. Covered Persons must report suspected data breaches or cybersecurity incidents immediately to the Ethics Officer or designated IT official.

§ 17.304 Social Media Conduct

1. Covered Persons must not disclose confidential or non-public information on social media.
2. When using social media in a personal capacity, Covered Persons must not represent or imply Tribal endorsement unless authorized.
3. Covered Persons must not use social media to harass, discriminate, or otherwise violate this Code.

§ 17.305 Standards for Tribal Council Members

1. Fiduciary Duty: Tribal Council members shall act in the best interests of the Tribe, exercising the highest degree of loyalty, care, and integrity in all official actions and decisions.
2. Transparency and Disclosure: In addition to general disclosure requirements, Council members must publicly disclose any potential or actual conflicts of interest prior to participating in any Council deliberation or vote.
3. Recusal: Council members must recuse themselves from any matter in which they, an immediate family member, or a business associate has a financial or personal interest, and such recusals shall be recorded in the official minutes.

4. **Prohibition on Improper Influence:** Council members shall not use their position to improperly influence Tribal employees, contractors, or other officials for personal or third-party gain.
5. **Removal and Discipline:** Council members are subject to removal or discipline for violations of this Code, in accordance with both the procedures set forth in this Code and the Constitution. In the event of a conflict between procedures, the Constitution shall govern.
6. **Training:** Council members must complete enhanced ethics training within 60 days of taking office and annually thereafter.
7. **Public Accountability:** Council members shall ensure that their conduct upholds the dignity and reputation of the Tribal Council and the Tribe, and shall be held to a higher standard of accountability in all public and private actions affecting the Tribe.

SUBCHAPTER 17.4 – PROHIBITED CONDUCT

§ 17.401 Prohibited Conduct

1. Covered Persons are prohibited from:
 - a. Making unauthorized commitments or statements purporting to bind the Tribe.
 - b. Using public or Tribal service for private gain.
 - c. Engaging in outside employment or activities that conflict with official duties.
 - d. Holding financial interests that conflict with the conscientious performance of duty.
 - e. Using non-public information for private gain.
 - f. Engaging in neglect of duty or Official Misconduct.
 - g. Soliciting or accepting gifts, gratuities, favors, entertainment, loans, kickbacks, or anything of value from persons or organizations seeking business with the Tribe.

§ 17.402 Family Contracts and Nepotism

1. No Covered Person may participate in decisions affecting contracts, hiring, promotion, discipline, or other matters where the Covered Person or their Relative has a financial interest, except where fully disclosed and approved.
2. All disclosures must be recorded and maintained by the respective entity.

§ 17.403 Use of Tribal Resources and Non-Public Information

1. Covered Persons may not use Tribal property, personnel, services, systems, or influence for personal benefit.

SUBCHAPTER 17.5 – CONFLICTS OF INTEREST

§ 17.501 Conflicts of Interest

1. Conflict of Interest is defined as a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.
2. Conflict of interest is not an immediate bar from performing duties under this code, but disclosure to the respective entity is required.
3. Covered Persons must avoid conflicts of interest. Where a conflict exists but participation is necessary, a written waiver may be sought, subject to strict requirements.

§ 17.502 Conflict Waiver Procedure

1. A written waiver may be granted only where participation is necessary and must comply with the requirements set forth by the Tribal Council.

§ 17.503 Outside Employment and Contracts

1. Non-tribal employment or contracts with non-tribal entities is not prohibited.
2. Disclosure and approval are required for outside employment or contracts that may give rise to a conflict.

§ 17.504 No Retaliation

1. No adverse action may be taken against any person who reports violations, cooperates with investigations, or participates in enforcement proceedings.

§ 17.505 Political Activity

1. No Tribal resources may be used to support political campaigns or solicit contributions in an official capacity.

§ 17.506 Organizational Conflicts of Interest

1. Covered Persons must disclose any situation where the Tribe's interests may conflict with those of its partners, vendors, or contractors, and must recuse as appropriate.
2. All disclosures must be recorded and maintained by the respective entity.

§ 17.507 Post-Employment Restrictions

1. For one (1) year after leaving Tribal service, former Covered Persons may not represent or assist any person or entity in matters in which they participated personally and substantially during their Tribal service.
2. Violation of this section may result in civil or criminal sanctions.

SUBCHAPTER 17.6 – ENFORCEMENT AND MISCELLANEOUS

§ 17.601 Enforcement and Penalties

1. **Complaints:** Any person may file a complaint alleging a violation of this Code, using a secure, anonymous reporting mechanism or by submitting a signed, written complaint to the Ethics Officer.
2. **Preliminary Screening:** The Ethics Officer shall screen complaints within thirty (30) days.
3. **Notice to Respondent:** Written notice and a copy of the complaint must be provided to the Respondent, who has fourteen (14) days to respond.
4. **Investigation:** The Ethics Officer or an independent investigator shall conduct a prompt investigation within thirty (30) days.
5. **Interim Measures:** Tribal Council may impose interim measures to protect the public interest or investigation integrity.
 - a. Investigative leave, paid or unpaid
 - b. Temporary duty restrictions, in writing, by immediate supervisor or Tribal Council.
6. **Investigative Report:** A written report of findings and recommended sanctions is provided to the Respondent and Ethics Committee.
7. **Adjudication:** The Ethics Committee reviews the file and makes a determination; if no Committee exists, the Tribal Council does so, with conflicted members recused.
8. **Sanctions:** May include reprimand, admonishment, restitution, repayment, divestment, suspension, disqualification, removal, censure, or referral for prosecution.
9. **Notice of Final Action:** Final determinations and sanctions are provided in writing and publicly reported with redactions.
10. **Appeal:** The Respondent may appeal to the Tribal Court or designated appellate body within thirty (30) days of the effective date of the final action.
11. **Records and Confidentiality:** Investigations are confidential; the Ethics Officer maintains a non-public log and publishes an annual summary report.
12. **Burden and Standard of Proof:** Preponderance of the evidence standard applies unless a higher standard is required by law.
13. **Remedies for Retaliation:** Persons who suffer retaliation may seek corrective action, reinstatement, back pay, and sanctions against retaliators.
14. **Accessibility:** All forms, notices, and reports required by this Code must be made available in accessible formats for persons with disabilities, and a plain-language summary of the Code shall be provided to all Covered Persons and the public.

§ 17.602 Advisory Opinions

1. The Ethics Officer may issue written advisory opinions; good faith reliance is a mitigating factor.

§ 17.603 Training and Implementation

1. The Tribal Council shall provide or require regular ethics training and allocate resources for the Ethics Officer and Committee.

§ 17.604 Enforcement for Tribal Council Member Conduct

1. Any reports or other violations received, and any investigation and adjudication of said filings contemplated under this code with regard to sitting members of the Tribal Council shall be conducted in conformance of the Tribe's constitution.
2. Nothing in this code shall waive the immunity of any current Tribal Council member.

§ 17.605 Effective Date and Transition

1. The Tribal Council shall set an effective date and compliance deadlines for disclosures and training.

§ 17.606 Regular Review

1. This Code shall be reviewed at least every three (3) years to ensure it remains current with legal, technological, and social developments.

§ 17.607 Records

1. All records under this code shall be maintained in accordance with the Tribe's record retention policy.
2. Opinions of the Ethics Committee and Written opinions of the Ethics Officer shall be public record unless otherwise designated by the Tribal Council.

§ 17.608 Accessibility

3. All forms, notices, and reports required by this Code must be made available in accessible formats for persons with disabilities, and a plain-language summary of the Code shall be provided to all Covered Persons and the public.