

Title 1. Government and Finances - Chapter 103

Atwaliwáseh

matters that will be followed

CODE OF ETHICS

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103.1. Purpose and Policy

103.1-1. *Purpose.* The purpose of this law is to establish clear standards of conduct rooted in the values of the Oneida people, to guide the Oneida Business Committee in serving the Nation with honor and responsibility. These standards reflect the sacred trust between the government and the people, and are intended to promote integrity, uphold the will of the Nation, and preserve the confidence of the Oneida people. In a government founded upon the consent of the people, it is the right of the Oneida to expect loyalty, honesty, and accountability from those who serve.

103.1-2. *Policy.* It is the policy of the Nation that Oneida Business Committee members shall carry themselves in a way that brings honor to the Oneida people and government. They shall walk with integrity, follow the laws of the Nation, and uphold the highest standards of ethical conduct in all their duties. All Oneida Business Committee members strive to exhibit and uphold the Nation's core values of The Good Mind as expressed by Onáyote'a'ka, which includes:

- (a) Kahletsyalúsla. The heartfelt encouragement of the best in each of us.
- (b) Kanolukhwásla. Compassion, caring, identity, and joy of being.
- (c) Ka'nikuhli-yó. The openness of the good spirit and mind.
- (d) Ka'tshatstásla. The strength of belief and vision as a People.
- (e) Kalihwi-yó. The use of the good words about ourselves, our Nation, and our future.
- (f) TwahwahtsíláyΛ. All of us are family.
- (g) YukwatsístayΛ. Our fire, our spirit within each one of us.

103.2. Adoption, Amendment, Repeal

103.2-1. This law was adopted by the Oneida Business Committee members by resolution BC-11-23-94-A, and amended by resolutions BC-04-12-06-JJ, BC-09-27-06-E, and BC-08-12-26-C.

103.2-2. This law may be amended or repealed by the Oneida Business Committee members or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

103.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

103.2-4. In the event of a conflict between a provision of this law and a provision of another policy, the provisions of this policy shall control.

103.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

103.3. Definitions

103.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Conflict of Interest” means any financial, personal, or political interest, real or apparent, that could impair an elected official’s impartiality or create an appearance of impropriety in performing Oneida Business Committee members’ duties, including interests held by immediate family members. This includes any financial or familial interest an Oneida Business Committee member or their immediate family members may have in any transaction between the Nation and an outside party.

(b) “Great Law of Peace” means the Haudenosaunee principles given by the Peacemaker and carried through Hiawatha that brought peace to the original nations by teaching people to use a Good Mind grounded in reason, compassion, unity, and the restoration of balance among all relations. It guides how the people are to live together in peace and mutual respect, using consensus and shared responsibility to maintain harmony in the community.

(c) “Immediate Family Member” means an individual’s spouse, parent, child, grandparent, grandchild, great-grandparent, great-grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law or sister-in-law, including relationships attained through legal adoption, consistent with Oneida Human Resource Department standards.

(d) “Nation” means the Oneida Nation.

(e) “Oneida people” means enrolled members of the Oneida Nation, individuals eligible for enrollment with the Oneida Nation, and descendants of the Oneida Nation.

103.4. Standards of Conduct

103.4-1. *Good Mind and Sacred Trust.* All Oneida Business Committee members shall serve with a Good Mind (see *Section 103.1-2*) guided by wisdom, compassion, and responsibility and shall avoid actions or situations that give rise to the appearance of impropriety, undue influence, or favoritism. The principles that follow expand on the obligations of Good Mind and Sacred Trust and set forth the foundational duties that guide the conduct of all Oneida Business Committee members.

(a) *Seventh Generation Stewardship.* Oneida leaders act as temporary stewards on behalf of past generations and the seven generations yet to come, making decisions with deliberate regard for long-term impacts on the Nation’s people, lands, resources, and institutions.

(b) *People as the Source of Authority.* Authority derives from the Oneida people, not from the office itself. Oneida leaders shall act in the people’s best interests, speak truthfully, manage the Nation’s resources with integrity, and relinquish authority through established processes when the people’s confidence is lost.

(c) *Haudenosaunee Governance & Sacred Trust.* Guided by the Great Law of Peace, Oneida leaders shall maintain a heart of peace and goodwill, a mind committed to the people’s welfare, and actions shaped by calm and thoughtful deliberation. “Sacred Trust” means the duty to safeguard the Nation’s wellbeing as something held in care, not possession.

(d) *Land, Sovereignty, and Cultural Continuity.* Oneida leaders shall protect and strengthen the Nation’s sovereignty, lands, language, and cultural ways—an inheritance preserved

through generations of sacrifice—so that these gifts remain whole and vibrant for future generations.

(e) *Accountability and Conflicts of Interest.* Public office exists solely to serve the Oneida people. Using one's position for personal, financial, or political gain violates this trust. Oneida leaders shall disclose conflicts, avoid improper influence, refrain from participation where a conflict exists, and recognize that the Nation's resources and reputation belong to the Oneida people, not to officeholders.

(f) *Ethical Covenant.* This covenant binds Oneida leaders to govern with honesty and transparency; to honor ancestral teachings; to protect sovereignty and lands; and to make decisions worthy of the children who will inherit the Nation. This trust is sacred because it carries the lives of the living, the memory of those who came before, and the future of those yet unborn.

103.4-2. *Conflicts of Interest.* No Oneida Business Committee member shall take part in decisions or activities where they or an immediate family member hold a direct financial, personal, or political interest, as such actions compromise the integrity of service to the Nation.

(a) *Duty to Disclose.* Members of the Oneida Business Committee shall disclose any potential or actual conflict of interest using the OBC Conflict of Interest Disclosure Form, which shall be submitted for inclusion on an OBC meeting agenda. The disclosure shall be presented for OBC acceptance, and the member shall refrain from participating in any related discussions or decision-making, when appropriate, to uphold the integrity of governance.

(b) *Ongoing Duty to Disclose.* Oneida Business Committee members who become aware of a conflict of interest shall promptly disclose its nature and avoid participation in the matter.

(c) *Disclosure Forms.*

(1) The Oneida Law Office shall create both annual and as-needed conflict disclosure forms.

(2) The Office of the Oneida Nation Secretary shall distribute, collect, and maintain these forms.

(3) All Oneida Business Committee members shall submit disclosure forms annually and within a reasonable time after a conflict arises or becomes known.

103.4-3. *Stewardship of Confidential Information.* Oneida Business Committee members shall treat confidential information as sacred, using it only for the benefit of the Nation and never for personal gain or harm. No Oneida Business Committee member shall use confidential information obtained through their position to:

(a) Acquire a financial interest in any property, transaction, or enterprise that may be affected by such information;

(b) Speculate or wager;

(c) Harm another's reputation;

(d) Advance personal or political interests; or

(e) Assist another in doing any of the above.

103.4-4. *Use of Nation Resources.* Oneida Business Committee members are entrusted with the resources of the Nation and shall act as responsible stewards. Misuse, misappropriation, or any form of impropriety in handling the Nation's funds or property is a violation of this sacred trust.

103.4-5. *Fair Dealing and Impartiality.* Oneida Business Committee members shall carry out their duties with fairness, honesty, and impartiality, honoring the trust placed in them by the Oneida people. Oneida Business Committee members shall:

- (a) Refrain from granting special treatment beyond what is available to others under the law;
- (b) Make decisions based solely on merit, facts, and the well-being of the Nation, free from bias, favoritism, or personal interest;
- (c) Avoid conduct that creates the appearance of impropriety or undermines community trust.
- (d) Treat all individuals with respect and dignity, and foster an environment of equity, justice, and inclusion in governmental dealings.

103.4-6. *Accountability and Transparency.* Public service is a sacred responsibility. Oneida Business Committee members are entrusted by the Oneida people to act with integrity, humility, and accountability. Their actions shall reflect the values of the Nation and honor the trust placed in them by the community.

(a) *Duty to be Accountable:* Oneida Business Committee members shall be answerable to the Oneida people for their decisions, conduct, and use of authority; explain their actions, accept responsibility for mistakes, and take corrective steps when necessary. Accountability is not only a legal obligation, it is a cultural duty rooted in respect for the people and the teachings of the Good Mind (see Section 103.1-2).

(b) *Transparency in Governance.* Transparency is essential to maintaining the good mind and the confidence of the people. Oneida Business Committee members shall:

- (1) Conduct public business in a manner that is open, honest, and accessible to the community;
- (2) Provide timely and accurate information about decisions, policies, and the use of Nation resources; and
- (3) Ensure that records, reports, and proceedings are maintained and made available in accordance with the laws and customs of the Nation.

(c) *Community Engagement.* Oneida Business Committee members shall actively seek the voices of the people, respecting the wisdom of elders, the concerns of families, and the guidance of traditional knowledge. Decisions shall reflect the collective good and be made with the understanding that leadership is a service to the Nation, not a privilege.

103.4-7. *Nepotism Prohibited.* The Oneida people expect their leaders to act with integrity and impartiality. Avoiding nepotism is essential to maintaining sacred trust between the government and the community, and to ensuring that all Oneida people have equal opportunity to serve and contribute to the Nation.

(a) *Commitment to Fairness.* Leadership shall be guided by fairness, respect, and the Good Mind (see Section 103.1-2). Favoring family members in employment, appointments, or decision-making undermines the trust of the people and disrupts the balance that is essential to good governance.

(b) *Preferential Treatment Prohibited.* No Oneida Business Committee member shall use their position to secure employment, advancement, contracts, or other benefits for immediate family members or close relatives. All decisions shall be made based on merit, qualifications, and the best interests of the Nation.

(c) *Employment and Oversight Restrictions.* No Oneida Business Committee member shall supervise, evaluate, or participate in employment decisions involving a family member. The Nation shall implement procedures to ensure that hiring and promotion processes are free from undue influence and favoritism.

103.4-8. *Employment Applications by Oneida Business Committee Members.* Employment Application for Direct Report Positions.

(a) Oneida Business Committee service is a sacred duty that requires attention and impartiality, Oneida Business Committee members who intend to apply for employment in positions that report directly to the Oneida Business Committee shall provide written notice to the Oneida Business Committee prior to applying.

(a) *Notice of Intent.* Written notice shall identify the position sought and the hiring authority. The notice is information and does not require formal approval.

(b) *Hiring Process Participation.* Oneida Business Committee members shall not participate in hiring decisions or processes for positions they seek.

(c) *Scope.* This section applies only to positions that are direct reports to the Oneida Business Committee.

103.4-9. *Gifts and Honorarium.*

(a) *Prohibition on Gifts for Business Privilege.* No Oneida Business Committee member shall accept any gift, gratuity, or honorarium of any value in exchange for, or as a condition of, doing business with the Nation.

(b) *Reporting Requirements.* Oneida Business Committee members shall report any gift, honorarium, or sponsored event with a fair market value of five hundred dollars (\$500) or more that is given in connection with activities organized by or participated in on behalf of the Nation. Such disclosures shall be made using the OBC Gift Disclosure Form and submitted for inclusion on an OBC meeting agenda. The disclosure shall be presented for Oneida Business Committee acceptance, and the member shall refrain from participating in any related discussions or decision-making, when appropriate, to uphold the integrity of governance.

(1) Sponsored events not paid for or reimbursed by the Nation or another government, such as social, recreational, or entertainment events must be reported as gifts.

(2) Events paid for or reimbursed by another government for official duties, such as consultations, meetings, or training, are official business and not reportable under this section.

(c) *Gift Disclosure Form and Public Record.* Gifts or gratuities meeting the criteria in 103.4-9(b) shall be documented using the Gift Disclosure Form and submitted to the Office of the Nation's Secretary within ten (10) business days of receipt.

(1) The Office of the Secretary shall maintain a public record of all reported gifts and honoraria; and

(2) The Oneida Law Office shall maintain and update the Gift Disclosure Form and related procedures.

(d) *Gifts below the Reporting Threshold.* Gifts or honoraria valued at four hundred ninety-nine dollars and ninety-nine cents (\$499.99) or less are not required to be reported on the Gift Disclosure Form.

(e) *Cultural and Ceremonial Gifts.* Gifts given in the context of traditional, ceremonial, or cultural exchange shall be exempt from reporting requirements. Oneida Business Committee members are encouraged to consult with the Oneida Law Office when in doubt.

103.4-10. *Prohibited Conduct.* Oneida Business Committee members are expected to walk with the Good Mind (see Section 103.1-2), honoring the trust of the people and the teachings of the Great Law of Peace. The following conduct is prohibited as it undermines the integrity of governance, the dignity of the Nation, and the responsibilities entrusted to those who serve. No Oneida Business Committee member shall:

- (a) Use their position for personal gain, financial benefit, or advancement of family, friends, or associates.
- (b) Engage in any form of bribery, coercion, or undue influence in the performance of their duties.
- (c) Misuse or misappropriate Nation resources, including funds, property, or confidential information.
- (d) Discriminate against or harass any individual based on race, gender, age, religion, tribal affiliation, or any other protected status.
- (e) Retaliate against any person who reports unethical behavior, misconduct, or violations of this law.
- (f) Falsify records, reports, or communications related to their Oneida Business Committee member duties.
- (g) Accept gifts, gratuities, or honoraria in violation of Section 103.4-9.
- (h) Participate in decisions where a conflict of interest exists, as defined in Section 103.4-2.
- (j) Engage in nepotism or favoritism in hiring, supervision, or contracting, as prohibited in Section 103.4-7.
- (k) Act in a manner that brings dishonor to the Oneida people or undermines the public's trust in the Nation's government.

103.4-11. *Cultural Accountability.* Oneida Business Committee members are reminded that their conduct reflects not only on themselves but on the Nation as a whole. They are expected to uphold the teachings of the Good Mind (see Section 103.1-2), protect the well-being of the community, and serve with humility, honor, and respect.

103.4-12. *Attendance and Meeting Conduct.* Oneida Business Committee members shall honor their responsibility to participate fully and professionally in the governance of the Nation. Attendance and conduct during meetings reflect the integrity of leadership and the trust placed in the Oneida Business Committee by the Oneida people. Accordingly:

- (a) *Commitment to Presence and Preparedness.* Oneida Business Committee members shall attend all scheduled meetings unless excused or prevented by circumstances beyond their control. Absences should be communicated promptly and with respect for the body's ability to conduct business. Oneida Business Committee members are expected to arrive prepared, having reviewed all materials necessary for informed decision-making.

(b) *Engagement and Respectful Dialogue*. Meetings shall be conducted in a manner the upholds the Good Mind (see Section 103.1-2) and fosters constructive dialogue. Oneida Business Committee members shall:

- (1) Participate actively and thoughtfully, contributing to deliberations with clarity and respect.
- (2) Listen attentively to others, avoid interruptions, and ensure that all voices are heard.
- (3) Refrain from conduct that disrupts proceedings or diminishes the dignity of the office.

(c) *Professionalism and Integrity in Deliberation*. Decisions shall be made based on merits, facts, and the collective good of the Nation. Oneida Business Committee members shall:

- (1) Avoid side conversations, electronic distractions, or any behavior that signals disengagement.
- (2) Maintain confidentiality of closed-session discussions and sensitive information.
- (3) Conduct themselves in a manner that reflects honor, impartiality, and accountability.

(d) *Responsibility for Governance Continuity*. Attendance and participation are essential to the functioning of the Nation's government. Persistent failure to meet these expectations may constitute a breach of sacred trust.

103.5. Enforcement. Enforcement of this law shall be conducted in accordance with all applicable laws and regulations of the Nation.

End.

Adopted - Oneida Business Committee minutes, 10-21-91
Adopted - BC-11-23-94-A
Emergency Amendment - BC-04-12-06-JJ
Amended - BC-09-27-06-E (adoption of emergency amendment)
Amended – BC-08-12-26-C