

**RESOLUTION OF THE  
ETHICS AND RULES COMMITTEE  
OF THE NAVAJO NATION COUNCIL**

**21<sup>ST</sup> NAVAJO NATION COUNCIL – FIRST YEAR, 2007**

**AN ACTION**

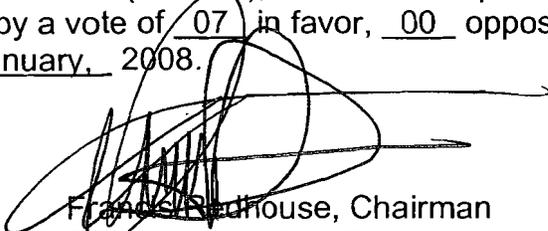
**RELATING TO ETHICS; AMENDING RESOLUTION ERC-98-011,  
REGULATIONS AND STANDARDS OF CONDUCT FOR COUNCIL  
DELEGATES, BY MAKING SUCH REGULATIONS AND STANDARDS  
APPLICABLE TO ALL ELECTED OFFICIALS OF THE NAVAJO NATION**

**BE IT ENACTED:**

1. The Navajo Nation hereby amends Ethics and Rules Committee Resolution ERC-98-011, *Regulations and Standards of Conduct for Council Delegates*, by making such regulations and standards applicable to all elected officials of the Navajo Nation. See Exhibit "A".
2. The amendments enacted herein shall be effective immediately, provided:
  - (a) *Regulations and Standards of Conduct* enacted by ERC-98-011 shall continue to be applicable to Council Delegates for allegations of misconduct preceding the date of the amendments herein.
  - (b) The *Regulations and Standards of Conduct*, as amended, shall be applicable to all events occurring hereinafter; there shall be no retroactive application to events preceding the date of the amendments.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Ethics and Rules Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 07 in favor, 00 opposed and 00 abstained, this 4<sup>th</sup> day of January, 2008.

  
Francis Redhouse, Chairman  
ETHICS AND RULES COMMITTEE  
NAVAJO NATION COUNCIL

Motion: Preston McCabe  
Second: Herman Daniels, Sr.

**ETHICS AND RULES COMMITTEE  
OF THE NAVAJO NATION COUNCIL**

**REGULATIONS AND  
STANDARDS OF CONDUCT FOR  
ELECTED OFFICIALS OF THE  
NAVAJO NATION**

Effective January 4, 2008  
ERC-08-001

**Regulations and Standards of Conduct for  
Elected Officials of the Navajo Nation**

**Section One. Purpose**

- A. These regulations and standards of conduct for elected officials of the Navajo Nation are adopted pursuant to 2 N.N.C. §3758 which permits the adoption of such supplemental codes of conduct to address issues not covered by the *Ethics In Government Law*, 2 N.N.C. §3741, *et seq.* "Elected Officials" include all officials elected or appointed to elective positions pursuant to the Navajo Nation Election Code, 11 N.N.C §1 *et seq.*
- B. The primary purpose of the *Navajo Ethics in Government Law* is to address and prevent financial malfeasance by officials and employees of the Navajo Nation. As a consequence, the Law does not address many aspects of conduct by elected officials, which should be covered by a standard code of conduct. These regulations adopt such a code and make violations subject to sanction under the law. Sanctions will be the same as those for all other violations of the Law. 2 N.N.C. §§3758, 3780 - 3782.
- C. Elected officials are representatives of the Navajo Nation and are therefore expected to conduct themselves in a manner, which reflects creditably upon the Navajo people and government of the Navajo Nation. This supplemental Code is designed to ensure that all elected officials meet the high standards enumerated herein, which are supported by these expectations.

**Section Two. Use of Drugs or Alcohol**

- A. The provisions of the *Navajo Nation Policy On Drugs And Alcohol In The Workplace* shall apply to all elected officials. No elected official shall use, or be under the influence of, alcohol or any controlled substance during the performance of any of his or her duties. These provisions shall apply to all official meetings and hearings attended by elected officials, including those meetings and hearings attended outside the Navajo Nation.
- B. Elected officials are subject to removal and other sanctions for the habitual use of drugs or alcohol, particularly if such use impairs or otherwise adversely impacts the performance of official duties of office.
- C. In respect to the regulation governing drugs and alcohol, elected officials, while on official travel, shall conduct themselves in a professional and dignified manner.
- D. All instances involving violations of this section shall be reported to the Ethics and Rules Office within 10 days of occurrence.

### **Section Three. Courtesy Toward Navajo Nation Employees**

- A. Elected officials shall act in a courteous and respectful manner toward all Navajo Nation employees, officials, and members of the public. No elected official shall use his or her elected position to influence such persons to take any action which is solely for the personal benefit of such official or which is contrary to any Navajo Nation law, rule or regulation.
- B. Elected officials shall not request or demand the assistance of any Navajo Nation employee or official to engage in or otherwise participate in any activity which would be an abuse of official position, a violation of trust, or otherwise in excess of authority.

### **Section Four. Conflict of Interest**

- A. Elected officials shall not use their official position to improperly secure privileges for themselves or others, including but not limited to relatives and constituents, which such persons are not otherwise entitled by law to receive.
- B. Conflict of Interest Defined. Conflicts of Interest arise from personal relationships, economic interests and various duties imposed upon elected officials. The following are illustrative examples, designed to provide guidance. This is not an exhaustive list but some examples:
  - 1. Personal Relationships give rise to a conflict of interest when family relationships are involved, such as when a person seeking to secure a contract is related (husband-wife, son-daughter, *etc.*), to the one awarding the contract (decision-maker). The conflict of interest can and should be avoided by the decision-maker by excluding oneself from this decision, including both debate and voting.
  - 2. Economic Interests present conflicts when the decision maker has an economic interest, because of personal or business interests in the outcome of the decision. In the contract scenario above, if the awarding official (delegates approving) a contract can gain from the award, a conflict of interest exists. An example is where an elected official has an interest (for example, ownership, stockholder, *etc.*) in a business seeking a contract; any such official should recuse him or herself from debate or voting on that contract.
  - 3. Multiple Duties arise to create conflicts when elected officials hold other governmental or non-governmental positions that impose duties upon the elected official in the other roles. Members of Boards of Directors have duties to the entity whose board these individuals serve on. A Board Member who is also an elected official should refrain from actions involving that entity while performing functions as an elected official. For example, if an elected official on a Committee is also a Board Member on XYZ non-profit board, that elected official should refrain from voting upon or debating matters brought to the Committee by

XYZ. This will avoid charges involving violations of either the *Ethics in Government Law* or supplemental rules and regulations.

- C. An elected official shall not participate in debate or vote on any matter before any entity of which the elected official is a member by virtue of his or her status as an elected official, in which the elected official has a personal, family or business interest.
- D. Elected officials shall not sponsor nor seek to use their position as elected officials to seek special consideration for any resolution or other proposed matters in which they have a personal, family or business interest. Elected officials shall not seek to influence their fellow elected officials, either directly or through an agent, to take any particular action on a resolution or any other proposed matter in which they have a personal, family or business interest. Likewise, elected officials shall not seek to influence their fellow elected officials to take unfavorable action on any resolution or other proposed action which may be adverse to the elected official's personal, family or business interests.
- E. Elected officials shall not use their official position to intimidate or harass any person. If authorized by law to participate as a member of a hearing body and impose sanctions or penalties, elected officials shall not sanction or penalize any person without due process of law.

#### **Section Five. Disclosure or Use of Confidential Information**

No elected official shall disclose or use information designated by applicable law as confidential in any manner prohibited by law nor shall any elected official disclose or use any information discussed in an executive session.

#### **Section Six. Undue or Improper Influence; abuse of official position; violation of trust**

- A. Elected officials shall not exercise any undue or improper influence upon any entity of Navajo Nation government. The exercise of oversight, directive, policy-making and all other legal authority of elected officials shall not be deemed or determined to be an exercise of undue or improper influence.
- B. Elected officials shall not engage in any activity, which would be an abuse of official position or a violation of trust.

#### **Section Seven. Unauthorized Compensation**

An elected official shall not claim nor receive any form of compensation for meetings or other business which he or she did not attend for the minimum amount of time required by law. Elected officials may claim and receive any partial compensation allowed by law.

## **Section Eight. Sexual Harassment**

- A.** Navajo Nation Personnel Policies protect Navajo Nation employees - male or female - against unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. Elected officials shall not engage in any conduct, which would be, or could reasonably be perceived to be unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. This policy against sexual harassment prohibits:
1. Repeated sexual flirtations, gestures, advances or demands for sexual favors.
  2. Continued or repeated verbal abuse of a sexual nature, sexually related comments and joking, degrading comments about an individual's appearance, or the display of sexually suggestive objects or pictures.
  3. Any uninvited physical contact or touching such as patting, pinching, or constant brushing against another body.
  4. Any demand for sexual favors that is accompanied by either a promise of favorable job treatment or a threat concerning either the individual's employment or any matter he or she wishes to discuss with the elected official.
- B.** In addition to filing a complaint in accordance with the Navajo Nation *Ethics in Government Law*, 2 N.N.C §3741, *et seq.*, any employee of any entity of the Navajo Nation who feels that he or she is a victim of sexual harassment by an elected official should immediately report the matter in writing to his or her immediate supervisor and the chairperson of the entity the accused serves on and provide a copy to the Ethics and Rules Office.