COMPLAINT, INVESTIGATION AND HEARING PROCESS

1. REVIEWED AND INVESTIGATE BY ETHICS AND RULES OFFICE.

2. HEARING BY OFFICE OF HEARING AND APPEALS.

   NOTE: Findings of violations and penalties against Navajo Nation elected officials and employees shall be final by Office of Hearings and Appeals.

3. APPEALS OF ORDERS ISSUED BY THE OFFICE OF THE HEARINGS AND APPEALS ARE MADE TO THE NAVAJO NATION SUPREME COURT

The information contained herein is not a complete version of the Navajo Ethics in Government Law. The purpose of this pamphlet is to provide a general description of the duties and functions the Office of Hearing and Appeals and those of the Ethics and Rules Office, as well as providing basic information about areas of the law pertaining to ethics and the conduct of elected officials.

The Ethics and Rules Office is available to assist individuals with any questions they may have concerning these restrictions, as well as any other questions involving any other area of the Ethics in Government Law.

ETHICS AND RULES OFFICE
P.O. BOX 5490
WINDOW ROCK, ARIZONA 86515

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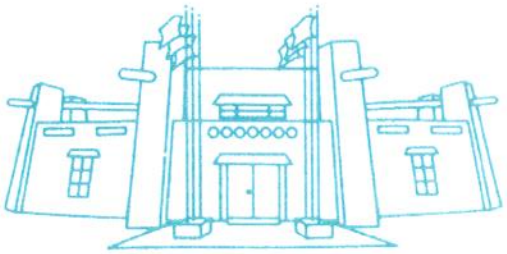
NAVAJO NATION ETHICS IN GOVERNMENT LAW

2 N.N.C §§ 3741-3793



ETHICS AND RULES OFFICE

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PURPOSE

The proper administration of democratic government requires that elected officials be independent, impartial, and responsible to the Navajo people; that government decisions and policy be made in the best interest of the Navajo people, the community and the government; and that the public have confidence in the integrity of its government.

LEGISLATIVE HISTORY

The Navajo Nation Ethics in Government Law was enacted by the Navajo Nation Council on August 9, 1984, CAU-40-84. The latest amendments to the law were approved April 23, 1999, CAP-49/50/51-99.

STANDARDS OF CONDUCT

In addition to those prohibitions in the Ethics in Government Law, the Ethics and Rules Committee of the 21st Navajo Nation Council adopted supplemental rules and regulations governing the conduct of Navajo Nation Elected Officials. Copies of these amended regulations are available at the Ethics and Rules Office and website.

CONFLICTS OF INTEREST

The purpose of the Ethics law is to address conflicts of interest in these areas, as well as in other areas specified in the law. An important aspect of the Ethics in Government law concerns conflicts of interests. The law contains provisions which address economic interests, incompatible interests, confidential information, government contracts, participation in decision making, gifts and loans, use of public property and money, staff misuse, and the employment of relatives

PUBLIC AWARENESS

Public awareness through education is critical for purposes of ensuring compliance with the law. Areas include – overview of the Ethics law; the investigation process; complaints and hearing procedure, collection and enforcement of restitution. Further, it is important that people of the Navajo Nation have a general understanding of what is required of all elected officials and employees of the Navajo Nation. This public awareness helps ensure accountability.

COMPLAINTS

Any person may file a violation of the Ethics in Government Law and all allegations are reviewed by the Ethics and Rules Office. The following are the steps involved:

- All reports of violations are filed with the Ethics and Rules Office. Allegations must be in writing and on an official Intake Form provided by the Office.
- The form must contain the names and addresses of the complaining party and the person who is being accused.
- The report of violation must state the facts constituting the alleged violation of the Ethics in Government Law which must contain supporting documents.
- The report of violation must be signed by the complaining party, acknowledging the belief that the law has been violated.

The office will investigate matters related to Ethics in Government Law and will determine whether a formal complaint will be filed. If a formal complaint is warranted, a complaint is drafted by the Office. Once the compliant is signed and served to the Respondent, it is generally considered a matter of public information.

All rules and procedures in filing a formal complaint must comply with all due process requirements. Aside the basic notice and hearing requirements, the Respondent is afforded the following basic rights:

- Legal Counsel (at own expense)
- Informed of all complaints and allegations
- Confront and cross-examine all witnesses
- Provided an opportunity to be heard, and
- To produce testimony and evidence

OFFICE OF HEARINGS AND APPEALS

On May 11, 2011, Navajo Nation President Ben Shelly signed into law CAP-10-11 amending certain sections of the Navajo Nation Code to conform to the establishment of the 24 member Navajo Nation Council by making revisions to the legislative process and the Standing Committees structure and pursuant to Section 5(E) previous agenda functions of the Ethics and Rules Committee shall be delegated to the Naabik'iyati Committee; previous hearing functions of the Ethics and Rules Committee under the Navajo Ethics in Government Law, 2 N.N.C. §§3741 et. seq. shall be delegated to the Office of Hearings and Appeals. All references to the Ethics and Rules Committee in the Navajo Ethics in Government Law shall accordingly mean the Office of Hearings and Appeals.

ETHICS AND RULES OFFICE

The purpose of the Ethics and Rules Office is to protect the interests of the Navajo Nation by requiring the highest standard of ethical conduct by elected officials and employees of the Navajo Nation along with educating the public, monitoring and ensuring compliance with the Navajo Nation Ethics in Government Law.