



OPASKWAYAK CREE NATION

CODE OF ETHICS AND CONDUCT

Adopted by Chief and Council on December 1, 2014

TABLE OF CONTENTS

PREAMBLE	1
1. General Application of Code of Ethics and Conduct	1
2. Definitions	2
3. Code of Ethics	3
4. Chief and Council	4
5. Prohibitions	5
6. General Standards of Conduct	6
7. Behaviour at Meetings.....	7
8. Definition of Conflict of Interest	7
9. Exceptions	7
10. Chief and Council, Committees, Boards or Employees	8
11. Disclosure of Conflict of Interest	8
12. Disclosure by Candidates for Office.....	8
13. Determining a Conflict of Interest.....	9
14. Where Chairperson Disqualified	9
15. Quorum	9
16. Criminal Charges.....	9
17. Filing of Complaints	10
18. Protection of Complainants	11
19. Prevention of recriminations, victimization or harassment.....	11
20. False or malicious allegations	11
21. Noncompliance of Chief and Council Decisions	11
22. Failure to Comply with Code	12
23. Penalties	13
24. Appeals.....	14
25. Corporations to Comply	14
26. Council of Elders to Comply	14
27. Repeal and Replacement of Code of Conduct	14

PREAMBLE

WHEREAS the Chief and Council of the Opaskwayak Cree Nation (OCN) are the duly elected leadership of the Opaskwayak Cree Nation and, as such, have a duty to conduct themselves in a way as to not bring disrepute upon the Opaskwayak Cree Nation or its members (the "membership");

AND WHEREAS the Chief and Council of OCN hold positions of trust in relation to the assets of OCN and the membership, and have a mandate to act in the best interest of the membership as a whole in the performance of their duties;

AND WHEREAS the Chief and Council of OCN have delegated certain of their duties to certain OCN entities which include Committees and Boards;

AND WHEREAS a Council of Elders is appointed to advise the Chief and Council and to provide guidance in all matters presented to Chief and Council;

AND WHEREAS OCN has inherent jurisdiction to govern its internal affairs and to adopt policies concerning the conduct of its leadership and management;

NOW THEREFORE the Chief and Council of OCN enact as follows:

1. General Application of Code of Ethics and Conduct

- (1) This Code applies to all persons who are members of the Chief and Council of OCN, Council of Elders, Junior Chief and Council, Committees and Boards of OCN and its entities, agencies and enterprises, the Employees of OCN including its entities, agencies and enterprises regardless of position or work status.
- (2) For greater certainty, entities, Boards, Committees and OCN mean the following and their successors:
 - (a) OCN Administration including the divisions and Committees of:
 - (i) Finance and Administration
 - (ii) Community Services
 - (iii) Community Works and Operations
 - (b) OCN Blizzard Junior "A" Hockey Club and its Board;
 - (c) OCN Child and Family Services and its Board;
 - (d) Opaskwayak Education Authority and its Board;
 - (e) OCN Health Authority and its Board;
 - (f) OCN Housing Authority and its Board;
 - (g) OCN Lands Authority
 - (h) OCN Natural Resources Council;
 - (i) Paskwayak Business Development Corporation and its Board;
 - (j) Rod McGillivray Memorial Care Home and its Board;

- (k) The Pas Band Development Authority and its Board; and
- (l) any additional enterprises, entities, Boards or Committees that may be established by Chief and Council from time to time

2. Definitions

- (1) The following terms shall have the following meanings in this Code:
- (a) **“Appointee”** shall mean a person who is a member of, or has been appointed to, a Committee or Board of OCN, its entities or agencies;
 - (b) **“Business Relationship”** means where a person is an owner, partner, shareholder, has an interest in a business or a loan from or to a business for which a contract or other consideration is under discussion.
 - (c) **“Chief and Council Resolution”** shall mean a resolution passed by the Chief and Council at a duly convened meeting where a quorum of Chief and Council is present;
 - (d) **“Civil Disobedience”** means a refusal to obey civil laws in an effort to induce change in Chief and Council policy or legislation, through the use of passive resistance or other nonviolent means.
 - (e) **“Committees and Boards”** shall mean and include all OCN Committees and Boards appointed by Chief and Council and Committees and Boards of OCN entities and agencies, whether incorporated or not;
 - (f) **“Conflict of Interest”** means a situation in which a Council member, Appointee or Employee has an employment, business, financial or personal interest which results or appears to result in an interference with the objective exercise of their duties.
 - (g) **“Council member”** shall mean a Chief or Council member of OCN;
 - (h) **“Council of Elders”** shall mean the group of Elders appointed by Chief and Council to provide them with advice and spiritual guidance;
 - (i) **“Employee”** shall mean any person employed by OCN, its entities, agencies, Boards or Committees;
 - (j) **“Financial Benefit”** shall mean, but is not limited to
 - (i) employment benefits;
 - (ii) contract benefits;
 - (iii) educational, medical or other social benefits;
 - (iv) honorarium;
 - (v) the payment of any money; or
 - (vi) the allotment, leasing or other grant of an interest in OCN lands;
 - (k) **“Immediate Relative”** shall mean:

- (i) spouse or common-law partner;
 - (ii) child, whether natural, legally or custom adopted or foster;
 - (iii) parents;
 - (iv) brother or sister, whether natural, legally or custom adopted or foster;
 - (v) mother-in-law, father-in-law;
 - (vi) grandparents
 - (vii) grandchild;
 - (viii) aunt;
 - (ix) uncle;
 - (x) aunt or uncle's children, whether natural, legally or custom adopted or foster;
 - (xi) any other person living within the same residence as the Council member, Appointee or Employee; and
 - (xii) any other person as Chief and Council may, by policy proclaim in a Chief and Council Resolution, determine to be, or may in a particular situation designate as an Immediate Relative;
- (l) **"Offence"** shall mean an offence for which the conviction of a Council member, Appointee or Employee would, in the opinion of the majority of Chief and Council, Committee or Board result in prejudice to the interests or reputation of OCN if the Council member, Appointee or Employee continued in his or her elected, appointed or employment position
- (m) **"OCN"** shall mean the Opaskwayak Cree Nation.
- (2) A reference in this Code to a person includes:
- (a) a Chief and Council member;
 - (b) an Appointee;
 - (c) an Immediate Relative;
 - (d) an Employee of OCN, its entities and agencies; and
 - (e) a member of the public;

3. Code of Ethics

- (1) In addition to the provisions of this Code, the following standards governing the manner of their conduct while carrying out their duties and responsibilities shall apply to all persons elected, appointed or employed in the service of OCN and its entities:
- (a) First and foremost, absolute commitment of each elected representative, Appointee and Employee to serve the membership of OCN in accordance with the Codes, by-laws, policies, procedures and regulations of OCN;

- (b) Follow and respect all Codes, by-laws, regulations and policies established for the Opaskwayak Cree Nation;
- (c) Respect and adhere to the policies of programs and entities;
- (d) Representatives shall perform their duties in cooperation with their peers, coworkers, supervisors, etc., and conduct themselves according to the principles of teamwork, partnership and participation;
- (e) Work as a unified team for the benefit of OCN and its Membership;
- (f) Respect for other elected representatives, Appointees and Employees and their diverse respective positions and requirements shall be given full consideration at all times;
- (g) Respect and adhere to proper lines of authority, communication and reporting structures of programs and entities;
- (h) Each individual elected, appointed or employed shall be committed to be responsible for the quality of their performance (written, verbal, conduct, etc.) and to ensure that standards of excellence are endeavoured at all times without exception;
- (i) Represent and serve OCN according to the highest standards of personal and professional conduct, confidentiality and allegiance to the Membership;
- (j) Conduct themselves during their term of office or employment in a manner that is honourable, and free of personal interests and self-gain;
- (k) Refrain from using OCN programs, services and entities to advance personal or political interests;
- (l) Ensure that all issues affecting the present and future well-being of the Membership as a whole are being addressed;
- (m) At all times attend to the best interests of OCN and work to enhance, maintain and protect the dignity and integrity of OCN;

4. Chief and Council

- (1) In addition to the provisions of this Code the following standards governing the manner of their conduct while carrying out their duties and responsibilities as the government of OCN shall apply specifically to the Chief and Council of the Opaskwayak Cree Nation:
 - (a) Set an example for others involved in OCN government by acting in accordance with this and other Codes, bylaws, regulations and policies of OCN;
 - (b) As the leadership of OCN, work toward the fulfillment of their office and the execution of their duties, obligations and responsibilities to the Membership;
 - (c) Lead, govern and negotiate in the best interests of OCN, by advocating and lobbying to secure funding, programs and services for the benefit of OCN and its membership;
 - (d) Refrain from publicly criticizing members of Chief and Council or individual OCN Members;

- (e) Acknowledge and respect the contributions of all Band Members regardless of gender and age;
- (f) Recognize and respect that every individual of the Opaskwayak Cree Nation has the right to freedom of speech, choice of lifestyles, beliefs and values;
- (g) Recognize, respect and honour the right of every individual to privacy and to be treated and protected to the greatest extent possible;
- (h) Protect and promote the strengthening, development and welfare of the community and the People of OCN by ensuring that peace, security and safety are maintained;
- (i) Inform and answer to the Membership of Opaskwayak Cree Nation;
- (j) Ensure that programs and entities are meeting the needs and expectations of OCN;
- (k) Attend to the interests of the Band organization and its entities;
- (l) Refrain from interfering with program management and personal involvement in the day to day operations of programs or entities and Employees;
- (m) Refrain from holding the majority of directorship seats within the entities of OCN;
- (n) Portfolio Councillors should only be a liaison between departments and Chief and Council;

5. Prohibitions

- (1) No person shall, in conducting the affairs of OCN, advance his or her own cause or the cause of an Immediate Relative unless doing so would also benefit the membership as a whole.
- (2) No attempt will be made by any person to use their position as a member of Chief and Council, Board, Committee or Employee to:
 - (a) gain special status, opportunities, consideration, contracts, gifts in kind or any other benefits except those which are normally associated with their position as an Employee or as a member of the Chief and Council, Board or Committee;
 - (b) gain special status, opportunities, consideration, contracts, gifts in kind or any other benefits for Immediate Relatives; or
 - (c) coerce any other person to act in a manner that is illegal or contrary to the Codes, by-laws, regulations or policies of OCN or the Committee or Board in which they are a member;
- (3) No person shall accept any benefit, gift or advantage in return for the performance of their duties as a member of the Chief and Council, Board, Committee or entity or as an Employee, as the case may be, other than the remuneration, expenses or per diem established by the entity, Chief and Council, Board or Committee of which they are a member or Employee of.
- (4) Any incidents arising under subsection 5. (2)(c), will be reported in writing by the person to whom the coercion is directed or by any other person who is aware of, or believes that coercion

was attempted or has taken place, to the head of the entity, agency, enterprise or Chief and Council depending on which authority the person attempting coercion is a member of.

- (5) No person shall participate in any decision of the Chief and Council, Board or Committee where that person or an Immediate Relative may be entitled to receive or expects to receive any benefit from the decision in a personal capacity, either directly or indirectly.

6. General Standards of Conduct

- (1) All persons to whom this Code applies have and are bound by the following General Standards of Conduct:
- (a) carry out and be seen to carry out their duties and responsibilities with honesty, dedication, diligence and in the best interest of the Opaskwayak Cree Nation;
 - (b) be accountable to and respect the ownership and power of the Membership;
 - (c) fulfill their duties and responsibilities in a manner that is honourable and free of personal interests and self-gain;
 - (d) observe the traditions of the Opaskwayak Cree Nation and address the maintenance and enhancement of Treaty Rights and privileges;
 - (e) carry out their duties with commitment to ensure the safety and protection of the Membership;
 - (f) address the current needs and expectations of the Membership;
 - (g) portray the highest level of honour and respect for Opaskwayak Cree Nation and its Membership;
 - (h) seek to serve the public interest by upholding both the letter and the spirit of all applicable laws and policies, be they passed by OCN, the Federal Government or the Province of Manitoba;
 - (i) respect and treat fellow members of the Chief and Council, Committee, Board and Employees fairly and equally;
 - (j) ensure that the proper use of authority and decorum is observed at all times whether in a group or individual setting;
- (2) For further clarity proper use of authority and decorum includes but is not limited to the following:
- (a) respecting the Codes, by-laws, regulations and policies of OCN at all times;
 - (b) respecting the lines of authority within OCN at all times;
 - (c) avoiding the use of improper behaviour, language, intimidation, harassment, threats, verbal abuse and false, slanderous or libellous statements;
 - (d) when interacting with the public, press or other entities, emphasize that they do not speak for the Chief and Council, Committee or Board, unless specifically designated to do;

- (e) to avoid discussing confidential matters brought before the Chief and Council, Committee or Board with persons other than those with a direct interest in those matters;
- (f) to ensure that unethical activities that are prohibited by the Codes, by-laws, policies, regulations and guidelines of OCN are neither encouraged nor condoned and are reported to the appropriate authority as soon as a person becomes aware of them.

7. Behaviour at Meetings

- (1) No person shall disrupt a duly convened meeting by:
 - (a) displays of anger;
 - (b) using vulgar, obscene or otherwise unacceptable language;
 - (c) shouting and yelling;
 - (d) arguing with another member of Chief and Council, Committee or Board or an attendee;
 - (e) leaving a meeting by slamming doors;
 - (f) throwing papers/books/objects and threatening with subsequent action or words;
 - (g) threatening other members or other attendees with physical harm;
 - (h) calling another member or attendee to a physical altercation;
 - (i) making disparaging remarks or actions while another member or attendee has the floor to speak;
 - (j) making obscene gestures;
- (2) A person engaging in disruptive behaviour during a meeting will be asked by the Chair to leave the meeting. Before the meeting is over, Chief and Council, the Committee or Board will review the behaviour of the expelled person and may immediately impose the penalties prescribed in this code.

8. Definition of Conflict of Interest

- (1) A Conflict of Interest arises when a person has a personal or business interest, either directly or indirectly through a Business Relationship or Immediate Relative, which may conflict with the Council member's, Appointee's or Employee's obligation and duty to act in the best interests of OCN.

9. Exceptions

- (1) A Conflict of Interest does not exist if the benefit is intended for or available to:
 - (a) to OCN membership as a whole;
 - (b) a group of OCN members who are identifiable by reference to age, gender, financial circumstances and social or medical needs;

10. Chief and Council, Committees, Boards or Employees

- (1) A person, an organization of which a person is a member or Employee or a business in which a person has an interest may receive from OCN a sum determined by a rate not exceeding that fixed by Chief and Council Resolution or by resolution of the relevant Board or Committee for work done for OCN:
 - (a) if the Chief and Council, Board or Committee is unable to arrange to have the work done by a person or organization that does not have an interest in the work to be done, and, before the work is done, the Chief and Council, Board or Committee approves the work to be done by motion or resolution;
 - (b) the work is done to relieve an emergency and the Chief and Council, Board or Committee by motion or resolution passed at its next meeting, approves of the work done and acknowledges that it was done to relieve an emergency;
 - (c) in the case of a Council member, Appointee or Employee, the work is separate from their duties as a Council member, Appointee or Employee; or
 - (d) where it can be shown that, except for a Conflict of Interest, a person would have obtained a contract fairly, either because they are the best candidate available or there was no other qualified OCN member or person;

11. Disclosure of Conflict of Interest

- (1) A person shall disclose to the Chief and Council, Board or Committee of which they are a member, any Conflict of Interest that they have in any matter before the Chief and Council, Board or Committee and that person shall not take part in any discussion or vote on that matter.
- (2) A person shall disclose a Conflict of Interest:
 - (a) at the meeting at which the matter involving the conflict is first considered;
 - (b) if a person is not in a Conflict of Interest situation at the time the matter is first considered then at the first meeting which is held after he or she becomes aware of the conflict;
 - (c) where a Conflict of Interest arises with respect to a contract or transaction after it is made, at the first meeting held after the situation arises;
 - (d) if an individual who is not a Council member, Appointee or Employee, but who would have a Conflict of Interest if he or she were a Council member, Appointee or Employee later becomes a Council member, Appointee or Employee, at the first meeting he or she becomes a Council member, Appointee or Employee

12. Disclosure by Candidates for Office

- (1) Every person elected to Chief and Council or appointed to a Committee or Board shall, within thirty (30) days of his or her election or appointment, file with the appropriate authority a statement of all businesses, partnerships, corporations, developments or undertakings in which

he or she has an interest as a shareholder, owner, officer, agent or Employee. Submissions of disclosure shall be kept confidential and shall not be released to anyone except to Chief and Council, a Board or Committee when a conflict issue arises.

13. Determining a Conflict of Interest

- (1) The Chief and Council, Committee or Board shall determine by vote if a Conflict of Interest exists and the person in question may not take part in that vote.
- (2) Where the Chief and Council, Board or Committee decides that a member has an interest in a matter, the member in question shall not take part in discussion or vote on that matter and they shall leave the meeting for the duration of deliberation and voting.
- (3) The Chief and Council, Board or Committee may allow a member to remain in the meeting if the member has information that the Chief and Council, Board or Committee may require in considering the matter in question.
- (4) Where a member is required to leave a meeting and new information is presented during discussion concerning that member or their interest in the matter, they shall be immediately informed of the nature of the information.

14. Where Chairperson Disqualified

- (1) Where the chairperson is prohibited from taking part in discussion and from voting, they shall immediately relinquish the chair to the vice chairperson or an alternate designated by the members present and the provisions of section 13 of this Code shall apply.

15. Quorum

- (1) Where by reason of exclusion due to a Conflict of Interest, the number of Council members or the number of Appointees on a Board or Committee remaining would not constitute a quorum, the remaining Council members or Appointees shall constitute a quorum for the purposes of deciding any matter which has resulted in the Conflict of Interest.

16. Criminal Charges

- (1) Any Council member, Appointee or Employee charged with an offence or with charges outstanding shall disclose the nature of the offence to the Chief and Council and the results of the disposition of the offence or charges.
- (2) Any Council member, Appointee or Employee charged with an offence which, in the opinion of the majority of Chief and Council, Committee or Board, would result in prejudice to the interests or reputation of OCN shall be suspended from his or her elected or appointed position until the charges are dealt with.
- (3) The Chief, any Council member, Appointee or Employee who is convicted of an offence which, in the opinion of the majority of Chief and Council, would result in prejudice to the interests or reputation of OCN, shall:

- (a) in the event of a conviction by way of indictment, be immediately dismissed from their elected or appointed position, and shall forfeit all rights and privileges thereto;
 - (b) in the event of a conviction other than by way of indictment, be asked to immediately resign and shall, until either they submit their resignation or the expiry of their term, be suspended from any and all privileges pertaining to their elected or appointed position;
- (4) An offence which would result in prejudice to the interests or reputation of OCN, without regard to whether the charge or conviction is by way of indictment or not, shall include, but shall not be restricted to offenses involving:
- (a) fraud or breach of trust;
 - (b) violence;
 - (c) sexual assault;
 - (d) children;
 - (e) illegal Drugs;
- (5) For greater clarity, depending on the circumstances, an offence which may not result in prejudice to the interests or reputation of OCN shall include:
- (a) hunting, fishing and trapping offenses;
 - (b) offenses committed in pursuit or defence of Aboriginal or Treaty rights, self-government or civil disobedience;
 - (c) offenses of a minor nature;
- (6) In determining whether an offence or charge would result in prejudice to the interests or reputation of OCN, the Chief and Council shall consider:
- (a) the seriousness of the charge or offence itself;
 - (b) whether the charge or offence is dealt with by way of summary conviction or indictment;
 - (c) the actual circumstances resulting in the charge or offence;
 - (d) any mitigating factors or defences relating to the charge or offence;
 - (e) any prior history or record of the Chief and Council member, Appointee or Employee;

17. Filing of Complaints

- (1) Any person may file a written statement to the appropriate authority where there is, or may be, a breach of this Code by a Council member, Appointee or Employee.
- (2) Where there is uncertainty that a breach has occurred exists, the onus shall be on the person making a report to seek clarification by submitting the matter to the Chief and Council, Committee or Board for review.

- (3) The appropriate authority shall investigate any matter brought to its attention pursuant to subsection 17. (1), and shall advise the Chief and Council, Committee or Board of its findings.

18. Protection of Complainants

- (1) Any person who makes a disclosure or raises a concern under this Code will be protected if the person:
- (a) Discloses the information in good faith;
 - (b) Believes it to be substantially true;
 - (c) Does not act maliciously or make false allegations; and
 - (d) Does not seek any personal or financial gain.

19. Prevention of recriminations, victimization or harassment

- (1) OCN will not tolerate an attempt by anyone to discipline, threaten, intimidate, dismiss, suspend or take any retaliation or harassment against a person who has reported an incident under this code.
- (2) OCN will respect the confidentiality of any complaint where the complainant requests confidentiality, insofar as it is possible to do that and still properly follow up and to verify complaints.

20. False or malicious allegations

- (1) OCN will not tolerate any person making any allegations which prove to have been made maliciously or knowing them to be false. OCN will regard the making of any deliberately false or malicious allegations as a serious offence which may result in the imposition of penalties under this Code.
- (2) No action will be taken against any person who has submitted an unsubstantiated complaint in good faith.

21. Noncompliance of Chief and Council Decisions

- (1) Incidents where the Chief, the Deputy Chief, a Councillor, the General Manager or the Director of Finance fails to comply with a decision of the Chief and Council shall be dealt with by the Chief and Council and the following shall apply:
- (a) The matter shall be discussed at the first Chief and Council meeting after the failure of compliance first came to light;
 - (b) All circumstances relating to the failure of compliance shall be reported in writing to Chief and Council by any person who has the relevant facts and circumstances;
 - (c) Upon consideration of all facts and circumstances, Chief and Council shall make a motion to ratify or revoke any decision which was taken in the failure of compliance, and may take any further steps as it deems appropriate;

- (d) Persons who knowingly obey orders to act in contravention of decisions of Chief and Council shall not be subject to greater discipline than the persons who issue these orders;
- (2) Any person who uses threats or coercion to persuade or intimidate staff into disobeying the decisions of Chief and Council shall be subject to discipline.
- (3) Any Employee under the jurisdiction of the OCN Personnel Policy failing to comply with a decision of Chief and Council may be subject to discipline in accordance with the terms of the Personnel Policy.
- (4) Only the Chief and Chief and Council, at a meeting of the Quorum of Chief and Council, may determine whether to discipline a member of Chief and Council, and may determine what discipline to impose.
- (5) Discipline which may be imposed on a member of Chief and Council for disobeying the decisions of Chief and Council, in addition to any other penalties prescribed by OCN Codes or By-laws, may include:
 - (a) a direction to improve their conduct;
 - (b) a motion reprimanding the member;
 - (c) suspension or termination of travel privileges or travel budget;
 - (d) suspension or termination of Board or Committee membership, sitting privileges, or voting rights;
 - (e) suspension or termination of Honoraria or Salary;
 - (f) suspension or termination of Chief and Council meeting privileges;
 - (g) a resolution requesting the resignation of the member of Chief and Council;
- (6) Notwithstanding subsection 21. (5), nothing shall prevent the Chief and Council in a meeting of a quorum of Chief and Council, where they have determined that the Chief, Deputy Chief, Councillor, Administrator or Employee has wrongfully disobeyed the direction and orders of Chief and Council, from holding the person personally liable for any costs or expenses arising out of their disobedience.
- (7) Administrators and Employees who are obeying orders of the Chief, Deputy Chief, Councillor, Administrator or Employee, shall not be subject to greater discipline than is applied to the person who issued the order.

22. Failure to Comply with Code

- (1) A Council member, Appointee or Employee who contravenes this Code shall not vote on any matter, and shall not participate in any portion of a meeting which deals with the contravention.
- (2) Where a person fails to comply with the provisions of this Code, the Chief and Council, Committee or Board, as the case may be, may, at its discretion, notify the membership of the

failure by posting a written notice in prominent places on OCN Reserve, and by publishing the notice in the NATOTAWIN.

- (3) Where a person receives a profit, gain, gift, advantage or other benefit as the result of non-compliance with the provisions of this Code, the Chief and Council may, by Band Council Resolution order the person to repay to OCN, the Committee or the Board, as the case may be, any profit, gain, gift, advantage or other benefit so obtained by them or by an Immediate Relative and the order is enforceable in a Court of law or otherwise as a debt due and owing to OCN or the Committee or Board.

23. Penalties

- (1) Where a Council member, Appointee or Employee breaches any provision this Code, the Chief and Council or Board may, by resolution, impose the following disciplinary sanctions:
 - (a) suspend voting rights or other privileges or rights of the Council member, Appointee or Employee;
 - (b) suspend or revoke honoraria, travel allowances, or other benefits or entitlements as the Council member, Appointee or Employee may be entitled to;
 - (c) impose fines, and may take actions as they deem necessary to enforce the payment of fines;
 - (d) terminate membership on Committees or Boards, or by resolution direct Boards to terminate the member's membership, or by resolution request the resignation of the Council member, Appointee or Employee;
 - (e) notify the membership of the breach of this Code and any actions taken by distribution of a written notice, including by posting a notice in prominent places on OCN Reserve or by publishing the notice in the Natotawin;
 - (f) direct the Chief, any Council member, Appointee, Employee or Immediate Relative to forfeit or return any profit, gain, gift, advantage or other benefit resulting from non-compliance with this code, and any profit, gain, gift advantage or benefit shall be deemed a debt owed to OCN;
- (2) Where a Council member, an Appointee, an Employee or Immediate Relative is directed to forfeit or return any profit, gain, gift, advantage or other benefit resulting from non-compliance with this code, and refuses to do so, the Chief and Council or Board may authorize any measures as they deem appropriate to recover the debt including:
 - (a) suspending all future dealings with the Council member, Appointee, Employee or Immediate Relative until the debt is paid;
 - (b) legal action, including seeking a Judgement, Garnishing Order, or debt collection proceedings against the Council member, Appointee, Employee or Immediate Relative;
- (3) Any costs incurred by OCN in collecting the debt will form a charge payable and enforceable against the Council member, Appointee, Employee or Immediate Relative.

- (4) Committees whose members breach this Code shall submit a recommendation to the appropriate authority for the application of any of the penalties contained in this Code.

24. Appeals

- (1) Where a person disagrees with a ruling of a Conflict of Interest, that person may, within five working days after the ruling, request that the matter be referred to an independent third party for an independent ruling.
- (2) An independent third party agreeable to both sides shall be selected within five working days after a request is submitted for an independent ruling.
- (3) The independent third party shall hold a hearing on the matter and submit a decision in writing within ten working days of their appointment.
- (4) The ruling of the independent third party shall be considered binding by all parties.

25. Corporations to Comply

- (1) All Boards, whether incorporated or not, shall review their by-laws and make appropriate amendments to bring them into compliance with the spirit and intent of this Code of Conduct.

26. Council of Elders to Comply

- (1) All members of the Council of Elders shall comply with the spirit and intent of this Code and the appointment of any Elder may be revoked at the discretion of Chief and Council if the Elder fails to do so.

27. Repeal and Replacement of Code of Conduct

- (1) The Code of Conduct passed and adopted by Chief and Council on the 22nd day of January, 1996 is hereby repealed and replaced with this Code of Conduct.

Done and Passed This 1st Day of December, 2014 at the Opaskwayak Cree Nation.

Original signed by a quorum of Chief and Council on December 1, 2014