

Mohawk Council of Kahnawà:ke Code of Conduct for the Council of Chiefs

Enacted by MCED #29 / 2020 – 2021
Approved on: 6, Ohiarí:ha / June 2021

Objective

- 1.1 Kahnawa'kehró:non hold their leaders to the highest standards of professional conduct and personal behaviour, and as public officials Mohawk Council of Kahnawà:ke Council Chiefs must meet the community's expectations in their actions and written and spoken words at all times. This *Code of Conduct* is a statement of a standard of conduct for ensuring that Council Chiefs' actions and words meet the expectations of the community.

Values and Principles

- 2.1 Mohawk Council of Kahnawà:ke Council Chiefs hold office by virtue of the *Mohawk Council of Kahnawà:ke Election Law* and must respect and uphold the rules of conduct stemming from the laws of Kahnawà:ke, this *Code of Conduct*, the *Council of Chiefs Oath of Office*, and all other policies and regulations of the Council of Chiefs.
- 2.2 As a governing body, the Council of Chiefs are committed to the following values:
- a) Respect for all human beings, animal life and the natural environment
 - b) The preservation and revitalization of Kanién'kéha and Tsi Niionkwarihò:ten;
 - c) Personal and professional integrity with accountability to Kahnawa'kehró:ron;
 - d) Personal and professional integrity with accountability to all MCK employees; and,
 - e) Sound decision-making that considers future generations of Kanién'kehaka.
- 2.3 Council Chiefs must practice these principles in carrying out their leadership responsibilities:
- a) Uphold the laws of Kahnawà:ke and act in accordance with those laws;
 - b) Represent Kahnawà:ke's collective interests effectively and conscientiously;
 - c) Consider the perspectives and views of others;
 - d) Be open, honest and transparent regarding decisions and actions taken;
 - e) Strive to maintain and strengthen their relationship with Kahnawa'kehró:ron; and,
 - f) Respect the community's trust and confidence in the Mohawk Council of Kahnawà:ke.

Professional Conduct

- 3.1 Council Chiefs have the right and responsibility to contribute to and participate in a respectful workplace free from discrimination and harassment based on a person's race, colour, ancestry, place of origin, political belief, religion, marital or family status, physical or mental disability, sex, gender, sexual orientation, age, or criminal conviction.

- 3.2 Council Chiefs must adhere to the following rules of conduct at all times in the workplace:
- a) Treat employees, community members and other Chiefs with respect, fairness, and courtesy;
 - b) Do not initiate or take part in any form of discrimination or harassment; and,
 - c) Respond to any incidents of discrimination or harassment and breaches of this *Code*.

Confidentiality of Information

- 4.1 Everyone has a legal right of privacy regarding their personal information, which includes a person's right to determine with whom they will share the information, and to know of and exercise control over collection, use, disclosure, access and retention concerning any personal information.
- 4.2 Information not otherwise available to the public to which Council Chiefs are entitled to in the conduct of their duties is for official use only and must not be disclosed or in any way used for personal advantage or in such a way as to discredit or undermine the MCK.
- 4.3 Confidential information, in any form, that Council Chiefs receive during their term of office must not be disclosed or transmitted to anyone other than persons authorized to receive the information.
- 4.4 The proper handling and protection of confidential information is applicable both within and outside the MCK and continues to apply after a Council Chief's term of office ends.
- 4.5 The following guidelines must be adhered to at all times with respect to confidential information:
- a) Council Chiefs are personally responsible for the collection, disclosure, publication, and disposition of personal or sensitive information, electronic media, and devices they control;
 - b) If there is any doubt as to whether certain information is confidential, Council Chiefs must consult with the appropriate authority before disclosing, releasing, or transmitting it;
 - c) Council Chiefs must not use confidential information received through their work for the purposes of furthering any private interest or making personal gains.
- 4.6 Information of a private or sensitive nature should not be made public; Council Chiefs must respect and comply with keeping such information private and observe all requirements for confidentiality.

Social Media Use

- 5.1 Council Chiefs' relationships with people outside of the MCK work environment through social media platforms are recognized and valued as necessary in the exercise of their leadership, and as a means of connecting with the community and promoting the open exchange of ideas.
- 5.2 While participation in social media is voluntary, Council Chiefs are personally responsible for the content they publish or circulate online.

- 5.3 Council Chiefs using social media must adhere to the following guidelines:
- a) Respect MCK policies regarding confidentiality and the acceptable use of technologies;
 - b) Use of social media during work hours must be directly related to MCK business;
 - c) Ensure that privacy and personal settings on various platforms are verified and appropriate;
 - d) Use of vulgar language, slurs, insults, obscenities, sharing of offensive content or offensive conduct online is not allowed;
 - e) Sharing anything online that may harm the reputation of the MCK or compromise your personal ethics or professional integrity is not allowed, including:
 - i. Defamatory, malicious, intimidating, discriminatory, harassing, or threatening comments or hate propaganda or calls to violence against any groups of individuals;
 - ii. Activity that violates any community law, policy, or regulation;
 - iii. Information that may compromise any court processes or criminal investigations;
 - iv. Any infringement of intellectual property rights, including logos, and copyright.

Conflicts of Interest

- 6.1 Council Chiefs have a responsibility to make decisions solely in terms of the public interest and must not act to gain financial or other material benefit for themselves or their family or friends.
- 6.2 Council Chiefs must respect the integrity of and operate within the established rules of decision-making processes and not use their position to seek to unduly influence any committee, working group or other decision-making entity.
- 6.3 Council Chiefs must not place themselves under any financial or other obligation to an individual or organization that might influence them in the performance of their duties.
- 6.4 Council Chiefs must not provide professional services or be otherwise employed by the governments of Canada or Québec.
- 6.5 Council Chiefs must not give or appear to give preferential treatment to relatives, friends, or organizations in situations where they have a personal interest.
- 6.6 Council Chiefs must immediately declare any personal relationships and any financial or non-financial interests relevant to topics of discussion that arise during meetings and must not take part in discussions or decisions dealing with or affecting their own property or interests.
- 6.7 Council Chiefs have a right to personal and working relationships and associations outside of their official positions as Council Chiefs, however, these must not negatively impact on the performance of their duties or on the reputation of the Council of Chiefs or the MCK as an organization.
- 6.8 Council Chiefs involved in a personal relationship which compromises their objectivity, or may reasonably cause their objectivity to be questioned, must not be in a direct or indirect reporting relationship with that person in the work environment.
- 6.9 Council Chiefs have the right to be involved in activities as members of the community but must keep their role as private members of the community separate and distinct from their responsibilities as Chiefs and must avoid situations in which they, inadvertently or otherwise, place themselves in a conflict of interest.

- 6.10 Council Chiefs may carry on a business, receive remuneration for activities outside their position, or engage in volunteer activities provided that these outside activities do not:
- a) Interfere with the performance of their responsibilities and obligations as a Council Chief;
 - b) Represent a conflict of interest or create the perception of a conflict of interest that cannot be reasonably managed by the Council of Chiefs;
 - c) Appear to be an official act of their office or to represent MCK opinion or policy;
 - d) Involve the use of MCK work time, premises, services, equipment, or supplies;
 - e) Gain an advantage that is derived from their position as a Council Chief.
- 6.11 Council Chiefs must declare when they receive remuneration from any source other than remuneration under the terms of their employment as Council Chiefs, including allowances in relation to membership of any organization, excepting pensions.
- 6.12 Council Chiefs serving on boards or committees that decide matters dealing with land management or operational planning issues must not act on behalf of, or as an agent for, an applicant who has any interest, whether direct or indirect, in the matter brought before the board or committee.
- 6.13 Council Chiefs who have property, financial, business or personal interests that consistently place them in a conflict of interest and prevent them from voting on land management, operations and planning matters on a regular basis should not serve on committees dealing with land management or operational planning.
- 6.14 Actual and potential conflicts of interest must be carefully monitored and managed to ensure that they do not undermine, or appear to undermine, the performance of a Council Chief's duties and responsibilities, or the confidence and trust of the community in the MCK as an institution.
- 6.15 When acting in any official capacity, Council Chiefs must declare any known financial or non-financial interests of their spouse or cohabitee, immediate family members, close friends, or other close relatives living in the same household which may, or which may be perceived to compromise their objectivity.
- 6.16 Council Chiefs must declare any private interests relating to their official duties and take steps to resolve any conflicts arising in a way that protects the public interest.
- 6.17 Council Chiefs must declare any directorships, executive, or decision-making positions they hold within a corporation, company, partnership, trust or any other business entity, regardless of whether or not they are remunerated for that position.
- 6.18 Council Chiefs must declare their shareholdings in the share capital of a corporation, company, non-profit entity, or other community entity.
- 6.19 Council Chiefs must declare non-financial interests such as membership or holding office in community bodies, companies, clubs, societies, and organizations such as trades unions and voluntary organizations.
- 6.20 If a Council Chief has declared an interest in a business entity or in shareholdings of a business entity the Council Chief must also declare every contract or prospective contract the business entity currently has or wishes to have with MCK, including its duration.

- 6.21 Council Chiefs must declare their ownership or other interest in homes, land and buildings situated within the Mohawk Territory of Kahnawà:ke including the Seigneurie of Sault St. Louis lands, Tioweró:ton and adjacent lands.
- 6.22 Overall, Council Chiefs must respect the following practical rules regarding conflicts of interest:
- a) Do not use MCK property, equipment, or your official position to pursue personal interests or the interests of another organization;
 - b) Do not place yourself in a situation where you are under obligation to a person, corporation or organization who might benefit from, or seek to gain special consideration, advantage, or favour;
 - c) Do not give preferential treatment to an individual, corporation, or organization in which you, a relative, acquaintance or friend of yours has a financial or other interest;
 - d) Do not place yourself in a situation where you would benefit from, or it is reasonably perceived by others that you would benefit from, the use of information or relationships acquired solely by reason of your position as a Council Chief;
 - e) Do not provide directive, managerial, or consultative services to any person, firm, or corporation that does business with, seeks to do business with, is funded by or competes with the services of MCK, without providing full disclosure in accordance with this policy, including the obtaining of prior approval of the Council of Chiefs;
 - f) Do not provide input into the development of proposals to the MCK on behalf of any person, firm or corporation that is affiliated with, or is seeking to be associated with or contracted to the MCK, unless specifically required or directed by the Council of Chiefs to engage in this activity as part of their portfolio responsibilities;
 - g) Do not hold a position or have a material financial interest in an organization that competes directly or indirectly with the MCK in the purchase or sale of property, property rights, interests or services or provides goods or services to MCK.

Gifts and Hospitality

- 7.1 Council Chiefs must never ask for gifts or hospitality in the conduct of their duties and must disclose any gifts or hospitality, offered or received, to the Council of Chiefs.
- 7.2 Council Chiefs must not accept personal gifts of a value greater than one hundred dollars, directly or indirectly, including relief from indebtedness, loan concessions, or provision of services at a cost below that generally charged to community members.
- 7.3 Council Chiefs may accept personal gifts of a value less than one hundred dollars that are included in normal exchanges of hospitality between community members, persons doing business together, tokens exchanged as part of protocol, the presentation of gifts to persons participating in public functions or the exchange of gifts between family and friends.

- 7.4 Council Chiefs may accept civic gifts received on behalf of the Council of Chiefs, which must be immediately disclosed and the disposition of which is at the discretion of the Council of Chiefs.
- 7.5 Council Chiefs must consider whether there may be a reasonable perception that a gift received by his or her spouse or common law partner or by any business endeavor in which the Council Chief has an interest, can or would influence their judgment.
- 7.6 Council Chiefs must only accept offers to attend hosted social or sporting events when these are part of community life or where the MCK is expected to be represented and they must limit their involvement to the event in question and not accept repeated hospitality from the same source.

Intellectual Property of the MCK

- 8.1 Council Chiefs must recognize and respect the Mohawk Council of Kahnawà:ke's ownership of intellectual property that may be created or encountered during the course of their work as Council Chiefs, including concepts and ideas, and not use any of the MCK's intellectual property to further their private interests or for personal gain.
- 8.2 At the end of their term of office, Council Chiefs must surrender all files, documents and other information related to work conducted during their term of office to the MCK and maintain all work-related correspondence in their possession for a period of three years.

Breaches of this Code

- 9.1 This *Code of Conduct* is the basis of Council Chiefs' accountability for their personal conduct and for their actions in the performance of their duties as Chiefs, and Council Chiefs must respect and adhere to all provisions of this Code.
- 9.2 Breaches of any part of this *Code of Conduct* by Council Chiefs will be subject to sanction and/or discipline of a form and severity to be determined by the Council of Chiefs in accordance with MCK complaints and disciplinary policies that apply to the Council of Chiefs.
- 9.3 Council Chiefs may also be subject to sanction and/or discipline in response to complaints lodged against them by members of the community as stipulated in the *Mohawk Council of Kahnawà:ke Disciplinary Measures Regulations*, for reasons encompassed by this *Code of Conduct*.