

San Pasqual Band of Mission Indians
San Pasqual Housing & Community Development
Private Home Ownership Program Policies and Procedures Manual

Code of Ethics

I. Purpose

The department (SPH&CD) is a public entity and it must carry out its programs and activities with highly ethical standards to insure good and honest government, to protect it and the Tribe's reputation, and to guard public moneys. The purpose of the department is to serve the interest of the Tribe and not the personal interests of Board Members, employees or tribal officials. The department also recognizes that its program applicants and participants should have the right to have department decisions reviewed a second time by the department as a matter of fairness. Additionally the program applicants and participants can have an Independent Review conducted at the losing party's expense. For all of these reasons the following ethical standards and participant grievance procedures are established.

II. TRIBAL ETHICAL REQUIREMENTS

If the Tribe has established formal ethical requirements for the Tribe, the department has decided that these standards shall also apply automatically to the SPH&CD. They shall be enforced however by the SPH&CD, not by the Tribe, as long as there is no tribal law stating otherwise. The following additional standards have been adopted by the department to govern its actions. In all cases the highest standard between the Tribe or department standards shall be applied and be adhered to.

III. PROHIBITED CONFLICTS OF INTEREST

- A. In performing department activities, a person's duty shall always be to the department and it shall never be to the individual interests of Housing Committee or to the individual interests of employees or agents of the department. Therefore when individuals are involved in a decision – making process or gain inside information, neither they nor the people listed below are to personally benefit from or to obtain a personal or financial interest due to the individual's position at the department. Inside

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information is knowledge that is not supposed to be available to people outside the department.

- B. Improper conflicts of interest occur when any of the following individuals could benefit from either the department decision or from inside information:
1. Department or Housing Board member
 2. Department
 3. Any business partner to the above individuals
 4. An organization which employs or is about to employ any of the first three sets of the above individuals or his/her wife, husband, daughter, son, sister or brother
 5. An immediate family member of an officer, board member, employee or agent (defined as wife, husband, daughter, son, sister, brother, mother, or father)
- C. Except for situations involving inside information (where a conflict of interest cannot be avoided under any circumstance), a conflict of interest may be avoided if the individual who normally would make the decision does not participate in the decision-making process. This means he or she may not talk to decision makers about the matter, may not be present for any deliberations or decision making, may not have any say or vote, and may not be present at any decision making or vote. To avoid the conflict these rules must be carefully adhered to.
- D. When a Request for Proposals (RFP) is required it shall going through the procurement process including adhering to the Tribal Indian Preference policy
- E. Conflicts include, but are not limited to, situations where an individual has an interest in any contract, subcontract or agreement (or a proceed from such an agreement) either for themselves, for people with whom they have business, or for their immediate family (wife, husband, daughter, son sister, brother, mother or father).

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- F. Officers, Housing Committee members, employees, agents and family members related to the any of the previous listed, may participate in the PHOP, as long as
1. They do not participate in their own selection,
 2. There is no conflict with Tribal or state law, and
 3. There is public disclosure of these interests and the basis for selection.
- G. Furthermore, if an officer, Housing Committee member, employee or agent is to benefit along with other program participants because of a department decision solely because they are participants in an department program, this shall not be a prohibited conflict. However, the individual's interest, when possible, should be publicly disclosed each time. The individual may also at any time elect at his or her discretion not to participate in the decision making process to avoid even the appearance of a conflict.

IV. GIFTS

The department and any of their officers, board members, employees or agents may not personally accept any gifts, favors or money from individuals or companies that are current or potential contractors, suppliers or program participants. They may however accept occasional business lunches/dinners so long as as the meals from any such individual or company do not exceed \$100.00 per calendar year

V. DONATIONS

The department may solicit and accept donations to their programs. However, all solicitations and donations must be open, public, recorded and be for the sole benefit of the department. Furthermore donations shall not be considered or accepted if they would influence or appear to influence the award of a contract.

VI. OTHER DEPARTMENT PROHIBITIONS

- A. Department officers, Housing Committee members, employees and agents cannot do any of the following:

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1. They are prohibited during and after their relationship with the department, from disclosing or using for their personal benefit confidential, inside and privileged information.
2. They are prohibited from using department resources for personal political activity.
3. They cannot be delinquent on housing or other payments owing the department.
4. They cannot violate any department drug and alcohol rules and requirements.

VII. DISCLOSURE OF VIOLATIONS

All department officers, Housing Committee members, employees and agents are required to promptly disclose to the department all acts or conduct by department officers, Housing Committee members, employees, agents, contractors, tenants, program recipients that are illegal or are in violation of this Policy. No retaliation or punitive actions shall be taken against an individual for merely making such a disclosure to the department.

VIII. HOUSING COMMITTEE RESPONSIBILITY

This committee is responsible for establishing goals, policies and practices for the Department and providing an overview, direction and monitoring of programs. Therefore, Housing Committee members are to refrain from running the day to day activities of the department and from individually interjecting themselves in management decisions except when specifically authorized to do so in writing by the committee.

IX. TRIBAL INVOLVEMENT

Elected Tribal officials are vitally important in carrying out the activities of the department and should be routinely updated. However, so long as the Tribe maintains the department as its Tribally Designated Housing Entity and a separate organization, tribal officials are not to direct particular services, assistance or programs except for approving the Tribe's Indian Housing Plan.

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X. PARTICIPANT GRIEVANCE PROCEDURE

- A. Any applicant or participant in a departmental program is entitled to have any department decision affecting his or her participation reviewed if that person files a grievance in writing with the department within 10 days of the department decision. A hearing will then be conducted and a decision will be promptly made. The SPH&CD will determine in each case whether the hearing will be public or conducted in a closed session. This grievance process does not apply to complaints filed by employees, vendors, contractors applicants or bidders.
- B. Complainants involved in evictions or lease terminations shall be informed of the opportunity to examine any relevant document, record or regulation that is directly related to an eviction or termination prior to any grievance hearing.
- C. When a grievance is filed, it will be at the sole discretion of the Department whether the implementation of the preceding Department decision or action should be delayed until the Grievance can be heard and decided. Unless the Board states otherwise the filing of a Grievance shall not suspend, delay or disrupt the implementation of a decision or action.
- D. At a Grievance hearing the complainant may designate and be represented by an advisor or representative. A grievance hearing shall be an informal procedure and the SPH&CD shall determine the procedure by either establishing standing grievance procedure files or on a hearing by hearing basis. The grievance panel will make the final decision whether to sustain, reverse or modify the department decision or action and will notify the complainant of its determination. But nothing involving this grievance procedure shall waive any sovereign immunity that the department may have.
- E. If the outcome of the hearing is not liked by the complainant, the complainant may request a third party review by either an independent third party or Tribal Court at the expense of the complainant. The outcome determined by the third party reviewer or Tribal court is the final outcome and requests for additional reviews are not permitted.