

Missanabie Cree First Nation



Conflict of Interest Policy

**Approved by Chief and Council
November 3, 2019**

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Date of Acceptance with Amendment

This policy has been duly accepted with amendments by a quorum of the Missanabie Cree First Nation Council

This 3rd Day, of November, 2019, by Motion # 19.11.03.01.

Definitions

Conflict of Interest – an employee of MCFN will have a conflict of interest when he or she has the potential to personally benefit from their professional duties.

Real – a real conflict of interest is when an employee is in a position to personally benefit from a decision they have made.

Potential - a potential conflict of interest is when an employee is in a position to personally benefit from a decision they have the potential to make.

Perceived - a perceived conflict of interest is when there is a public perception that an employee may benefit from a decision they have the potential to make.

Immediate Family - Immediate family for this Policy is defined as a person's closest biological and non-biological family such as parents, children, siblings, step-parents, step-children, step-siblings, mother-in-law, father-in-law, sister-in-law, brother-in-law, spouses, aunts, uncles, nieces, nephews, grandparents, and grandchildren.

Purpose

The purpose of the MCFN Conflict of Interest Policy is to safeguard the interests and reputation of the Missanabie Cree First Nation (MCFN) and the Chief, Council and employees of MCFN.

This policy will identify situations that present potential conflicts of interest and provide a procedure to appropriately manage conflicts in accordance with legal requirements and the goals of accountability and transparency in MCFN's operations.

1. Application

- a. In order to support the maintenance of good relationships, and to ensure accountability and transparency, all conflicts of interest and appearances of a conflict of interest will be managed through the application of this policy.
- b. The policy shall apply to employees of MCFN.

2. Definition of Conflict of Interest and Examples

- 2.1. For the purposes of this policy, a conflict of interest is defined as a situation in which a person has a private or personal interest sufficient to appear to influence

the objective exercise of their decision-making responsibilities as an employee of MCFN.

- 2.2. Being in a situation of conflict of interest does not mean that the person involved is guilty of any kind of misconduct. When it is pointed out that a person may be in the position of conflict of interest, it does not mean that the person lacks ethics or integrity.
- 2.3. A conflict of interest or the appearance of a conflict of interest should be resolved without delay to protect the reputations of the individual(s) involved as well as MCFN.
- 2.4. Examples: It is not expected that this policy will cover every circumstance involving conflict of interest. However, a conflict of interest or the appearance of a conflict of interest may arise in the following situations:
 - 2.4.1. An employee of MCFN or a member of their immediate family has a personal, material, financial or business interest in a transaction or matter under consideration by MCFN.
 - 2.4.2. An employee of MCFN or a member of their immediate family has a personal, material, financial or business interest in a company or entity that is entering or has entered into a business relationship with MCFN.
 - 2.4.3. An employee of MCFN uses information that is not in the public domain and that is acquired in the performance of their responsibilities, to advance their personal, financial or private interests.
 - 2.4.4. An employee of MCFN gives preferential treatment in any official manner to family members or to organizations in which the employee or their family have an interest.
- 2.5. The list of examples contained in the MCFN Conflict of Interest Policy is not exhaustive, but a guide to provide context and possibilities. There are many situations where there can be a potential conflict of interest.

3. Management of Conflict of Interest

- 3.1. Employees shall perform their official duties in such a manner that public confidence and trust in the integrity of MCFN is preserved.
- 3.2. Employees shall arrange their private affairs in a manner that will prevent conflicts of interest from arising.

- 3.3. If a conflict of interest arises between the private interests of employees and their official duties and responsibilities, the conflict shall be resolved in favour of MCFN.
- 3.4. Employees shall avoid obligations, commitments or debts to a person or organization that might profit from special consideration by the employee.
- 3.5. Employees shall not give preferential treatment in any official manner to family members or to organizations in which the employee or their family have an interest.
- 3.6. Employees shall not knowingly take personal advantage of information not generally available to the public for personal financial benefit.

4. Disclosing Conflicts of Interest

- 4.1. As the Band Administrator is in a position to make decisions regarding financial affairs of MCFN, the Band Administrator shall be required to disclose any situations where the potential for conflict of interest is possible.
- 4.2. MCFN Band Administrator with an actual or perceived conflict of interest shall, without delay, declare the actual or perceived conflict of interest to MCFN Council.

5. Gifts etc.

- 5.1. Employees shall refuse any fees, gifts or other tangibles offered in reward for duties performed through their employment position as stated in MCFN's Code of Ethics (Section R).
- 5.2. An exception to Section 8.1 are the small gifts and favours, i.e. those provided to all those attending a conference. Such gifts represent goodwill and appreciation and can be accepted by an employee.
- 5.3. Gifts from people in partner organizations and communities that are presented in appreciation and as part of our cultural traditions as First Nations, can be accepted on behalf of MCFN, and shall remain in the possession of MCFN.
- 5.4. Employees shall distinguish gifts and favours that represent good will and friendship from those that are designed to create indebtedness on the part of the recipient in order to avoid a potential conflict of interest.
- 5.5. Key ethical principles in resolving the situation are integrity, transparency, and respect.

6. Internal Information

- 6.1. Employees shall not disclose confidential information acquired in connection with disclosures of conflicts of interest, or potential conflicts, which might be adverse to the interests of Missanabie Cree First Nation.

7. Determination

- 7.1. All MCFN Employees shall adhere to the provisions in the Code of Ethics outlined in the Employment Policies and Procedures, particularly those that relate to the MCFN Conflict of Interest Policy.
- 7.2. If a situation arises involving an employee of MCFN, the Band Administrator shall determine whether a conflict of interest exists and whether to take the matter for review by Chief and Council.
- 7.3. The Band Administrator shall take action on any breach of this policy according to the provisions under the Disciplinary Policies and Procedures section of the MCFN Employment Policies and Procedures.
- 7.4. If a situation arises involving the MCFN Band Administrator, Chief and Council shall determine whether there exists a conflict of interest. Chief and Council shall take action on any breach of this policy according to the provisions under the Disciplinary Policies and Procedures section of MCFN Employment Policies and Procedures.

8. Resolution

- 8.1. If a determination is made that an employee is in a conflict of interest, the Band Administrator shall work with the employee to resolve the situation.
- 8.2. If the employee refuses to work with the Band Administrator to resolve the situation, the Band Administrator shall take the necessary steps as outlined in the Disciplinary Policies and Procedures as outlined in the MCFN Employment Policies and Procedures 2002.

9. Appeals

- 9.1. After a conflict of interest has been determined, the employee affected may submit a request by letter to review to the Band Administrator within 14 days.

- 9.2. The Band Administrator shall convene a Conflict of Interest Review Committee (CIRC) and forward the request and all other relevant information to the CIRC within 7 days.
- 9.3. CIRC shall be composed of an Elder Council member, a non-band member and a MCFN band member of voting age comprised from the pool of interested applicants on call to undertake this responsibility.

There shall be a minimum of ten applicants in the pool, and applicants shall be appointed by Chief and Council through the committee application process (See Committee Policy).

- 9.4. CIRC shall meet to review the request and make a decision within 14 days of receiving a review request.
- 9.5. Once a decision is made, CIRC shall inform the Band Administrator who shall immediately inform the employee by written letter. All decisions made by CIRC are final.

10. Training/ Awareness

- 10.1. New employees shall be given the opportunity to be informed on the conflict of interest policy as part of their staff training.
- 10.2. Information shall be presented through staff meetings, mini workshops, staff development opportunities, etc.
- 10.3. The MCFN Conflict of Interest Policy shall be included in the MCFN Employment Policies and Procedures handbook.

11. Amendments process

All amendments to the Conflict of Interest Policy will be approved by quorum of Chief and Council.