

Cherokee Nation Code Annotated

Title 28: Ethics

Chapter 2: Solicitation, Conflicts of Interest and Dealings with Relatives

§ 13. Resolution of conflict issues not defined by statute

Cite as: 28 CNCA § 13

A. In situations not defined by statute any question of whether or not a conflict exists with regard to an employee shall be made pursuant to the written policies and procedures of each entity. Such determination shall be in writing and shall be made open and available to the public upon request. Should any question arise as to conflict the affected employee must seek a determination as designated in the employer's policies and procedures. Failure to request such a determination or failure to make known to the employer any questionable activity may result in disciplinary action up to and including immediate termination.

B. In situations not defined by statute any question of whether or not a conflict exists with regard to an appointed official shall be resolved by the Principal Chief. Such determination shall be in writing and shall be made open and available to the public.

C. In situations not defined by statute, any question of whether or not a conflict exists with regard to a Member of the Cherokee Nation Council shall be resolved by a majority vote of the membership of the Council. Such determination shall be made in public.

D. In situations not defined by statute, any question of whether a conflict exists with regard to the Principal Chief or Deputy Principal Chief shall be determined under Cherokee law including but not limited to proceedings authorized by Legislative Act 10-02.

E. If it is deemed that a conflict exists, such conflict may be resolved by discontinuing the transaction(s) that resulted in the conflict, and/or by transfer of the employee to another department and/or by any other action deemed appropriate by the applicable reviewing body, including any appropriate disciplinary action. In the case of the Cherokee Nation Council, any disciplinary action shall be determined by two-thirds (2/3) vote of the membership of the Council.

F. Cherokee Nation and its instrumentalities shall within sixty (60) calendar days of the effective date of this act promulgate policies and procedures for resolving conflicts pursuant to this section.

Historical Data

LA 31–89, eff. April 8, 1989. Amended LA 34–07, eff. September 13, 2007; LA 25–12, eff. July 24, 2012; LA 40–12, eff. October 16, 2012.