



LAC SEUL FIRST NATION

CONFLICT OF INTEREST POLICY

These Policy and Guidelines for Chief and Council were passed during a duly convened meeting of the Lac Seul First Nation Council held on September 20th, 2024, and confirmed by BCR 24-45-20.

TABLE OF CONTENTS

| | |
|---|----|
| Chapter 1: Introduction | 3 |
| Purpose | 3 |
| Application | 3 |
| Responsibilities | 3 |
| Review | 3 |
| Approval & Amendment Dates | 3 |
| Chapter 2: Definitions | 3 |
| Chapter 3: Duty to Avoid Conflicts of Interest | 4 |
| Chapter 4: Disclosure and Identification of Conflicts of Interest | 5 |
| Personnel Matters | 7 |
| Purchasing and Procurement | 7 |
| Gifts and Other Benefits | 7 |
| Chapter 5: Enforcement | 8 |
| Policy Approval | 9 |
| Appendix 1: Disclosure of Business Interests Form | 10 |

CHAPTER 1: INTRODUCTION

Purpose

- 1** The purpose of the Conflict of Interest Policy is to ensure that the rights and interests of Lac Seul First Nation guide all governance decisions made on its behalf. This Policy aims to facilitate ethical decision-making by those acting on behalf of Lac Seul First Nation and to enhance public confidence in Council and Committees of Council.
- 2** The Conflict of Interest Policy furthers Lac Seul First Nation's Comprehensive Community Plan (2022) by strengthening governance processes and fostering accountability.

Application

- 3** The Conflict of Interest Policy applies to the Chief and Council of Lac Seul First Nation and members of Committees of Council.

Responsibilities

- 4** All members of Lac Seul First Nation Council and Committees are required to comply with the Conflict of Interest Policy.
- 5** Council is also responsible for setting an example for all Committee members, Staff, and Members through their conduct by not only following the specific requirements of the Conflict of Interest Policy, but also by acting in accordance with its broader purpose as set out in section 1.
- 6** The Governance Committee is responsible for periodically reviewing the Conflict of Interest Policy to ensure effectiveness, and making recommendations regarding proposed amendments to Council.

Review

- 7** This Policy will be reviewed every three years and may be amended from time to time.

Approval & Amendment Dates

- 8** This Policy was passed by the Lac Seul First Nation Council by BCR on September 20th, 2024.

CHAPTER 2: DEFINITIONS

- 9** The following definitions apply in this Policy:

- (1) **“Business Interest”** means an interest or stake in a business entity that may provide a benefit, financial or otherwise, to an individual. A business entity may be a sole proprietorship, partnership, corporation, or in any other form.
- (2) **“Council”** means the elected Chief and Council of Lac Seul First Nation.
- (3) **“Executive Director”** means the Staff member appointed by Council to oversee the administration and operations of LFSN.
- (4) **“Immediate Relative”** means a spouse, common law partner, parent, step-parent, foster parent, grandparent, child, step-child, foster child, grandchild, sibling, parent-in-law, child-in-law, sibling-in-law, aunt, uncle, niece, nephew, dependent, or any relative permanently residing in the same household. With respect to foster children, aunts, uncles, nieces, nephews, and dependents, a person’s Immediate Relatives includes the Immediate Relatives of their spouse or common law partner.
- (5) **“LSFN”** means Lac Seul First Nation.
- (6) **“Member”** means a person whose name appears, or who is entitled to have their name appear, on the Lac Seul First Nation Band List, and Membership refers to Members as a collective.
- (7) **“Staff”** means an employee of Lac Seul First Nation, or all employees of Lac Seul First Nation, depending on the context, and includes employees with full-time, part-time, permanent, and fixed-term roles.

CHAPTER 3: DUTY TO AVOID CONFLICTS OF INTEREST

10 A conflict of interest arises when an individual’s personal or financial interests may affect the judgment, decisions, or actions they make in their official role for LFSN.

- (1) An individual’s personal or financial interests can include the personal or financial interests of an individual’s Immediate Relative or another person with whom the individual enjoys a close personal or business relationship.
- (2) A conflict of interest can be actual or perceived.
 - (a) An actual conflict of interest exists when an individual’s judgment, decision-making, or actions on behalf of LFSN are affected by their own personal or financial interests.
 - (b) A perceived conflict of interest exists where others may reasonably be concerned that an individual’s judgment, decision-making, or actions on

behalf of LSFN are affected by their own personal or financial interests, regardless of whether that was in fact the case.

- 11** All members of Council and Committees of Council have a duty to avoid conflicts of interest, both actual and perceived. Avoiding conflicts of interest requires all members of Council and Committees to appropriately separate their personal and financial interests from how they carry out their duties for LSFN, including through non-involvement in decision-making on matters in which they have a personal or financial interest.
- 12** All members of Council and Committees are prohibited from using their position with LSFN for their own gain or advantage or the gain or advantage of an Immediate Relative or other person with whom the individual enjoys a close personal or business relationship.
- 13** All members of Council and Committees have a duty to disclose possible conflicts of interest in accordance with Chapter 4.

CHAPTER 4: DISCLOSURE AND IDENTIFICATION OF CONFLICTS OF INTEREST

- 14** Prior to taking office, every person elected as Chief or Councillor must complete a Disclosure of Business Interests Form, as provided in Appendix 1. Each member of Council is required to review their Disclosure of Business Interests Form once per year and update the information when new Business Interests arise.
- 15** Prior to commencing their term on a Committee of Council, every person appointed as a Committee member must complete a Disclosure of Business Interests Form, as provided in Appendix 1. Each member of a Committee of Council is required to review their Disclosure of Business Interests Form once per year and update the information when new Business Interests arise.
- 16** Copies of completed Disclosure of Business Interests Forms, and any updates, will be provided to the Executive Director and the Executive Assistant to Chief and Council. The Executive Assistant to Chief and Council will maintain the completed Disclosure of Business Interests Forms.
- 17** When carrying out their duties for LSFN, all members of Council and Committees must pay attention to possible conflicts of interest.
- 18** When exercising judgment, influencing or making a decision, or taking an action on behalf of LSFN that may involve their Immediate Relative, may affect their Business Interest, or may otherwise affect their personal or financial interests:
 - (1) A member of Council must disclose the possible conflict of interest to Council at the earliest opportunity;

- (2) A Committee member must disclose the possible conflict of interest to the Committee and the Executive Director at the earliest opportunity; and
- (3) Such disclosure must be made as soon as possible after the conflict is discovered, and, if it is done orally, must also be made in writing as soon as after the initial disclosure as possible.

19 When a member of Council or a Committee member discloses a possible conflict of interest under section 18, or if a possible conflict of interest is identified by any member of Council or a Committee, the person who is in a possible conflict may:

- (1) State that they believe they are in a conflict of interest and would like to excuse themselves from further discussions, decision-making, or action on the topic; or
- (2) State that they are unsure of whether they are in a conflict of interest and seek the guidance of Council or the Committee.

20 When a member of Council or a Committee member states that they believe they are in a conflict of interest and would like to excuse themselves from further discussions, decision-making, or action on the topic, their decision will be respected.

21 When a member of Council or a Committee member discloses a possible conflict of interest and seeks guidance from Council or the Committee,

- (1) Council or the Committee will consider the following:
 - (a) the description of a conflict of interest in section 10;
 - (b) whether the participation of the member who has disclosed a possible conflict of interest is necessary for quorum, and if so, whether the decision can be delayed to the next meeting of Council or the Committee;
 - (c) the nature of LSFN as a small and interrelated community;
 - (d) the views of the member of Council or the Committee on their ability to separate their personal and/or financial interests from the discussion, decision, or action at hand; and
 - (e) how best to ensure public confidence in LSFN governance;

and determine whether an actual or perceived conflict of interest exists.

- (2) If Council or the Committee determines that a conflict of interest exists, the member of Council or the Committee with the conflict of interest will not participate in or attempt to influence further discussions, decision-making, or action on the topic by any means.

- (a) For greater clarity, the member of Council or the Committee with the conflict of interest is required to excuse themselves from the portion of any Council or Committee meeting dealing with the topic giving rise to the conflict of interest.
- (3) If Council or the Committee determines that a conflict of interest does not exist in the circumstances, the member of Council or the Committee will be permitted to participate as they normally would, which includes their ability to abstain from any vote on the topic if they so wish.

22 With respect to the minutes of a Council or Committee meeting:

- (1) When a member of Council or a Committee does not participate in discussions, decision-making, or action on a given topic on account of a conflict of interest, the minutes will note their absence from that portion of the Council or Committee meeting as being in accordance with the Conflict of Interest Policy.
- (2) When a member of Council or a Committee discloses the possibility of a conflict of interest and Council or the Committee determines that no such conflict exists, the fact that a disclosure was made and the determination will be recorded in the minutes.

Personnel Matters

23 For greater certainty, the following types of decisions are subject to this Conflict of Interest Policy:

- (1) decisions respecting the hiring, renewal, promotion, and termination of Staff; and
- (2) decisions respecting the selection of Committee members.

Purchasing and Procurement

24 All purchasing and procurement decisions must comply with this Conflict of Interest Policy.

Gifts and Other Benefits

25 For the purposes of sections 26-29, a “**Gift or Other Benefit**” includes money, services, any form of property, entertainment, and favours.

26 All members of Council are prohibited from accepting or seeking Gifts or Other Benefits that might reasonably be seen to have been given to influence the exercise of their role on Council or otherwise create a conflict of interest.

- 27** All members of Committees of Council are prohibited from accepting or seeking Gifts or Other Benefits that might reasonably be seen to have been given to influence the exercise of their role on a Committee or otherwise create a conflict of interest.
- 28** Members of Council and Committees may accept Gifts or Other Benefits in the following circumstances:
- (1) The Gift or Other Benefit
 - (a) is of nominal value, and does not exceed \$500 in value; or
 - (b) is given according to cultural protocol.
 - (2) In any case, no Gift or Other Benefit may be accepted if it tends to create a conflict of interest as described in section 10 or otherwise violates sections 26-27.
- 29** If a member of Council or a Committee is unsure about whether a Gift or Other Benefit is appropriate, they make seek guidance and approval from Council. Council may consult with the Executive Director for guidance.

CHAPTER 5: ENFORCEMENT

- 30** All members of Council and Committees have a role to play in ensuring that this Conflict of Interest Policy is followed in LSFN governance.
- 31** Failure to disclose a conflict of interest and/or refrain from acting in a conflict of interest is a serious breach that should have consequences.
- 32** A suspected violation of this Conflict of Interest Policy by a member of Council will be addressed in accordance with Chapter 10 of the Policy and Guidelines for Chief and Council.
- 33** A suspected violation of this Conflict of Interest Policy by a member of a Committee of Council will be addressed in accordance with the Committee Terms of Reference.

APPENDIX 1: DISCLOSURE OF BUSINESS INTERESTS FORM

Name: _____

Position: _____

Current Term: _____

The following definitions from the Conflict of Interest Policy are reproduced here for reference:

“Business Interest” means an interest or stake in a business entity that may provide a benefit, financial or otherwise, to an individual. A business entity may be a sole proprietorship, partnership, corporation, or in any other form.

“Immediate Relative” means a spouse, common law partner, parent, step-parent, foster parent, grandparent, child, step-child, foster child, grandchild, sibling, parent-in-law, child-in-law, sibling-in-law, aunt, uncle, niece, nephew, dependent, or any relative permanently residing in the same household. With respect to foster children, aunts, uncles, nieces, nephews, and dependents, a person’s Immediate Relatives includes the Immediate Relatives of their spouse or common law partner.

Please complete the following fields. You may use “N/A” to indicate that you do not have any applicable information to disclose. Additional rows may be added if needed.

List any and all of your Business Interests, where the business entity concerned currently has business dealings with LSFN or may have business dealings with LSFN in the future.

| Name of business entity | Type of interest | Description (optional) |
|-------------------------|---|------------------------|
| | <input type="checkbox"/> I have a financial interest in the business entity. <input type="checkbox"/> I am an officer, director, trustee, partner, or employee of the business entity. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with the business entity. | |
| | <input type="checkbox"/> I have a financial interest in the business entity. <input type="checkbox"/> I am an officer, director, trustee, partner, or employee of the business entity. | |

| | <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with the business entity. | |
|--|---|------------------------|
| | <input type="checkbox"/> I have a financial interest in the business entity. <input type="checkbox"/> I am an officer, director, trustee, partner, or employee of the business entity. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with the business entity. | |
| <p><i>List any and all <u>Business Interests of your Immediate Relatives</u>, where the business entity concerned currently has business dealings with LSFN or may have business dealings with LSFN in the future.</i></p> | | |
| Name of business entity | Type of interest | Description (optional) |
| | <input type="checkbox"/> My Immediate Relative has a financial interest in the business entity. <input type="checkbox"/> My Immediate Relative is an officer, director, trustee, or partner of the business entity. | |
| | <input type="checkbox"/> My Immediate Relative has a financial interest in the business entity. <input type="checkbox"/> My Immediate Relative is an officer, director, trustee, or partner of the business entity. | |
| | <input type="checkbox"/> My Immediate Relative has a financial interest in the business entity. <input type="checkbox"/> My Immediate Relative is an officer, director, trustee, or partner of the business entity. | |

Where applicable, list any and all Business Interests of your business partner(s), where the business entity concerned currently has business dealings with LSFN or may have business dealings with LSFN in the future.

| Name of business entity | Type of interest | Description (optional) |
|-------------------------|---|------------------------|
| | <input type="checkbox"/> My business partner has a financial interest. <input type="checkbox"/> My business partner is an officer, director, trustee, or partner of the business entity. | |
| | <input type="checkbox"/> My business partner has a financial interest. <input type="checkbox"/> My business partner is an officer, director, trustee, or partner of the business entity. | |
| | <input type="checkbox"/> My business partner has a financial interest. <input type="checkbox"/> My business partner is an officer, director, trustee, or partner of the business entity. | |

Name: _____

Signature: _____

Date: _____