

Tzeachten First Nation

Lands Department

Tzeachten lands management advisory committee

{TLMAC}

CONFIDENTIALITY & conflict of interest

**Tzeachten Lands Management Advisory Committee (TLMAC)**

CONFIDENTIALITY

**Confidentiality**

TLMAC Members who have access to information regarding the business and affairs of the Tzeachten First Nation and its members, must hold this information with the strictest of confidence, keeping in mind access and knowledge of interests are privy to the employee due to the position that is held within Tzeachten First Nation. The integrity and dignity of the Tzeachten First Nation and its programs, government and staff are to be maintained at all times. As an TLMAC member, Tzeachten First Nation relies on the committee members maturity and loyalty to guard the privacy of the information the committee members are entrusted with. Information received on the committee must be used for intended purposes only, and not for one’s own interest or that of other people or organizations.

Disclosure of any confidential information may only be done with considerable tact and discretion and with appropriate consent from authorized parties, i.e. Council and employees. In all cases, consent should be provided in writing. Misuse or disclosure of confidential information can result in civil or criminal penalties, both for the committee member involved and Tzeachten First Nation. When a committee member is in doubt as to whether certain information is confidential then that committee member should seek direction from the Lands manager for direction.

If any committee member, wrongfully discloses confidential or sensitive information to an inappropriate party, whether within or outside of Tzeachten First Nation, the committee member will be subject to disciplinary action which may include termination of participating on the Tzeachten Lands Management Advisory Committee. TLMAC members are required to acknowledge and sign a TLMAC Oath of Confidentiality. [See Oath]

When the General Manager or Manager authorizes a non-employee, third party, contractor or consultant access to the Tzeachten First Nation records or information, the GM or manager is responsible for ensuring the nondisclosure agreement (as per appendix c) is signed by the individual/party prior to providing them access to the information. In a case where a manager is unsure whether access to information should be provided the manager must seek approval by the Tzeachten Council.

**Conflict of Interest**

An individual has a “conflict of interest” when the individual makes a decision or performs a duty or function and at the same time knows or ought reasonably to have known that there is an opportunity to benefit the individual’s private interest.

An individual has an “apparent conflict of interest” if a reasonably well informed person would perceive that the individual’s ability to make a decision or perform a duty or function would obviously be affected by the individual’s private interest.

An individual’s “private interests” means the individual’s personal and business interests and includes the personal and business interests of:

* The individual’s spouse;
* A person under the age of eighteen years in respect of whom the individual or the individual’s spouse is a parent or acting in a parental capacity;
* A person in respect of whom the individual or the individual’s spouse is acting as guardian;
* A person, other than an employee, who is financially dependent upon the individual or the individual’s spouse or on whom the individual is financially dependent; and
* A business or entity in which the individual in combination with any other person described in this subsection has a controlling interest.

Despite the list above an individual’s private interests do not give rise to a conflict of interest if those interests:

* Are the same as those of a broad class of Tzeachten First Nation members (for example, a decision about a distribution or benefit to all Tzeachten First Nation members); or
* Are so remote or insignificant that they could not be reasonably regarded as likely to influence the individual in making a decision or in performing a duty or function.

In the performances of their duties and functions, all TLMAC members must act honestly and in good faith and in the best interests of the Tzeachten First Nation. All TLMAC members must avoid circumstances that could result in them having a conflict of interest or an apparent conflict of interest.

An TLMAC member must avoid placing themselves in circumstances where their ability to exercise a power or perform a duty or function of their committee or position could be influenced by the interests of any person to whom they owe a private obligation or who expects to receive some benefit or preferential treatment from them. The Lands Manager must ensure that every TLMAC member is informed of their obligations and must take steps to ensure that employees comply with these obligations.

If an employee believes he or she has a conflict of interest, the employee must disclose the circumstances in writing as soon as practical to the Lands Manager or, in the case of the Lands Manager to Council; and refrain from participating in any discussions or decision making respecting the circumstances of the conflict of interest until advised by the Lands Manager or Council, as the case may be, on actions to be taken to avoid mitigate the conflict of interest.

**Procedure for undisclosed conflict of interest**

If anyone has reason to believe that an employee has an actual or apparent conflict of interest, the Lands Manager, or in the case of the Lands Manager, the Council may request clarification of the matter.

If an employee is alleged to have an actual or apparent conflict of interest but that employee does not agree, the Lands Manager, or in the case of the Lands Manager, the Council, must determine whether there is an actual or apparent conflict of interest.

A decision will be recorded in the personnel file of the employee, in question, by the Lands Manager or, in the case of the Lands Manager, by council. If the Lands Manager or Council determines that there is an actual or apparent conflict of interest, the employee will be subject to appropriate consequences as outlined.

**Gifts and Use of Services**

A TLMAC member must not accept a gift or benefit that might reasonably be seen to influence their decision making or performance of their duties or functions; however, a gift or benefit may be accepted if the gift or benefit would be considered within:

* Normal exchanges common to business relationships; or
* Normal exchanges common at public cultural events of Tzeachten First Nation;
* Is of nominal value;
* Is given by a close friend or relative as an element of that relationship; or
* Is of a type that the policies or directions of the Council have determined would be acceptable if offered by Tzeachten First Nation to another person.

Where a gift with a value greater than one hundred dollars is given to a TLMAC member, the TLMAC member must make a written disclosure of the gift to the Lands Manager, and the gift must be treated as the property of Tzeachten First Nation. This section does not apply to a gift received during a Tzeachten public or cultural event.

Consequences

If an employee breaches this policy, in addition to any other criminal or civil remedies, Council may, at its sole discretion, impose any or all of the following consequences:

* The TLMAC member may be ordered to return money, assets, benefits or gifts and, if they decline to do so, Council may direct the Lands Manger to deduct the value of these items from their honorarium or distribution cheques; and
* The TLMAC member may be ordered to take any reasonable steps necessary to remedy the situation.