

TITLE 180: CNMI CANNABIS COMMISSION

SUBCHAPTER 180-10.2 COMMONWEALTH CODE OF ETHICS

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Subchapter Authority: 4 CMC § 53008.

Subchapter History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

Part 100 - Code of Ethics

§ 180-10.2-101 Commission to Follow Government Ethics Act

The Commission and its employees shall be subject to and follow the Government Ethics Act found in 1 CMC § 8501 et. seq.

Modified, 1 CMC § 3806(f).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.2-105 Responsibilities of Public Office

Individuals appointed to the Commission are agents of the public and serve for the benefit of the public. They shall uphold and act in accordance with the Constitution of the United States of America, the Constitution of the Commonwealth of the Northern Mariana Islands, and the rules, Regulations and policies pursuant to the Act and the Government Ethics Act.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.2-110 Commission Policies

Commissioners and staff shall comply fully with the policies and standard procedures approved by the Commission.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.2-115 Conflict of Interest

There is a public trust to be protected from the danger of conflict of interest.

(a) A conflict occurs when an official's responsibilities, duties or activities conflict with the official's private interests, whether they are of a business, family, social or other nature.

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(b) A Commissioner has an automatic conflict of interest in matters affecting a Commissioner's spouse, children and siblings. A Commissioner must automatically refrain on voting or engaging in any discussions relating to such family members.

(c) Commissioners and Commission staff shall comply with the following Conflict of Interest restrictions:

(1) Shall not use their office/staff to seek employment or conduct business.

(2) Shall not use their position to obtain private gain or advantage for themselves, a relative or an entity in which they have a present or potential financial interest.

(3) Shall not disclose or use confidential information that is not generally available to the public for his/her own or another person's financial benefit.

(4) Shall not participate in transactions that they may influence if they know that a spouse, child, or sibling has a substantial financial interest.

(5) Shall not use public funds, time or equipment for their own private gain, unless authorized by law.

(6) Shall not participate in, vote on, influence or attempt to influence an official decision if they, or the business they are associated with, have a financial interest or can potentially benefit from the matter, unless the interest or benefit is incidental to their position or would normally accrue to them in their profession, occupation or class.

(7) Shall not participate or engage in any conduct or activity that is prohibited by the Ethics Act.

Modified, 1 CMC § 3806(g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.2-120 Political Activity

Each Commissioner, Managing Director and Commission staff must be aware of the rules that limit permissible political activity. The following is intended to highlight the kind of activities that can and cannot be engaged in.

(a) Permissible Activities:

(1) Voting for the candidate of his/her choice.

(2) Expressing opinions on all political subjects and candidates.

(3) Membership in any political party, organization or club.

(4) Making voluntary contributions to a political organization for its general expenditures.

(5) Lobbying and supporting public, Legislative or other Constitutional amendments.

(b) Prohibited Activities:

(1) Use of Commission funds, time, personnel or equipment for political

(2) Activity unless that use is authorized by law or is incidental to a legally authorized or required activity.

(3) Engaging in the discharge, promotion, demotion or changing of the status or compensation of any other official of employee or promising or threatening to do so.

(4) Handing over to the other officials or staff any money or other thing of value to promote any political objective.

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- (5) Use of their office or the Commission or influence to interfere with an election, or affect its results, or coerce the political action of any person or party.
- (6) Being obliged to contribute to any political fund, render any political service or be removed for refusing to do so.
- (7) Pressuring or coercing staff to participate in political activities or to support political parties or candidates under threat of losing one's employment.
- (8) Soliciting or receiving political contributions from anyone while on Commission time or on Commission or government property.
- (9) Campaigning for any candidate for public office during official working hours.
- (10) Promoting or opposing legislation relating to programs of departments on behalf of the Commission in contravention of Commission authority.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.2-125 Non-discrimination Policy

(a) It is the policy of the Commission that discrimination, for or against any employee, because of race, creed, color, gender (including sexual harassment), sexual orientation, national origin, age, religion, political affiliation, organizational membership, veterans status, disability, or genetic information is prohibited and will not be tolerated. No adverse action or hiring decision shall be made on the basis of any of the above factors except that veterans' status may be considered positively as permitted by law.

(b) The Commission shall maintain every workplace free from unlawful harassment, including sexual harassment. Any employee or official who engages in any act of discrimination or harassment on the basis of any of the above factors violates Commission policy, and such misconduct will subject the employee to corrective action ranging from counseling to disciplinary action up to and including termination. Such harassment by a non-employee (for example, a client or contractor) is also prohibited.

(c) The Commission shall not tolerate any such outside harassment and shall take necessary action to prevent its continuation or recurrence.

(d) Any employee who feels that he or she has been discriminated against on the basis of any of the above factors, or sexually harassed, should immediately report such incidents to a supervisor at any level without fear of reprisal. Confidentiality will be maintained to the extent permitted by the circumstances.

(e) An employer who receives a claim of discrimination or harassment in violation of this policy shall take such complaint seriously and immediately advise the Managing Director or the Commonwealth Equal Employment Opportunity (EEO) Coordinator of the situation. The Managing Director, with the assistance of the EEO Coordinator, if sought, will ensure that it is investigated promptly, privately, and with as much confidentiality as possible, consistent with the need to determine the facts. The investigation will be documented by an investigative report that will be retained in a confidential file by the Managing Director or EEO Coordinator. Any person accused of a violation shall be allowed the opportunity to rebut the charges.

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(f) After determining the facts through the investigation, the Managing Director shall take corrective action as required by the circumstances. This may include counseling any employee, whether or not a violation has occurred; imposing an appropriate sanction, including disciplinary action; making sure that this policy is reiterated to all employees or any group. An employer, or any supervisory staff, who does not take appropriate action also violates this policy and exposes the Commonwealth government to liability.

Modified, 1 CMC § 3806(a).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).