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# Memorandum

**TO:** Legislative Operating Committee (LOC)
**FROM:** Krystal L. John, Staff Attorney
**DATE:** November 18, 2015
**RE:** Oneida Higher Education Scholarship: Public Meeting Comment Review

On October 29, 2015, a public meeting was held regarding the development of the Oneida Higher Education Scholarship (Law). This is a new Law that:

- Identifies the duties and responsibilities of the Higher Education Office which includes awarding scholarships pursuant to this Law, developing and maintaining rules and regulations to carry out this Law and developing and maintaining a system of internal controls for the Higher Education Office *[See 305.4-1]*.
- Lists the eligibility and requirements for an applicant seeking a scholarship *[See 305.5]*.
- Sets the length of funding, identifies the different tiered funding systems and explains how the scholarship amount is determined *[See 305.6]*.
- Allows the Higher Education Office to make exceptions to eligibility, requirements and length of funding on a case-by-case basis. The Law also notes that the Higher Education Student Handbook sets out the exception process *[See 305.7-2 & 305.7-3]*.
- Gives the Higher Education Office the authority to enforce this Law *[See 305.8-1]*.
- Allows a student appeal a scholarship decision only if he/she can show the Higher Education Office failed to abide by this Law and/or the Higher Education Student Handbook *[See 305.9-1]*.

This memorandum is submitted as a review of the oral comments received during the public meeting process and written comments received within the public comment period. The public meeting draft with comments and the written comments received are attached for your review.

**Comment 1. LRO Analysis – Higher Education Student Handbook**
There are discrepancies with this Law and this Higher Education Student Handbook; however, the Higher Education Student Handbook is in the process of being updated.

**Nancy Barton:** I am referring to, let me see here now, my pages came apart I'm sorry, I'm referring to page 2 of 2 where the legal review is. Where it is says there are discrepancies with the law and the higher education student handbook. And then it says the student handbook is in the process of being updated. Well how can you do one without the other? So it seems to me they go hand-in-hand and then you can't make a law or a rule and then come back and make a handbook. So it doesn't make sense.

*Response*

Nancy is correct that the Law and the Higher Education Student Handbook go hand in hand, however, based on the requirements of this Law, the Higher Education Student Handbook is not required to be reviewed or approved by the LOC, but rather it goes directly to the Oneida Business Committee (OBC). That being said, in recognition of the importance of the said Handbook, the Higher Education Office has been directed to have the Handbook prepared to accompany this Law when it is presented to the OBC for adoption so that there are no gaps between this Law and the Handbook at the time of adoption.

There are no recommended changes based on this comment.

**Comment 2. Scholarship v. Grant Language Discrepancy**

**Jessica Long** – *written:* Verbiage = Scholarship vs Grant (Multiple times throughout the Law)

a. Our office collaborated with NWTC for our Spring Financial Aid Workshop. With directive from our Manager, I listed the funds as a Scholarship. Dan Mendoza, from the Financial Aid Office at NWTC stopped me after the presentation and asked if we were a Scholarship. I let him know we were technically a Grant since we are not merit based, however, we were told to call it a Scholarship. His response was, "I was going to say…you don't award based on scholarship requirements, you have a grant."
    i. Changing the verbiage of the funds would not only change the meaning for the students, but also potentially create confusion in the Financial Aid world which could lead to student's awards being delayed while clarification is sought.

**Don White** – *written*: I agree, the Scholarship should not be based upon "scholarship or academic standing". I think the Scholarship should provide a basis for "opportunity", for a Tribal Member to obtain self-sufficiency, to achieve the Tribe's Vision Statement.

**Mitchel R. Metoxen** – *written*: This is **<u>not a "scholarship.</u>**" It has never been practiced as a scholarship.
**<u>Scholarships</u>** are merit based, competitive, typically require higher gpa's requirements, designed for a certain gift you have, i.e.; sports, special talent or interest, etc., can be specific to minorities, first generation college, and often have first-come first-served approach, meaning limited funds so you need to apply early. Though scholarships can apply to a certain group of people, they are typically competitive within that group. Scholarships can also be mailed directly to the student.
**<u>Grants</u>** are typically given through a government (which Oneida's Higher Education "Scholarship" is given through Oneida Tribe). Grants are more commonly need based, which is partially what we practice. Grants are mailed directly to the college, not the student. If you have a lower income household, you will get more grant monies. Holds recipient to average gpa requirement.

The change of naming/labeling these monies as a "Scholarship" came about 2 to 3 years ago. Prior to that, it has always been referred to as a Grant, both verbally and on our stationary. It was always practiced and administrated like a grant. With this label change we are attempting stricter rules to resemble a scholarship. Don't allow this change of a scholarship mentality occur.

The proposal leaves much room for stricter policies that will be later created by a "student handbook." Why give this power to a committee? What things are being taken away and what future possible changes can be made?

**Sherry King** – *oral and written*: I am presenting comments today because I am concerned about the

Oneida Higher Education Grant program. I think it provides many wonderful, the Oneida Nation provides many wonderful benefits to its members, but of all the benefits and services, I feel the Oneida Higher Education grant is the one benefit that really changes lives and has a lasting and positive effect on future generations. Just yesterday, I ran into one of the students that Oneida Higher Education funded, who with his degree was able to apply for a high level management job at his company, and he got the job. While he had some other strong personal characteristics that his employer most likely recognized, without that diploma, he did not meet the qualifications for the job. He was so happy and thrilled with his job and being able to take care of his family. But this is a student who completed his degree at an online school, he had his ups and downs while on the Oneida Higher Education program – including probations, suspension, and appeal, but he continued on and did graduate with a Bachelor's Degree that has opened doors for him. This student will likely stress education to his children and prepare them to be or prepare them to be better prepared when they are ready to enter a college or university. And I share that story only to emphasize that the Oneida Higher Education program serves students with varying needs and as changes are considered and codified, which we're proposing, I ask that you carefully considered the foundation and the spirit of the program by those who drafted the original resolution and the GTC who approved it. The reason I feel it is important to remember the spirit of the resolution is that we have somewhat recently began to referring to the program as a scholarship program while for many years in the past it was referred to as the Higher Education grant. Everything you read today also refers to it as a scholarship program. And while that might be just a word, I think we all know how important words are. Words identify, design and give shape to beliefs and actions. In other words, they have power. It brings to mind the little word "of" and our effort to change our constitution and free ourselves of the name "Oneida Nation OF Wisconsin". I looked up the definition of the words "scholarship" and "grant" and found that there is some overlap but several of the sources define scholarship as awarded on the basis of academic or other achievement". It should be noted that some organizations do use the words almost interchangeably. But in Wikipedia which is referenced on the internet refers, has written that "most scholarships are based on merit or talent, without considering economic need or ethnicity. Since the economically privileged usually have better schools and more access to other educational resources, merit-based awards/scholarships favor the economically privileged. While Caucasians account for 62% of full-time college students in America, they receive 76% of all scholarships. Vocabulary.com also defines scholarship as profound scholarly knowledge, or financial aid provided to a student on the basis of academic merit. In conclusion, I bring this to your attention today so that we maintain the spirit and purpose of this program when it is when it was established. I propose that all members continue to have access to the educational benefits and that it not become a program for a high academic achievers only. I propose we continue assisting students without establishing roadblocks such as eliminating certain types of schools, like the, such as on-line schools, that we recognize that different people have different needs and methods of achieving their educational goals. I believe it is in the best interest of our nation to promote high achievement and success but not if the expense of members who are working toward that goal in a different manner and may not have had all the benefits that some of us here today have enjoyed. Let us keep in mind the spirit of the original proposal and resolution as decisions are made that will take us into the future and care for the next generations as past generations have cared for us. Yaw^ko
See: https://en.wikipedia.org/wiki/Scholarship

**Julie Barton:** So I know it works but I don't want any more barriers to this. Saying well maybe he or she does not need it or maybe we should put income guidelines on it or maybe we should cut it because we're not making the money we're used to. So those are the things that should not be batted around and so forth when it comes to using this money and awarding the scholarships. And I agree with Sherry that let's use another words to this scholarships. And I thank the Education Department

for doing what they need to do to take this money provide that goal for all of us. Thank you.

*Response*
It is correct that the Oneida Higher Education Scholarship functions more as the standard definition of a grant than as a scholarship because there is no competition for funds based on need or merit. This Law does not change that function. This Law is required to comply with the General Tribal Council's (GTC) resolutions related to Higher Education and each of the GTC Resolutions (GTC Resolutions 08-12-96-A; 12-07-96-C; and 01-30-10-A) classifies the awarding of funds a "scholarship" and not a "grant."

The requirement in the Law related to requiring a student to be in academic Good Standing are directly derived from GTC Resolutions 08-12-96-A and 12-07-96-C and BC Resolutions 05-09-01-B; 10-24-01-K; and 07-24-02-A. The requirement is further supported by the most recent GTC Resolution 01-30-10-A which states "that the requirements of GTC 08-12-96-A and the subsequent amendments to that resolution shall remain in effect."

GTC Resolution 08-12-96-A states "Oneida students enrolled in a vocational or undergraduate program will be required to maintain at least a 2.0 grade point average in order to maintain the scholarship, and students enrolled in a graduate program will be required to maintain at least a 3.0 grade point average in order to maintain the scholarship."

GTC Resolution 12-07-96-C states "Maintain 2.0 grade point average. Provide one semester/period grace period for 2.0 grade point average."

BC Emergency Resolution 05-09-01-B states "the GTC Resolution requires students enrolled in graduate programs maintain at least a 3.0 grade point average"… "[T]he Oneida Business Committee hereby amends GTC-8-12-96-A to allow the Higher Education Office to utilize a school's grading policies for those professional doctoral degrees where a grade point average below 3.0 is an acceptable average to remain in good standing."

BC Emergency Resolution 10-24-01-K states "[T]he Oneida Business Committee hereby amends GTC-8-12-96-A to allow the Higher Education Office to utilize a school's grading policies for those professional doctoral degrees where a grade point average below 3.0 is an acceptable average to remain in good standing."

Lastly, BC Resolution 7-24-02-A states "Oneida students enrolled in a vocational or undergraduate program will be required to maintain at least a 2.0 grade point average in order to maintain the scholarship, and students enrolled in a graduate program will be required to maintain at least a 3.0 grade point average in order to maintain the scholarship, however, the Higher Education Office is allowed to utilize a school's grading policies for those professional doctoral degrees where a grade point average below 3.0 is an acceptable average to remain in good standing."

The requirement of this Law in Section 305.5-1(b) requiring the student to be Good Standing is merely a reflection of the requirements already contained in the applicable Resolutions. This Law does not place any new or additional requirements on those applying for the Scholarship, and, specifically, does not add a merit or need basis for awarding the Scholarship.

There are no changes recommended based on these comments.

**Comment 3. Purpose and Policy**

**305.1. Purpose and Policy**
305.1-1. Purpose. The purpose of this Law is:

(a) To implement a scholarship program that is compliant with the following resolutions GTC-08-12-96-A, GTC-12-7-96-C, BC-05-09-01-B, BC-10-24-01-K, BC-07-24-02-A, BC-01-26-05-A and GTC-01-30-10-A.

(b) To specify the funding requirements and procedural controls for awarding Scholarships.

305.1-2. *Policy*. It is the policy of this Law to have a consistent methodology for awarding Higher Education Scholarships so that the Tribe is able to provide educational opportunities to Tribal Members and award Scholarships in a consistent and fiscally responsible manner.

**Don White** – *written*: I am writing to provide testimony regarding the purpose and intent of the Scholarship. First, the purpose and intent of the Scholarship should be relative to the expected "outcome", from the Scholarship. Said "outcome", should align with the "Vision of the Tribe". In this case, the Scholarship should lead to the development of a "Strong Family, built on Tsi 'Niyukwalihot^, and a strong economy".

I think the Scholarship should be expanded beyond Higher Education, to include funding for training and education that leads to employment and economic self-sufficiency for individuals and families. This includes Blue and White Collar employment/careers.

I also think the Scholarship should support fundamental human development in the area of Oneida Culture, to include Language. There is a sufficient body of knowledge that identifies the psycho-social and wellness benefits of a "healthy self-concept and self-esteem", through a working knowledge of one's Culture, Language, History, Ethnicity and contribution. Know who one is provides a strong foundation for resiliency, achievement and success.

In conclusion, I agree that the Oneida Scholarship should be administered and managed in keeping with the "Spirit" of the Resolution. The Scholarship should not be administered and managed with a focus on "managing money". Instead, the administration and management of the Scholarship should be "facilitated", in keeping with, and achieving the Vision of the Tribe, building, supporting and sustaining "strong Oneida Families, built on Oneida Ways, that lead to a strong and sustaining Oneida Economy.

*Response*
There are no changes recommended based on these comments.

**Comment 4. Adopting Body**

**305.2. Adoption, Amendment, Repeal**
305.2-1. This Law was adopted by the Oneida Business Committee by resolution _____.

**Cathy L. Metoxen** – *written*: Higher Education needs to go GTC.
**Norbert Hill, Jr.** – *written*: Let the professionals manage the HE scholarship, the BC oversight and the GTC to oversee to make sure the law is followed. Trust the professionals you hired to administer the job.

The federal and state laws, policies and procedures are complex and continually changing. GTC would not begin to understand the complicated issues involved. Financial aid is almost a separate language. Time to time the Student Handbook will require revision to keep up with this ever changing field.

GTC should not be the arbiter for scholarship appeals.

Privacy issues will violated
Public disclosure in front of 1000+ attendees
Undue delays and enormously cumbersome
GTC should not be in the day to day business of Higher Education.

**Nancy Barton:** And I also agree that this policy it's illegal to pass this unless this goes before GTC.
**Mike Debraska:** Line 15 under adoption, amendment, and repeal at 305.2, I wanted to take out the, keep this law may be amended or repealed only by General Tribal Council.
**Norbert Hill, Jr.:** The, to have GTC be the arbiter in any appeal of any scholarship, I think you are fooling around with privacy issues as well as vetting somebody's financial concerns in front of a 1000 or 2000 people. So I think, and it would also create undue delays for a student going to school because they'd have to wait for the next GTC meeting to do this. The Higher Education Office reports to the Business Committee which are responsible for oversee and so I think that would be not a good policy to direct it to the General Tribal Council, with all due respect to the General Tribal Council. So there is an issue of the spirit but the trust and management. The other thing is that Higher Education, 4 year baccalaureate degree is really the new high school. In terms of the changes that we have made since the scholarship was initiated. And so kids out of high school are going to require post-secondary changes, the laws, the regulations, the policies of financial aid is a moving target and keeping up with those regulations now are difficult to stay with and it will be even more difficult for GTC to understand in a short period of time those changes. So you got to trust the professionals that are doing the job.

*Response*
In BC Resolution 7-24-02-A, which is an "Amendment to the Education Resolution #8-12-96-A," the OBC is named the responsible party to make amendments related to the Scholarship, provided that it is required to provide notice to the GTC as soon as possible. The exact language of the resolution states:

> **NOW THEREFORE, BE IT FINALLY RESOLVED,** that the Oneida Business Committee is hereby responsible for enacting future amendments relating to the scholarships, with notification provided to the General Tribal Council, at the first opportunity, either at the Annual or Semi-Annual Meeting, whichever is sooner.

This Resolution is incorporated into GTC Resolution 01-30-10-A which states, "that the requirements of GTC 08-12-96-A, and the subsequent amendments to the resolution, shall remain in effect."

Based on this language, this Law is not required to go before the GTC prior to its adoption, but once passed, notice must be provided to the GTC at the sooner of the Annual or Semi-Annual Meeting.

There is no recommended change based on these comments.

**Comment 5. Conflict Between this Law and Another Tribal Law**

305.2-4. In the event of a conflict between a provision of this Law and a provision of another Tribal law, the provisions of this Law control.

**Mike Debraska:** At lines 22 take out after Tribal law comma and take out the provisions of this law control period. And then add GTC shall make a determination as to which law actually controls. Because if there's a conflict or an existing conflict with a current law, I think since General Tribal Council is the one that put this law in place, General Tribal Council should be able to determine which laws going to prevail. If there's a conflict somewhere else with what somebody else did within the Tribe, that should come to GTC and GTC should be able to make that determination.

*Response*
The language requested to be revised by the commenter is language that is required pursuant to Section 16.11-1(b) of the Legislative Procedures Act, which was adopted by the GTC.

There are no recommended changes based on this comment.

**Comment 6. Definition of Accreditation**

305.3-1(a) "Accredited vocational program, college or university" means any United States educational institution eligible for federal financial aid or any Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs.

**Anita Barber –** *written:* When is Oneida going to accredit itself for language and culture and be accepted for the Higher Education fund? There are processes in place for current initiatives.

It seems we are our own worst enemies. The US Government tactics seem to have won our community. ?

In 2014 there were 22 individuals who applied and began attending Tsi?Niyukwalihot^. All but 5 needed to stop in order to obtain work to support their families. 2 remain faithful participants because they are retired and do not need the funding. It is easy to say to learn on your own or have night classes, however the reality is families have afterschool programming to develop social, physical, academic, and learning skills.
Educational theorists along with cultural teachings indicate that the best learning happens in the morning. After 2pm or when the sun begins to set other elements get in the way of the learning process.

**Jessica Last** – *written:*

a. "Accredited vocational program, college or university means any United States educational institution **eligible for federal financial aid…"**
    i. This is not the definition of accredited and listing it as such means students in vocational driven programs may not receive our funding.
        1. Accredited – Accreditation is the recognition that an institution maintains standards requisite for its graduates to gain admission to other reputable institutions of higher learning or to achieve credentials for professional practice. The goal of accreditation is to ensure that learning provided by institutions of higher education meets acceptable levels of quality. (ope.ed.gov)

ii. Excluding programs which are from an Accredited university or college but are not eligible for federal financial aid means you may be limiting students from attending career driven programs.
    1. Example: We have a student attending a prestigious college in which their Masters of Finance is not financial aid eligible. When I called to discuss with their Finance office she explained their students are generally employed and don't seek financial aid, therefore, they chose not to continue with the hassles of offering Financial Aid. The student's employer specifically recommended this school due to their prestige and curriculum. We fund tuition and books only since they are not Financial Aid eligible.
    2. In addition to the prestigious programs which this would eliminate, it would also limit the students who wish to obtain certificates which will allow them to obtain employment.
        a. I worked with a student who was recently returning to school after 15 years. She had 2 children and was working long shifts and needed a change. She was very interested in Graphic Design, but did not feel she could commit to a 2 year program. She wanted to attend NWTC's Marketing – Graphics certificate program in which would allow her to get started in her desired career and then possibly continue once she was employed.
            i. The benefit of her starting with this program was not only her employment but her children seeing her attend courses and work hard to create a better life for herself.
        b. I have heard these certificates referred to as "hobby programs" which is not a fair categorization. All of the students I have met with that were interested in certificates were career seeking students who could not commit to a longer program at the time, but found an area of interest in which they would like to gain employment.

**Cheryl Vandenberg** – *written*: In regard to funding for Canadian educational institutions. I believe this area of funding needs more investigation and too preliminary to be added to this current policy. It needs to be researched and developed in much more detail. In the 1970's the Oneida Language program was successful and it is important to develop a program that is accessible to the Oneida community verses a few individuals.

**Mitchel R. Metoxen** – *written*: **Programs at Accredited colleges not eligible for federal student aid not allowed:** Redefines programs we can fund. Can we no longer fund certificates? Go to https://www.nwtc.edu/Programs/Certificates to see the many career oriented certificates NWTC offers. With this new legislation, the program not only has to be at an accredited college, but it also has to be eligible for federal student aid. Some accredited colleges, accredited by the US Dept of Education, may not be eligible for federal student aid, but they are still accredited, having gone through the rigors of becoming accredited. This has not been an issue for past students and these are not all "diploma mills."

Why is this legislation redefining **Accreditation**? The initial Higher Education GTC Resolution uses the word Accreditation and we've always defined it as US Dept. of Education defines it. Now they are adding the words "eligible for federal student aid."

Higher education has changed since 1996, this legislation seems to have the spirit of taking away flexibility, putting up barriers and keeping things in a box. It removes a person's individual approach to achieve their higher education potential and goals.

Here are some examples of students attending accredited colleges (accredited by the US Dept. of Education) but not eligible for federal student aid:

Bethel University, Doctorate of Ministry, Private Not-For-Profit University, Funded only tuition and books
Viterbo University, Masters in Education with Emphasis in Reading, Private Not-For-Profit University, Funded only tuition and books
The American College of Financial Services, Masters of Science in Financial Services, Private Not-For-Profit, Funded only tuition and books
FVTC, Golf Course Turf & Equipment Technician, Public Technical College, Funded only Tuition and Books
NWTC, Early Childhood Basic Ages 3 – 5, Public Technical College, Funded only Tuition and Books

The current definition as to what makes an institution eligible for our grant is: They have to be attending an Accredited college that is accredited through the US Dept. of Education and their program has to be either eligible for federal student aid, or end in college credit (not clock hours or CEU's), or end in a state license. This definition has worked well for us since the inception of the current Higher Ed. Grant and should remain. Don't allow a committee to have the power to say what can and can't be funded.
**Norbert Hill, Jr.** – *written*: Accept only post-secondary schools that are officially accredited by the Higher Learning Commission (HLC) or a similar recognized body. Oneida should only provide funds for those post-secondary schools that hold high standards in teaching, learning and assessment. Schools without accreditation should not receive any Oneida resources. Students should not be wasting their time with empty credentials with poor career outcomes.
**Mike Debraska:** Lines 30-32, after where it says accredited vocational program, college or university means United States educational institution eligible for federal financial aid period. The rest of it can go.
**Nancy Barton:** The first thing that I want to identify is on page 65-1 the definitions, lines 29 & 30, accredited vocational college and university and stop right there.
**Norbert Hill, Jr.:** I think we need to hold the standard on accredited schools. There is a lot of fly by night colleges. You know, you could probably find antidotal information about a college doing a good thing but I think we need to hold the standards and hold our students to the highest standards that they can do. Due to the previous comments that were just made, the Higher Education Grant provides room and board, stipends and other living costs, so I don't know what the students other particular issues were but I've been in Higher Education for 45 years and managed many scholarship programs and Oneida's is probably one of the most generous and the most flexible of all scholarship programs in the Nation. Including the Gates Millennium Scholarship Program. I think, you know, the handbook needs to be tweaked once in a while to keep things up to date and also the efficiency in management of the Higher Education program which is substantial and a real blessing to all Oneida students. Thank you.

*Response*
As many commenters have noted, it is correct that the current definition of "Accredited vocational program, college or university" does not address the essence of the word "accredited." Further, because the requirement that applicants submit a FAFSA is included in Section 305.5-2, removing this from the definition of "Accredited vocational program, college or university" is not problematic.

I recommend revising the definition to read as follows:

> 305.3-1(a) "Accredited vocational program, college or university" means either any United States educational institution officially accredited by the Higher Learning Commission or

similarly recognized body ~~eligible for federal financial aid~~ or any Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs.

In response to the commenters' assertions that the requirement that applicants file a FAFSA will limit the educational institutions and opportunities available to Tribal Members, this requirement already exists in GTC Resolution 01-30-10-A and was intended to be captured in GTC Resolution 08-12-96-A and BC Resolution 07-24-02-A, which both require students to apply for federal Pell Gants, and GTC Resolution 12-7-96-C, which requires applicants to complete the federal financial aid form. Accordingly, including this requirement in this Law is required by the applicable Resolutions.

Further, considering that prior to the adoption of this Law there exists no basis for making an exception to any of the scholarships requirements contained in the GTC resolutions, any awards that were made to institutions that were either not accredited or were not eligible for federal financial aid were made in favor of the student but in violation of the applicable resolutions.

That being said, the LOC sponsor, the LOC and the Higher Education Office have recognized that there may be instances where funding a student to attend an institution that does not meet all of the normal requirements may make the best sense for the student. In support of this notion, the Exception procedure was developed in Section 305.7-2, and an Exception for the FAFSA eligibility is expressly provided under subsection (b). Accordingly, this Law provides a process by which the Higher Education Office is able to act within the requirements of the Law and simultaneously consider the best interest of student.

In response to Ms. Barber's comment, it is my understanding that there is no tuition or materials cost for participating in Oneida's language program. The commenter's request would make students of the Oneida language program eligible for a scholarship for room and board alone for a program which is not accredited by any certifying agency and is not eligible for federal financial aid because there is not cost associated with attendance. Such a revision is not permissible based on GTC Resolutions 08-12-96-A and 01-30-10-A and BC Resolution 07-24-02-A, which all require the funded institution be accredited, and, further, based on GTC Resolution 01-30-10-A, which requires that students complete the Free Application for Federal Student Aid (FAFSA).

**Comment 7. Definition of Exception**

305.3-1(e) "Exception" means a request that the Higher Education Office make a discretionary decision to exempt an applicant from a requirement(s) for which there is an available exemption under Section 305.7-2.

**Mitchel R. Metoxen** – *written*: **Exception** is defined to give all the power to the appeals committee. There needs to be language that the **exceptions** be applicable to all tribal members in same or similar circumstances. To avoid favoritism and arbitrary and capricious decisions.

*Response*

The definition of "Exception" does not speak to the Higher Education Office Review Panel or the availability of requesting reconsideration of that decision. This concern is better addressed in the consideration of the Exception Policy in Comment 23.

There are no recommended changes to the definition based on this comment.

**Comment 8. Definition of Higher Education Office Review Panel**

305.3-1(i) "Higher Education Office Review Panel" is a three (3) party review panel, which is to include the applicants's Higher Education Advisor, the Higher Education Office Manager and the Area Manager.

**Jessica Last** – *written:*

a. I have concers with how "top heavy" this panel is. I am concerned students would not benefit from having a committee made up of 1 staff member and 2 managers. I feel this may put the staff member at a disadvantage to truly express their concerns.
    i. In addition, I feel it sets our department up to become very questionable and vulnerable to favoritism.
    ii. Currently, the staff discusses appeals (what is called an exception in this law) thoroughly from all point of views. We are held accountable by each other and the student needs a majority vote.
        1. I am concerned that this new panel would not hold the department to the same accountability. Management has been shown to make decisions based on favoritism and make decisions that were not equally applied to all students.

b. "…which is to include the applicants's Higher Education Advisor…".
    i. We do not have assigned clients. We are all able to work with all of the students.
        1. Creating a system of assigned clients makes the contact very impersonal and deprives the students of their choice of advisor and could potentially set the student up for failure.
            a. Clients may have developed a comfortable relationship with a specific advisor who they prefer to work with. Currently we tell students they can call our office and work with any advisor, however, if they feel more comfortable they can choose to work with one advisor with the understanding if we are ever out of office or unavailable they can contact another advisor. This allows the student to be comfortable with important issues, but also access any one of the four advisors if need be.
            b. I feel confident in my fellow advisors and would recommend a student talk to any one of them; however, I think one of the best things about our office is the diversity we offer. I feel allowing students access to any one of us gives them the opportunity to benefit from working with someone whom they feel the most comfortable.
            c. Students sometimes have very personal conversations with us. Whether they are discussing a situation or their educational needs, the client's trust is very important to successful advising. Limiting the student to only talk to a specific advisor could hinder the possibility of that student coming in and having a discussion with an advisor, or future contact with that student.
        2. Does this mean the Management will assign an advisor they feel will support their view?
        3. Assigning clients to specific advisors limits the student's access to their files and information and further adds barriers to the services offered to those students. For those students that do not have a preference or are just checking the status of their files, they can currently call any one of the four advisors. Why would we limit this access?

- I fail to see what the concern is with our current process and how these recommendations are supported?

**Mitchel R. Metoxen** – *written*: Review Panel: Changes how appeals are heard. It assumes each person has an advisor? It allows HE Mgr and Area Manager a majority of the voice, whom had little to no contact with our recipients or that specific request. We already have precedent for many of the

scenarios we run into today. These scenarios and precedent need to be reviewed to see if similar decisions will be affected.

**Mike Debraska:** Ok, where you have, where it lists the Higher Educat, or are on lines 52-54, where it talks about letter "i" the Higher Education Office Review Panel, who establishes the Review Panel? Is that is that something that will be automatic and would come forward or who whom would that make that determination as to when that panel would convene and how would that all be established and set up with what their guidelines would be.

**Nancy Barton:** I'm also concerned about page 65-2 where it says the Higher Education Office Review Panel. And that is I guess, I'm looking at that as that is another barrier, another entity that those individuals who are already probably having a hard time getting to school, getting the funding they need and for whatever reason it fell apart and now it needs to go to a separate hearing body and I also would like to know how that hearing body will be established and will they be a non-conflictioual entity. I guess you know, I'll just say it, I was really disappointed when I saw the topic of this come forward to LOC. It just seems like we create barriers, we create laws, we create ways for things to be harder and they should be getting easier. We have everything we need. The money is there and then we create policies and barriers for people in order to get the mandates that they're eligible for.

*Response*

Again, without to the adoption of this law, the Higher Education Office has no legal basis for granting an exception to any of the requirements establish by the GTC for awarding a Scholarship to an applicant. That being said, it is understood that there have been exceptions made, which the Higher Education Office previously classified as appeals. Under that process, an appeal was heard by the entire the office. Based on discussions held between the Higher Education Office, the Division Director and the LOC, the "Higher Education Review Panel" was established to streamline this process so that the entire office is not convening to consider each exception.

In regards to Ms. Last's comment that the Higher Education Office does not currently assign a single advisor to each student and that the office is able to service students most efficiently under this process because the student has all advisors available to answer their questions, this Law does not intend to change this practice of the office. Section 305.7-1(a) requires the Oneida Higher Education Office to establish a standard operation procedure (SOP) for considering exceptions within six (6) months of the adoption of this Law and Section 305.7-3 provides that the process for requesting an exception must be provided to applicants in the Higher Education Student Handbook.

It is my recommendation that the Oneida Higher Education Office include a provision in both the SOP and the Higher Education Student Handbook that the Higher Education Advisor is the advisor requested by the applicant and, in the event that the applicant does not select an advisor, it must be the last advisor to have worked on the applicant's file, provided that, if no advisor previously worked with the applicant, the Higher Education Office Manager shall assign an advisor.

Further, I recommend revising the definition as follows:

> "Higher Education Office Review Panel" is a three (3) party review panel, which is to include ~~the applicants's~~a Higher Education Advisor, the Higher Education Office Manager and the Area Manager.

In regards to Mr. Debraska's questions, the Higher Education Office Review Panel is automatically established based on the definition provided in this Law. As far as what procedures would be followed, the Oneida Higher Education Office has six (6) months from the date of the adoption of

this Law to develop an internal SOP to govern the review process (Section 305.7-1(a)), but must also provide the procedural requirements to students in the Higher Education Student Handbook (Section 305.7-3), which must be approved by the OBC (Section 305.4-1(b)).

**Comment 9. Enforcement**

305.4-1. The Higher Education Office shall carry out the intent and purposes of this Law and enforce the provisions of this Law.

**Mike Debraska**: Ok I I kind of torn this thing apart pretty pretty decently. My first comment is on that first page there where it says give the Higher Education Office the authority to enforce this law. I want to change the Higher Education Office to GTC.

*Response*
This is a policy consideration for the LOC. However, if this revision is made, a process would have to be developed by which the GTC could enforce the Law based on the limited amount of times it convenes each year and which does not prohibit the effective provision of services of the Higher Education Office.

**Comment 10. Higher Education Student Handbook**

305.4-1(b) The Higher Education Office shall [d]evelop and maintain rules and regulations designed to carry out this Law and shall make such rules and regulations available in the Higher Education Student Handbook.

**Nancy Barton:** Also on page 65-2, develop and maintain rules and regulations. There is a legal review that was done on this scholarship policy and what that legal review says is that there are a lot of discrepancies in the handbook and until those discrepancies are ironed out, I feel that this policy is inappropriate.

*Response*
Based on the requirements of this Law, the Higher Education Student Handbook is not required to be reviewed or approved by the LOC, but rather it goes directly to the OBC. That being said, in recognition of the importance of the said Handbook, the Higher Education Office has been directed to have the Handbook prepared to accompany this Law when it is presented to the OBC for adoption so that there are no gaps between this Law and the Handbook at the time of adoption.

There is no change recommended based on this comment.

**Comment 11. GTC Resolutions**

305.4-(b)(1) At a minimum, the rules and regulations relating to the eligibility requirements, funding caps in accordance with resolution GTC-08-12-96-A, GTC-12-7-96-C, BC-05-09-01-B, BC-10-24-01-K, BC-07-24-02-A, BC-01-26-05-A and GTC-01-30-10-A and the enforcement and appeals provisions must comply with the provisions of this Law.

**Mike Debraska:** And then also on lines 69-73 it talks about all these GTC resolutions. I'd like to see copies of those GTC resolutions if I can. Make sure I get those.

*Response*
Mr. Debraska was provided the resolutions requested via e-mail on November 9, 2015.

Upon review, I noticed that this provision is a fragment and recommend revising this subsection to read as follows:

> At a minimum, the rules and regulations relating to the eligibility requirements, funding caps, enforcement and appeals must comply with ~~in accordance~~ with this Law and the following Resolutions: GTC-08-12-96-A, GTC-12-7-96-C, BC-05-09-01-B, BC-10-24-01-K, BC-07-24-02-A, BC-01-26-05-A and GTC-01-30-10-A~~and the enforcement and appeals provisions must comply with the provisions~~.

**Comment 12. Approval of Higher Education Student Handbook**

305.4-1.(b)(2) The Higher Education Student Handbook and any revisions thereto must be approved by the Oneida Business Committee.

**Mike Debraska:** Lines 74-75, take out the Oneida Business Committee and add General Tribal Council.

*Response*
This is a policy consideration for the LOC. If this revision is accepted, but the approving authority for the Law is not amended to the GTC, then the Law and the Handbook would conflict until the Handbook could be presented to and approved by the GTC.

**Comment 13. Eligibility**

305.5-1. *Eligibility*. In order to be eligible for a Scholarship award, applicants must:

> (a) Be a Tribal Member.
> (b) Be in Good Standing where good standing means the applicant has:
> (1) met the Oneida GPA requirements set forth in the Higher Education Student Handbook;
> (2) completed the total number of credits within the semester/term for which the Scholarship was provided based on a Progress Report; and
> (3) met the standards of the Financial Aid Academic good standing.
> (c) Be accepted to an Accredited vocational program, college or university.
> (d) Be seeking the Scholarship for semesters/terms which have not already ended or been completed.
> (e) Be seeking the Scholarship for a degree that is categorized in a higher funding tier than the funding tier of a degree previously earned, based on the funding tiers provided under Section 305.6-2. An applicant seeking a degree that is in the same funding tier or lower as another degree being pursued concurrently and within the funding period allotted for the degree at the higher funding tier, may not be considered ineligible based on this Section.

**Anita Barber** – *written:* Add: Seeking a 2 year certificate from Oneida Cultural Heritage addressing the foundational elements to meet the definition of Tsi?Niyukwalihot^. (*There is an appearance Oneida does not trust itself to educate its own members regarding the language and culture. That basic trust permeates throughout the Tribe and continues to create factions or make*

*them stronger. Many individuals spent a lifetime learning the same thing the Oneida of the Thames and New York know. It is an attack on our own dignity and faith to think we know less than a college or university. The funds would be much spent strengthening our own communities. The paradox of this scenario is the colleges hire tribal members who are or were employees to teach the lessons given for credit at an institution. In addition, students attending Cultural Heritage classes meet the requirements to be accepted in college programs.)*

*I would also include Haudenosaunee colleges or universities since are also a part of the greater community.*

*Response*
It is my understanding that Oneida Cultural Heritage does not currently offer a 2 year certificate. As stated above, I also understand that there is no tuition or materials cost for participating in Oneida's language program. The commenter's request would make students of the Oneida language program eligible for a scholarship for room and board alone for a program which is not accredited by any certifying agency and is not eligible for federal financial aid because there is not cost associated with attendance. Such a revision is not permissible based on GTC Resolutions 08-12-96-A and 01-30-10-A and BC Resolution 07-24-02-A, which all require the funded institution be accredited, and, further, based on GTC Resolution 01-30-10-A, which requires that students complete the Free Application for Federal Student Aid (FAFSA). There is no recommended change based on this comment.

**Comment 14. Financial Aid Academic Good Standing Requirement**

305.5-1(b)(3) In order to eligible for a Scholarship award, applicants must [b]e in Good Standing where good standing means the applicant has….(3) met the standards of the Financial Aid Academic good standing.

**Jessica Last** – *written:* 305.5-1c(3) Met the standards of the Financial Aid Academic good standing.
* I am not certain what the intention of the statement is, but it is not accurate. We require students be eligible for Financial Aid (if they are attending coursework greater than 5 credits), however students may be on Academic Probation through their Financial Aid Office. In addition, we would not fund a student who is not eligible for Federal Financial Aid due to violation of the 150% rule who may be in Academic Good standing with the Financial Aid Office.
* I think some clarification to the goal and verbiage of this portion needs to be addressed.

*Response*
This requirement in this Law relates to resolution BC 07-24-02-A, which permanently adopted the intent of BC Emergency Resolution 05-09-01-B and its extension, BC Emergency Resolution 10-24-01-K. BC Resolution 07-24-02-A states:

> Oneida students enrolled in a vocational or undergraduate program will be required to maintain at least a 2.0 grade point average in order to maintain the scholarship, and students enrolled in a graduate program will be required to maintain at least a 3.0 grade point average in order to maintain the scholarship, however, the Higher Education Office is allowed to utilize a school's grading policies for those professional doctoral degrees where a grade point average below 3.0 is an acceptable average to remain in good standing.

This provision of law extends the availability of using a school's standards for "good standing" as a stand in for the Tribe's if the school allows lower academic performance than is required by the Tribe to be in good standing.

Further, is it understood that the Oneida Higher Education Office practices a probationary period before a student becomes ineligible for continued funding. This Law does not change the availability of a probationary period, rather, the probationary period must be contained in the Higher Education Student Handbook as part of the office's enforcement authority, similar to how probation information is currently provided in the Student Handbook.

There is no recommended change based on this comment.

**Comment 15. Acceptance into an Accredited Vocational Program, College or University Requirement**

305.5-1(c) In order to eligible for a Scholarship award, applicants must [b]e accepted to an Accredited vocational program, college or university.

**Cheryl Vandenberg** – *written*: 305.5.-1 (c) Be accepted into an accredited vocational program, degree, college or university. Include the word degree.
**Mike Debraska:** At line 87 be accepted into an accredited college or university, that's fine.

*Response*
A "degree" is not something a student can be accepted into.

There is no change recommended based on these comments.

**Comment 16. Prohibition of Award for Multiple Degrees in the Same Funding Tier**

305.5-1(e) In order to be eligible for a Scholarship award, applicants must [b]e seeking the Scholarship for a degree that is categorized in a higher funding tier than the funding tier of a degree previously earned, based on the funding tiers provided under Section 305.6-2. An applicant seeking a degree that is in the same funding tier or lower as another degree being pursued concurrently and within the funding period allotted for the degree at the higher funding tier, may not be considered ineligible based on this Section.

**Cheryl Vandenberg** – *written*: 305.5-1(e) This section needs to be made easier to understand. My attempt is as follows but realize it needs more attention and would appreciate some additional wording.

Be seeking the scholarship for a degree that is categorized in the a higher education tier that is higher than the funding tier of the degree previously earned ~~based on the funding tiers~~ provided under section 305.6-2. An applicant seeking a degree that is in the same funding tier or lower as another degree being pursued ~~concurrently~~ simultaneously ~~and~~ within the funding period allotted for the degree at the higher funding tier~~, may not be considered ineligible based on this section.~~ will remain eligible.

*Response*
I recommend that the provision be revised as follows:

(e) Be seeking the Scholarship for a degree that is categorized in a ~~higher~~ funding tier that is higher than the funding tier of a previously earned degree ~~previously earned~~, based on the funding tiers ~~provided~~ under Section 305.6-2.

(1) An applicant seeking a degree that is in the same funding tier or lower as another degree simultaneously being pursued, ~~concurrently~~ and within the funding period ~~allotted~~ allowed for the degree at the higher funding tier~~, may not be considered ineligible based on this Section~~ remains eligible and is not prohibited by this Section.

**Comment 17. Requirements**

305.5-2. *Requirements.* In order for a Scholarship to be awarded:

(a) Applicants must file the Free Application for Federal Student Aid, unless the applicant will be taking less than six (6) credits or will be attending a Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs.

(b) It is the applicant's responsibility to submit a complete student file to the Higher Education Office based on the requirements of the Higher Education Student Handbook.

**Anita Barber** – *written:* 305.5-2. When will Wisconsin Oneida be considered?
Why is it necessary to apply for federal student aid?

*Response*
It is unclear what the commenter is asking in regards to "When will Wisconsin Oneida be considered?"

It is necessary to apply for federal student aid because it minimizes the cost to the Tribe in the event the student is eligible for any grants and is required by GTC Resolution 01-30-10-A. That resolution specifically states, "that applicants for the Oneida Higher Education Scholarship shall complete the Free Application for Federal Student Aid (FAFSA) prior to receiving a Higher Education Scholarship."

There are no recommended changes based on this comment.

**Comment 18. Requirements – FAFSA or Acceptance to a Canadian Institution Offering Oneida Specific Language and/or Cultural Programs**

305.5-2(a) In order for a Scholarship to be awarded [a]pplicants must file the Free Application for Federal Student Aid, unless the applicant will be taking less than six (6) credits or will be attending a Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs.

**Mike Debraska:** And then on lines 97-99 just stop at applicants must file the free application for federal student aid or FASA and end it right there period and the rest of that up through line 100 can go.
**Nancy Barton:** The other one that I wanted to talk about also was on page 65-3 if I didn't say it already where the requirements say the applicants must file the free application for federal student aid period. I'd like to go on there and I also have written comments.

*Response*

These comments relate to policy issues, however these issues were extensively discussed with the LOC, the Higher Education Office and the Division Director.

**Comment 19. Requirements – Complete Student File**

305.5-2(b) In order for a Scholarship to be awarded [i]t is the applicant's responsibility to submit a complete student file to the Higher Education Office based on the requirements of the Higher Education Student Handbook.

**Jessica Long** – *written:* 305.5-2(b) "It is the applicant's responsibility to submit a complete student file to the Higher Education Office based on the requirements of the Higher Education Student Handbook."
A. Students cannot submit FNAs or Official Transcripts, therefore, we advise "It is the applicant's responsibility to ensure Oneida Higher Education has a complete file based on the requirements of the Higher Education Student Handbook.

*Response*
I agree with the commenter and recommend the following revisions:

(b) ~~It is the applicant's responsibility to submit~~Applicant's shall ensure that a complete student file~~-~~ is submitted to the Higher Education Office based on the requirements of the Higher Education Student Handbook.

**Comment 20. Higher Education Scholarship**
**305.6. Higher Education Scholarship**
305.6-1. *Length of Funding.* Pursuant to the Higher Education Student Handbook, which must provide comprehensive definitions of the achievements eligible for funding and the methodology for calculating funding periods, the following are the maximum Scholarship funding periods for eligible applicants:

(a) Two and one-half (2 1/2) years for a Vocational Program Completion/Associate Degree/Certificate Program Completion/similar program.
(b) Five (5) years for an Undergraduate Degree.
(c) Three (3) years for a Graduate Degree.
(d) Five (5) years for a Doctoral Degree.

305.6-2. *Tiered Funding System.* The General Tribal Council, or its delegate, shall establish maximum funding caps for the following funding tiers:

(a) Vocational Program, Associate Degree, Certificate Program or similar program.
(b) Undergraduate Degree.
(c) Graduate Degree.
(d) Doctoral Degree.

305.6-3. *Award.* The amount of the Scholarship award is based upon:

(a) The amount of funding caps for each tier under Section 305.6-2, which must be contained in the Higher Education Student Handbook.
(b) The Financial Needs Analysis.

**Anita Barber** – *written:* Why is Oneida not considered as a certifying agency? We also have the ability to calculate credit hours.

*Response*

It is unclear what the commenter is requesting to be answered in this question. If the question is why the Scholarship is not available for the Oneida language program, this is not the section of the Law that provides which institutions are eligible for the Scholarship and the Oneida language program has been addressed in that section in Comment 6.

There are no recommended changes based on this comment.

**Comment 21. Length of Funding**

305.6-1. *Length of Funding.* Pursuant to the Higher Education Student Handbook, which must provide comprehensive definitions of the achievements eligible for funding and the methodology for calculating funding periods, the following are the maximum Scholarship funding periods for eligible applicants:

(a) Two and one-half (2 1/2) years for a Vocational Program Completion/Associate Degree/Certificate Program Completion/similar program.
(b) Five (5) years for an Undergraduate Degree.
(c) Three (3) years for a Graduate Degree.
(d) Five (5) years for a Doctoral Degree.

**Jessica Long** – *written:*

a. I understand it is listed as years in the original resolution, however, I think the current Financial Aid climate needs to be taken into consideration when making this change. When the resolution was passed, Financial Aid worked in terms of months. Now, Financial Aid is calculated by term/quarters/modules, etc). We are able to fit all of these items into a term based calculation. I think moving the counting of terms to months would create a HUGE barrier for students whose school and financial aid office is discussing their programs in terms or quarters not months. I think this will slow the awarding process and make it much harder for students who may have gotten off track to plan accordingly.
    i. Impact on Student
        1. I meet with students on a regular basis who have already used some terms of funding or are in a special program in which they are not certain they will have enough terms of funding to complete. Currently, I lay out their funding by terms and we discuss. This is already a VERY confusing conversation.
            a. If we had to discuss those programs in terms of months we would have to….
                i. Know how many months all future terms will be.
                1. This could vary and a student cannot just estimate.
                2. Schools will not have their academic calendars available projecting that far out.
        2. "What If" Situations
            a. I currently give students multiple options by credit load to ensure they are not overwhelming themselves in order to successfully complete their degree. Discussing the student's programs by months in terms of different scenarios would be extremely difficult.
        3. Award process time increase – see comments under Impact on Staff section
    ii. Impact on Financial Aid Office's – The Financial Aid offices we work with throughout the country discuss funding by terms. If we moved to a month base funding their ability to discuss student's awards and future planning would be virtually impossible. Many times financial aid offices use the information on our Award Letter to ensure the student is educated on their financial aid, but listing months would create more confusion, slow the

award process, and allow for the possibility of misinformation.

iii. Impact on Academic Advisors
    1. When Academic Advisors meet with our students, the students often times inform them they are receiving our grant and would like to lay out their coursework to ensure they can complete in the allotted amount of time. If the student tells the Advisors we are counting in months, I do not feel those advisors could properly assist the student on laying out a plan or staying on track. I think this could cause students to get discouraged and no longer attend, or make choices that may ultimately limit their funding from our office.

iv. Impact on Staff
    1. I do not feel that the creation of this communication barrier will allow me to advise to the best of my ability. I think it is already hard enough to explain terms to students who are just out of high school or going back to school after being out for a while. I think the unpredictability and inconsistency could lead to a lot of confusion and frustration for the student and ultimately choices in which could impact their funding eligibility.
    2. The award processing will take much longer, especially for the first year or so. We will have to manually audit all of the students who have already been awarded, in addition to the increase in conversations with Financial Aid Officers who will be very confused as why we are funding the exact opposite as the rest of the Financial Aid world.

- I am very concerned the groundwork for this change has been done to create a system of counting terms by months. This is ready to implement without consideration of staff concerns regarding the inherent problems it may cause for students.

**Mitchel R. Metoxen** – *written*: Changing counting terms/semesters to years was initially done to limit funding and not grant extended terms. It was said it is being done because we could not come up with a better way to count terms or semesters. We were never given the chance. It's been said counting months is more favorable. It is not if we allow for extended terms, nor is it practical. It's been said that funding years will cost more. I don't understand this if extended terms is offered. It's been said that it will be very easily explained and calculated for higher ed. advisors, students and financial aid officers. How, especially if we offer extended terms. How does it take into account breaks in terms, i.e., Christmas break can be over one month? How can we count extra terms needed when we don't need the beginning and end date of the terms granted, especially extended terms granted. The whole approach of counting terms in the form of months was not for the benefit of us advisors, the student or the college's, but purely to limit and hurry the student to get done. Abuses did not exist in the manner which we currently use nor with the manner in which we grant extra terms. Federal financial aid uses percentages. We could, but leaving room for students to change their majors, make mistakes, etc. but being stricter than SAP or 150% rule allows students to get other federal funding when, and if, they max or become ineligible for Oneida funding.

When asked why we are changing terms to months, regarding counting length of eligibility, it was said getting 5 years of funding is a bargain. Not so to the single mother or working adult, or person taking care of a loved one, going part time, etc. The counting months instead of terms and having a management heavy committee review and determine all requests is not the way to ensure equal fairness. Again, this whole legislation needs to be reviewed with the higher education advisors who know the current application of the grant.

**Norbert Hill, Jr.** – *written*: Colleges and universities have a myriad of schedules. Monitoring scholarship recipients by the total months instead of terms and semester would increase efficiency in the administration of the program. The procedure will give the benefit of students being able to complete the credential.

*Response*
Since the original GTC Higher Education Resolution 08-12-96-A numerous changes have occurred in the higher education realm, including but not limited to, different delivery options of higher education. As part of these changes many schools have different types and lengths of semesters/terms such as 4 months, 5 months, 6 months, or they may have no semesters; so in reality it is unfair to use semesters/terms for our length of funding which is our current practice.

In collaboration with MIS, modifications were created in the current non-production side of the ISeries (AS400 Student data system) to provide consistent funding that is equivalent to the length of funding in years for all Oneida Higher Education clients regardless of the type of school they attend or the length of semester/terms, quarters or trimesters. Essentially the ISeries will calculate the months of funding using the 14 day rule that is currently in practice for funding non-traditional, online or cosmetology students. These ISeries modifications are currently available and ready to implement pending the outcome of the Higher Education Scholarship (Law). Upon approval, detailed training will then be provided.

The Iseries (AS400 student system) was introduced live thorough a mock session that covered student funding examples step by step to include a power point handout to the Higher Education Office staff, Area Manager and BC representatives on July 10, 2015. The material was also reviewed with the Oneida Law Office prior the July presentation to ensure compliance with the current applicable Resolutions.

Again, the MIS Iseries (AS400) student data system will automatically track and count the months of funding. It also has the ability to convert semester/terms to months of funding. Naturally with any new change or modification there will be a transition period.

These comments present policy issues to the LOC, however the information above was considered by the LOC and the Higher Education Office in developing the Law.

**Comment 22. Establishment of the Tiered Funding System**

305.6-2. *Tiered Funding System*. The General Tribal Council, or its delegate, shall establish maximum funding caps for the following funding tiers:

(a) Vocational Program, Associate Degree, Certificate Program or similar program.
(b) Undergraduate Degree.
(c) Graduate Degree.
(d) Doctoral Degree.

**Mike Debraska**: Ok and then at line 114 you got the tiered funding system and it says the General Tribal Council or its delegate, get rid of "or its delegate", shall establish maximum funding caps for the following funding tiers. And I believe General Tribal Council already established that when we passed this, we created that tiered system. So I'm not gonna, I'm not gonna relinquish my rights to have somebody else make that decision.
**Don White** – *written:* I think the introduction of the "tiered" system for classification of degrees and professions is good. I do think the Higher Education Department has in the past, not been proficient in recognizing the various levels in professions and associated degree programs.

*Response*
In response to Mr. Debraska's comment, this Law does not delegate the GTC's authority to establish

the maximum funding caps for the funding tiers, only GTC can delegate that authority. It is written as is so that in the event that the GTC choses to delegate such authority, this Law would not be required to be revised.

There is no recommended change based on this comment.

**Comment 23. Exception Policy**

305.7-1. *Exception Policy*. Exceptions may be offered under narrow grounds only for applicants facing extenuating circumstances whom are able to demonstrate that based on the totality of the circumstances the applicant will likely succeed in achieving the accomplishment sought either within the Exception period and/or despite the extenuating circumstances that have made pursuing an Exception necessary.

**Mitchel R. Metoxen** – *written*: Regarding Exceptions, the word "narrow grounds" is used. This leaves, in my opinion, much room for interpretation. We need to review past appeals and extended term requests to see if they will still apply. If not, why? Such audits can help in clearing up these potential misappropriated granting or denying future exceptions/appeals. We have much precedent that needs to be reviewed. We've denied someone extended terms, then appealed up our chain of command to grant extra terms and as a "gesture of goodwill." What is that? Goodwill can't be applied to everyone. We need to stop arbitrary and capricious decisions, ensuring decisions are applicable to the situation and can be fairly applied, setting precedent.
**Mike Debraska:** Right, right. If you look on page 65-1 on lines 9-11 where it talks about the policy guidelines but then also go back where it says lines 10 on page 1 of 2 it say allows the Higher, lines 10-12 I believe it is, allows the Higher Education Office to make exceptions to eligibility requirements and length of funding on a case by case basis. The law also notes that the Higher Education Student Handbook sets out the exception sets out the exception process but then when you look at the policy guidelines on 9-11 at 305.1-2 on page 65-1 it is the policy of this law to have consistent methodology for awarding Higher Education Scholarships so that the Tribe is able to provide equal opportunities to Tribe members and award scholarships in a consistent and fiscally responsible manner. I look at that and say those two, those two kind of almost conflict with each other. So that's one of those things that I kind of looked at.

*Response*
In response to Mr. Metoxen's comment, I agree that the Oneida Higher Education office should review previous decisions made by their office in regards to Exceptions (previously classified as appeals) and that it must make a determination of the bases it considers appropriate for the granting of an Exception moving forward. That determination must be placed into a SOP pursuant to 305.7-1(a) of the Law, provided that the SOP is not required to align with past practices. The general policy statement that is contained in this Law must govern the SOP and both the policy and the SOP are generally applicable, so there would be no basis for applying either the SOP or the Exception policy differently to different people.

That being said, in regard to Mr. Debraska's comment, because the nature of the Exception is that it is available on a case-by-case basis, it must be understood that the very nature of that system allows for different decisions to be made based on varying circumstances, provided that, the Higher Education Office must also understand that like circumstances must receive like treatment. Allowing for the tailoring of the Scholarship program to the specific needs of students facing extenuating circumstances does not detract from the Law's goal of creating a "consistent methodology for

awarding Higher Education Scholarships so that the Tribe is able to provide equal opportunities to Tribe members and award scholarships in a consistent and fiscally responsible manner." As stated above, both the Exception policy and the Exception SOP are applicable to all applicants the same and, further, the same Exceptions are available to all applicants under Section 305.7-2.

There are no recommended changes based on these comments.

**Comment 24. Available Exceptions**

305.7-2. *Available Exceptions.* In its discretion, the Higher Education Office may make Exceptions to eligibility, requirements and length of funding on case-by-case basis as provided below:

(a) In regards to eligibility, exceptions may be made relating to the requirements contained in subsections 305.5-1(b), (c) and (e).

(b) In regards to requirements, exceptions may be made relating to the requirement contained in subsection 305.5-2(a).

(c) Exceptions may also be made relating to the length of funding periods contained in section 305.6-1.

(d) Exceptions may not be made for requirements contained in this Law that are not explicitly noted in this section.

**Ed Delgado:** First I want to say the Higher Education program that we have got two of my enrolled children through school Ones a registered nurse and ones a cosmetologist and what a great program. Thank you John Powless. I do see a section in here regarding exceptions. I think we need to be very careful when we provide exceptions. I don't think here, I know there are exceptions that happen, there has to be, someone might be get sick, you know an operations, pregnancy or whatever. But I think it needs to be included in the law what the exceptions are. Thank you.

*Response*
The Law does identify the types of Exceptions that are available, the bases for the granting of Exceptions is provided for under the Exception Policy (305.7-1) and the Exception SOP that is required to be developed (305-7-2). It is correct that the Law does not consider under which specific bases an available Exception may be granted, but in previous discussions the LOC decided that the Law was not the appropriate place for such considerations. A revision would require further discussions and agreement of the LOC as this is a policy consideration.

**Comment 25. Exception to Acceptance to an Accredited Institution**
305.7-2(a) In its discretion, the Higher Education Office may make Exceptions to eligibility, requirements and length of funding on case-by-case basis as provided below: (a) In regards to eligibility, exceptions may be made relating to the requirements contained in subsections 305.5-1(b), (c) and (e).

**Cheryl Vandenberg** – *written*: 305.7-2 (a) In regards to eligibility, exceptions may be made relating to the requirements contained in subsections 305.5-1 (b), (c) and (e). Under (c) Be accepted to an accredited vocational program, college or university. The accreditation of schools should not be an exception; it should be required. I believe this is in the best interest of the applicants to ensure they are choosing appropriate school with so many choices/options, especially if they want to continue with a higher degree you want their previous degree or credits to be appropriately considered. It is also part of the original 1996 GTC Resolution 8-12-96-A. If the program/degree is not accredited, it most likely not eligible for Title IV funding (FAFSA) as listed in 305.5-2.

Requirements. In order for a scholarship to be awarded section.

*Response*
This is a policy consideration for the LOC. In the draft of the Law that was sent to public meeting, the definition of "Accredited vocational program, college or university" included a requirement that the institution be eligible to receive federal financial aid. Based on the comments received at the public meeting, I have recommended that requirement be removed from the definition to capture a truer definition of accreditation and because the FAFSA requirement is already contained in other parts of the Law (305.5-2(a)).

If the LOC does not accept my recommendation regarding the definition of "Accredited vocational program, college or university," there will be nothing new to consider based on this comment. However, if the LOC does accept my recommendation, it will also need to consider if there should be an Exception for the accreditation requirement as there is already an Exception provided in the Law for the requirement that the school be eligible to receive federal financial aid (305.7-2(b)).

**Comment 26. Exception to Filing the FAFSA**

305.7-2(b) In its discretion, the Higher Education Office may make Exceptions to eligibility, requirements and length of funding on case-by-case basis as provided below: (b) In regards to requirements, exceptions may be made relating to the requirement contained in subsection 305.5-2(a).

**Mike Debraska:** At lines 139-140 that can be removed.

*Response*
This is policy consideration that was discussed in work meetings held including the LOC and the Higher Education Office. In those meetings, it was decided that there may be circumstances where funding an applicant to attend a school that is not eligible for federal financial aid is appropriate, for instance, trade certificate programs. If the LOC decided to remove this Exception from this Section, any granting of such an Exception would be in direct violation of this Law.

**Comment 27. Length of Funding Exception**

305.7-2(c) In its discretion, the Higher Education Office may make Exceptions to eligibility, requirements and length of funding on case-by-case basis as provided below: (c) Exceptions may also be made relating to the length of funding periods contained in section 305.6-1.

**Nancy Barton:** And so the other part that I wanted to make a note of is page 64- 65-4 line 141 where it says exceptions may be made relating to the length of funding periods contained in section 3 5 0. And I'd like to know who will be making those exceptions and when will they be made under what, whose authority and when. And so when you open the door and say that exceptions can be made, those exceptions need to be opened to everyone and not exclusive.

*Response*
The Exceptions to length of funding requirements (and all Exceptions for that matter) are decided by the Higher Education Review Panel under the Law. The Higher Education Review Panel consists a student advisor, the Higher Education Office Manager and the Area Manager. The student is also able to request reconsideration of that decision to the Division Director.

The Higher Education Review Panel will be required to follow the Exception Policy contained in Section 305.7-1 and the Exception SOP developed by the Higher Education Office as required under Section 305.7-1(a), which also provides that no Exception may be granted until the said SOP is developed.

All applicants are eligible to apply for Exceptions, provided that only those that are listed in the Law are available. If an applicant applied for an Exception that is not contained in the Law, the Higher Education Office would be required to categorically deny such a request.

There are no recommended changes based on this comment.

**Comment 28. Appeals**

**305.9. Appeals**
305.9-1. *Appeal Process and Requirements.* An applicant may Appeal a Scholarship decision made by the Higher Education Office, but only to extent that the applicant is able to demonstrate that the Higher Education Office has failed to abide by the provisions of this Law and/or the approved Higher Education Student Handbook.
305.9-2. *Levels of Review*. The following levels of review are available to an applicant seeking an Appeal of a Scholarship decision made by the Higher Education Office:

(a) The first level of review is through the Higher Education Office Review Panel. A decision by the Higher Education Office Review Panel regarding an Appeal must be approved by a majority of the said Panel.
(b) If an applicant disagrees with the Higher Education Office Review Panel's decision regarding an Appeal, the applicant may Appeal at the second level of review to the Division Director; the decision of the Division Director regarding the Appeal is final.

**Don White** – *written*: I also agree that the appeal process should have another level of appeal, outside of the Higher Education /Education & Training Area. I agree with the recommended appeal to the GSD Division Director, to ensure that decisions are in keeping with the achievement of the Vision of the Oneida Tribe.
**Mitchel R. Metoxen** – *written*: Trusting a weighted committee, management heavy committee, to determine whether a student gets their request needs to be further discussed with higher education advisors and the Assistant Manager. We are all very concerned if this takes effect.

Regarding appeals, we need accountability for such evaluation. Are there governance structures and controls in place, especially where boundaries are blurred? Is this model of Oneida Higher Educations approach to who gets or doesn't get the grant transparent? I'm skeptical of a model that is built on limited ideas. Is the attribution of success where it belongs?

*Response*
There is accountability outside of the Oneida Higher Education Office to the Division Director because applicant's have a second level of review available which allows them to appeal a decision made by the Higher Education Office Review Panel to the Division Director.

There are no recommended changes based on these comments.

**Comment 29. Appeal Process and Requirements**

305.9-1. *Appeal Process and Requirements.* An applicant may Appeal a Scholarship decision made by the Higher Education Office, but only to extent that the applicant is able to demonstrate that the Higher Education Office has failed to abide by the provisions of this Law and/or the approved Higher Education Student Handbook.

**Mike Debraska:** Also, I want to, on that last bullet point it says allow a student to appeal a scholarship decision only if he or she can show the Higher Education Office failed to abide by this law and end it right there. On page 1 of 2, at the bottom there it says allows a student to appeal a scholarship decision only if he or she. I want to take out the word "only".

Lines 164-166, end it at where it says at line 64 made by the Higher Education Office period and then get rid of the rest of that.

*Response*
This is a policy consideration, but it is generally inappropriate to allow a decision of an agency that has been delegated authority to be appealed so long as the said agency is acting within the law and the rules that govern their operations.

**Comment 30. Higher Education Office Review Panel**

305.9-2(a) The first level of review is through the Higher Education Office Review Panel. A decision by the Higher Education Office Review Panel regarding an Appeal must be approved by a majority of the said Panel.

**Anita Barber** – *written:* Is the review panel made up of successful Oneida scholars or others?

*Response*
The definition of the Higher Education Office Review Panel states the parties that make up the panel. That definition is provided in Section 305.3-1(i) and states:

> "Higher Education Office Review Panel" is a three (3) party review panel, which is to include the applicant's Higher Education Advisor, the Higher Education Office Manager and the Area Manager.

Based on the comments received, I have made a recommendation to reword that definition to read:

> "Higher Education Office Review Panel" is a three (3) party review panel, which is to include ~~the applicant's~~a Higher Education Advisor, the Higher Education Office Manager and the Area Manager.

There are no recommended changes based on this comment.

**Comment 31. Second Level of Review**

305.9-2(b) If an applicant disagrees with the Higher Education Office Review Panel's decision regarding an Appeal, the applicant may Appeal at the second level of review to the Division Director; the decision of the Division Director regarding the Appeal is final.

**Mike Debraska**: And lines 172-174, starting with (b) if an applicant disagrees with the Higher Education Office Review Panel's decision regarding an appeal, the appellant may appeal and then put to the General, and get rid of the rest of that and then add in to the General Tribal Council by way of petition. Those are my comments for the record.

*Response*
This a policy decision that must be made by the LOC, but I would caution approving a revision based on this suggestion due to the infrequency of GTC meetings and the lengthy petition process unless a better process could be developed.

**Comment 32. General Comments Related to the Oneida Higher Education Scholarship Law**

**Nancy Barton:** Ok, I'm testifying, my verbal testimony today on the proposed Higher Education Scholarship Fund. I feel it's unfortunate that we're even here today. It's obvious that a few persons have taken on the task of implementing rules that would interfere, hinder and punish Oneida Tribal members and also the directive of GTC. This money is a GTC directive; therefore, a mandate. The proposed policy is a violation of GTC directive. Those entities responsible for initiating these policies obviously do not understand the resolutions' proposed intent. It is unfortunate that we have to look, that there are people who are not looking out for the best interest of General Tribal Council members. I strongly oppose the policies that are being implemented that would delay, deny or hinder any benefits to General Tribal Council members regarding the Higher Ed Scholarship. And I will go through line by line.
**Jessica Long** – *written:* I take pride in the work I do with our students. I am grateful to be a part of this journey with them, and consistently try to work with their best interest in mind. I do NOT feel as though these changes are being made with the student's best interest in mind. I think some serious consideration needs to be given to both the potential benefit but also potential harm these changes could have on our students.
**Mitchel R. Metoxen** – *written*: The Handbook is key and not addressed in this public format? Again many holes in this law, similar to original resolution and then given to a small committee to fill in. The opportunity to take away funding opportunities is again given to few people. I'd like to know what is being changed from how we are funding now.
Bottom line, is there anything we are currently funding that we will no longer be able to fund?
For me, the bottom line with this policy proposal is, What's going to change? I've worked in the higher education office since 1999 and am very familiar with our process. I would say the most familiar with our process and what we do and don't fund. I don't think this would be argued by anyone in the higher education office. I've kept a journal of our approvals and denials, as well as written why we approved or denied requests in what we call our "Administrative Codes." These Administrative Codes are a valuable tool we need to determine and track past precedent. These Administrative Codes need to be reviewed, along with myself and other higher education advisors to see if the proposed legislation change or alter the current application of grant.
I'm concerned that the panel filling in the blanks and creating the student handbook will take advantage of such power and further limit funding, taking away higher educational opportunities. They may start counting Associate Level Degree funding towards Bachelors level funding, which has been proposed. It may be that the words in this legislation leave room for a panel to create such a policy.
What's attempting to be done her is using fear disguised as practicality. They are saying this approach is practical. I disagree. These practices, if imposed, will be unnecessary barriers.
I heard at a policy hearing on this issue that this came about because someone on the Business Committee wanted Higher Ed. to start funding native programs in Canada. If so, why wasn't this the

only area addressed? Instead this turned into "mission creep." The expansion of a mission beyond its original goal. Mission Creep is an undesirable outcome due to the dangerous path of each success breeding more ambitious attempts.
I believe the mission of the grant was to increase the underrepresented Oneida members in higher education, not keep the status quo. These efforts keep the status quo.
In conclusion there has to be a "policy assessment" done by higher education advisors. The enactment of this legislation may put an undue burden on vulnerable students and may cost Oneida money, as opposed to saving Oneida money. I understand on the surface these policies seem harmless, in fact may be considered necessary to conduct our business of achieving higher education in the ways of sustainability, accountability or duplicated services; but they underscore potential individual vulnerabilities that can be overlooked by fitting each person into a box as to their individual approach to achieving their perspective educational level.
**Nancy Barton** – *written*: The Higher Education Scholarship – anyone who would deny, delay or hinder a General Tribal Council that mandates scholarships for higher education according to Dr. John Powless' petition is in direct violation of General Tribal Council directive and s/he/they need to be disciplined on this floor.
**Luanne Green:** Thank you. My grandson is going to college and this is his, I think it's his third semester or fourth semester, he'll be graduating in May with an Associate Degree and he's carried a 4.0 and he wants to be a teacher. But in the meantime, he does get the grant and I don't know how much he is getting but besides the school, tuition and books and school related items, he had to have his tooth filled which costs me $285. He had glasses, $300 and some dollars. He switched to a cheaper cell phone which he can't always pay. Besides rent, utilities, transportation. It's not just a matter of tuition and books and that's wonderful that that portion is paid but I hesitate to ask him to get a part time job because he does do a lot of study and he does carry a great grade point average. And he's making a success of himself. His parents were divorced when he was 2 years old. He's raised by a mother with some disabilities and he really got a late start. But now that he's finally in school and has some direction in his life, I would hate to see that this program would cause him to jump through more hoops to reach his goal. Thank you.
**Norbert Hill, Jr.:** I just have a few comments. I do support by and large except for one exception with the comments with what Sherry King had made. You know, I think the responsibility, stewardship and leadership to manage a scholarship program is given to the Higher Education Office and they have a number of professionals there by and large that manage the grants and they do it well. I want to remind LOC that the number of college graduates baccalaureate degrees are higher or just as high as the population in Outagamie and Brown County. We have more graduate degrees in Outagamie and Brown County than the same population in Green Bay. So I think that's a testimony of how well the grant is managed.
**Julie Barton:** Thank you. I wanted to, I haven't had the opportunity to attend some of the hearings and I haven't read all of the material but I do follow most of the conversations and comments from a lot of people. And I go with that because they're the ones that are being served and I know that the Education Department provides the best possible service however, I hope that within all of this new law that we never refer to a means testing type service. I heard the word reviewed and it was used at I think at a GTC meeting with the Elder Service. I hope that you guys know what that means from traveling to Washington. They want to define our rate of so called poverty. So if the more you fit into the poverty role then you can fit into programs and received money and scholarships and things like that. So I hope that this does not refer to that in any way. And like I said I didn't read it all but I hope that it doesn't. Also, I think this law is here protect the General Tribal Council directive, also to protect the students' needs and that's what we're looking out for. The students' needs and nothing else that I know of why was this law was existed or created. It was created under the basis of need and with no guidelines, I mean no financial guidelines. It was directed back to the Higher Education

Department to develop those guidelines so the moneys there. It's not my money, it's not your money, it's not the Higher Education's money, it's the people's money and it should be used the way it was intended to be to meet the needs of that person so they can graduate. I have had 10 grandchildren graduate with this money and they are all doing fine. I have so many relatives I can't count who use this money to graduate and they are all doing well.

*Response*
There are no recommended changes based on these comments, provided that some comments may contain general policy considerations for the LOC.