



Notice of

Public Meeting

to be held

October 1, 2015 at 12:15 p.m.

OBC Conference Room—2nd Floor, Norbert Hill Center



Topic: Oneida Flag Policy

The Legislative Operating Committee is hosting this Public Meeting to gather feedback from the community regarding a legislative proposal that would:

- ◆ Create a Flag Policy to set forth the proper rules concerning the display and customs of the flag of the Oneida Nation, the flag of the United State of America and of other Sovereigns displayed by the Nation's entities and employees. This Policy:
 - ◆ Requires all current and future Oneida Nation entities and Oneida Nation-owned buildings on the Reservation that fly the Flag to do so pursuant to this Policy;
 - ◆ Identifies who is responsible for Flag duties and if an employee violates this Policy, he/she can be disciplined;
 - ◆ Lists the requirements for how the Flag is to be displayed;
 - ◆ Explains how the Flag is to be respected;
 - ◆ Identifies how the Flag is to be displayed outside of the Reservation.

All community members are invited to attend this meeting to learn more about this proposal and/or to submit comments concerning this proposal.

Public Comment Period—Open until October 8, 2015

During the Public Comment Period, all interested persons may submit written comments regarding this legislative proposal; and/or a transcript of any testimony/spoken comments made during the Public Meeting. Written comments may be submitted to the Tribal Secretary's Office or to the Legislative Reference Office in person or by U.S. mail, interoffice mail, e-mail or fax.

For more information about the public meeting process, or to obtain copies of the Public Meeting documents for this proposal, please visit www.oneida-nsn.gov/Register/PublicMeetings or contact the Legislative Reference Office, which is located on the second floor of the Norbert Hill Center, Oneida WI.

Mail: **Legislative Reference Office**
PO Box 365
Oneida, WI 54155

Phone: **(920) 869-4376 or (800) 236-2214**
E-Mail: **LOC@oneidanation.org**
Fax: **(920) 869-4040**

Oneida Flag Policy

Article I. Purpose and Policy
 Article II. Adoption, Amendment, Repeal
 Article III. Definitions
 Article IV. General
 Article V. Procedures

Article VI. Display of the Oneida Flag within the Reservation
 Article VII. Respect for Flag
 Article VIII. Display of the Oneida Flag off Reservation

<i>Analysis by the Legislative Reference Office</i>					
Title	Oneida Flag Policy (Policy)				
Requester	OBC/ONVAC	Drafter	Douglass McIntyre	Analyst	Candice E. Skenandore
Reason for Request	The OBC deferred the Policy to the LOC because ONVAC was receiving complaints from non-Tribal members on how the Tribal Flag is displayed. ONVAC has concerns that there is no protocol for those who oversee flag responsibilities.				
Purpose	This Policy governs the proper rules, display and customs of the Nation’s flag as well as other the flags of other Sovereigns including the U.S. Flag <i>[See 1-1]</i> .				
Authorized/ Affected Entities	All Oneida entities and Oneida-owned buildings within the Reservation that currently possess or will possess flag poles, stationary flagstaffs or other means to display a flag must adhere to this Policy <i>[See 4-2]</i> .				
Due Process	An employee can grieve any disciplinary action pursuant to Oneida’s personnel policies and procedures <i>[See Personnel Policies and Procedures, Section V.D.3]</i> .				
Related Legislation	Where the Policy is ambiguous or does not address a situation, the Federal Flag Code can be used as a guide <i>[See 4-1]</i> .				
Enforcement	Violating this Policy may result in discipline pursuant the Oneida Nation’s personnel policies and procedures <i>[See 5-2]</i> .				

Overview

After receiving a number of complaints on how the Oneida Nation Flag (Flag) and US flag are flown, the Oneida Nation Veteran’s Affairs Committee (ONVAC) requested that legislation be developed to provide for a consistent way in which the Oneida Nation displays the Flag. On April 22, 2015, the Oneida Business Committee (OBC) made a motion to “request the Legislative Operating Committee to develop a flag code policy . . .” The Federal Flag Code was used as guide in developing this Policy. In addition, collaboration with ONVAC representatives also played a role in creating this Policy. This Policy:

- Requires all current and future Oneida Nation entities and Oneida Nation-owned buildings on the Reservation that fly the Flag to do so pursuant to this Policy *[See 4-2]*.
- Identifies who is responsible for Flag duties and if an employee violates this Policy, he/she can be disciplined *[See 5-1 & 5-2]*.
- Lists the requirements for how the Flag is to be displayed *[See Article VI]*.
- Explains how the Flag is to be respected *[See Article VII]*.
- Identifies how the Flag is to be displayed outside of the Reservation *[See VIII]*.

Considerations

The Legislative Operating Committee may want to consider the following:

- The Policy states that the supervisor of each Oneida-owned building must appoint a designee that will be responsible for the duties set within this Policy *[See 5-1]*. Buildings such as the Skenandoah building, houses a number of Division

- 23 Directors, Area Managers and supervisors. The LOC may want to consider
24 specifying that the building manager or their equivalent shall appoint a designee
25 to perform the duties set within this Policy.
- 26 ■ The Policy requires that every classroom display the Flag [See 6-1 (d)]. The
27 Oneida Nation High School will need to approximately 20 flags in order to
28 comply with this Policy. It is unknown how many, if any, Flags are needed for
29 the Elementary School or Head Start.
 - 30 ■ When a nation's flag is displayed, Federal Flag Code requires that flag to be
31 flown at the same height as the US flag. This Policy is only requiring the US flag
32 be flown at the same height as the Flag and does not allow flags of other nations
33 to be flown at the same height as the Flag [See 6-3 (a) and CRS Report for
34 Congress: The United States Flag § 7 (g)].
 - 35 ■ If a Flag pin is worn, it must be worn on left lapel near the heart [See 7-1 (k)].
36 This requirement is also found within the Federal Flag Code; however, the US
37 flag has a union which is to be placed over the heart. The Flag does not have a
38 union; therefore, the LOC may want to decide if this provision is necessary.
 - 39 ■ Because the Oneida Nation has a number of buildings which have uneven flag
40 poles, the LOC may want to consider adding language to the Policy that states
41 that until it is financially feasible to change the existing flag poles to allow the
42 Flag and US flag to fly at the same height, the US flag shall fly from the highest
43 flag pole, when appropriate, and the Flag shall fly furthest right to show
44 prominence. In addition, any future flag poles shall be constructed in such a way
45 that complies with this Policy.
 - 46 ■ Defining the term "employee" [See 5-3].
 - 47 ■ Defining "Oneida-owned building" to either include or exclude buildings owned
48 by Oneida Nation Corporations [See 4-2, 5-1].

49 **Miscellaneous**

50 A public meeting has not been held. Please refer to the fiscal impact statement for
51 any financial impacts.

52 **Article I. Purpose and Policy**

53 1-1. The purpose of this Policy is for the Oneida Nation to exercise its fundamental right
54 to exercise self-determination and set forth the proper rules, display and customs of the
55 flag of the Oneida Nation, the flag of the United State of America and of other
56 Sovereigns displayed by the Nation's entities and employees.

57 1-2. It is the policy of the Nation to proudly display the rich cultural heritage of the
58 Oneida Nation as a sovereign nation and to provide the respect and dignity owed to the
59 flags of the Oneida Nation, the United States of America and the flags of other
60 Sovereigns.
61

62 **Article II. Adoption, Amendment, Repeal**

63 2-1. This Policy is adopted by the Oneida Business Committee by resolution _____.

64 2-2. This Policy may be amended or repealed by the Oneida Business Committee and/or
65 the Oneida General Tribal Council pursuant to the procedures set forth in the Legislative
66 Procedures Act.
67

68 2-3. Should a provision of this Policy or the application thereof to any person or
69 circumstances be held as invalid, such invalidity shall not affect other provisions of this
70 Policy which are considered to have legal force without the invalid portion(s).

71 2-4. In the event of a conflict between a provision of this Policy and a provision of
72 another policy, the provisions of this Policy shall control.

73 2-5 This Policy is adopted under the Constitution of the Oneida Nation.
74

75 **Article III. Definitions**

76 3-1. This article shall govern the definitions of words or phrases as used herein. All
77 words not defined herein shall be used in their ordinary and everyday sense.

78 (a) "Half-staff" means the position of the flag when it is one-half (1/2) the
79 distance between the top and bottom of the staff.

80 (b) "Nation" means the Oneida Nation.

81 (c) "Oneida Flag" means the flag of the Oneida Nation.

82 (d) "Reservation" means all the land within the exterior boundaries of the
83 Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the
84 Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.

85 (e) "Sovereigns" means any other Indian Nation, State or localities
86
87

88 **Article IV. General**

89 4-1. Where the Policy is ambiguous or does not address a situation, the Federal Flag
90 Code may be used as a guide.

91 4-2. All Oneida Nation entities and Oneida owned buildings within the Reservation that
92 currently possess flagpoles, stationary flagstuffs or other means to display a flag and
93 those entities and -Oneida owned buildings that later establish the means to display a flag
94 shall adhere to this Policy.
95

96 **Article V. Procedures**

97 5-1. The supervisor of each Oneida owned building described in section 4-3 shall
98 appoint a designee responsible for the duties under this Policy
99 .

100 5-2. Employees found violating this Policy may be subject to discipline in accordance
101 with the Nation's personnel procedures and policies.
102

103 **Article VI. Display of the Oneida Flag within the Reservation**

104 6-1. *Location, time and occasions for display.* As the Oneida Flag represents the
105 Nation's sovereignty, it should be displayed according to the following requirements:

106 (a) The Oneida Flag must be displayed on all days.

107 (b) The Oneida Flag must only be displayed from sunrise to sunset on buildings
108 and on stationary flagstuffs in the open. However, when a patriotic effect is
109 desired, the flag may be displayed twenty-four (24) hours a day if the Oneida Flag
110 is an all-weather flag and the Oneida Flag is properly illuminated during the hours
111 of darkness.

112 (d) The Oneida Flag shall be displayed during school days near every
113 schoolhouse and inside each classroom.

114 (e) The Oneida Flag shall be displayed in and near every polling place within the
115 Reservation on election days.

116 6-2. *Conduct during hoisting, lowering or passing of the Flag.* The Oneida Flag shall be
117 hoisted briskly and lowered ceremoniously.

118 6-3. *Position of the Flag.* The position of a flag among others is an important symbol of
119 prominence and sovereignty, therefore the following requirements must be adhered to:

120 (a) Only the flag of the United States may ever be displayed at the same height as
121 the Oneida Flag.

122 (b) The Oneida Flag shall be displayed to the furthest right to show superior
123 prominence.

124 (c) When the Oneida Flag and the United States flag are both displayed, they are
125 to be flown from separate staffs of the same height and the flags shall be of
126 approximately equal size.

127 (d) When other flags are flown from adjacent staffs, the Oneida Flag shall be
128 hoisted first and lowered last.

129 (e) When flags of other Sovereigns or pennants of societies are flown on the
130 same halyard with the Oneida Flag, the Oneida Flag shall always be at the top.

131 6-4. *Manner of Display.* The Oneida Flag must be displayed as follows:

132 (a) When carried in a procession with another flag or flags, the Oneida Flag shall
133 be either on the marching right; that is, the Flag's own right, or, if there is a line of
134 other flags, in front of the center of that line.

135 (b) When the Oneida Flag is displayed with another flag against a wall from
136 crossed staffs, the Oneida Flag shall be on the right, the flag's own right, and its
137 staff shall be in front of the staff of the other flag.

138 (c) The Oneida Flag shall only be displayed horizontally against a wall, the
139 Oneida Flag shall be placed in the upright position. When displayed in a window,
140 the flag shall be displayed in the upright position facing the appropriate way to an
141 observer outside the building.

142 (d) When the Oneida Flag is displayed over the middle of the street, the Oneida
143 Flag shall be suspended horizontally and must be placed in the upright position.

144 (e) When used on a speaker's platform, the flag, if displayed flat, shall be
145 displayed above and behind the speaker. When displayed from a staff in a church
146 or public auditorium, the Oneida Flag must hold the position of superior
147 prominence, in advance of the audience, and in the position of honor at the
148 clergy's or speaker's right as he or she faces the audience. Any other flag so
149 displayed shall be placed on the left of the clergyman or speaker or to the right of
150 the audience.

151 (f) When the Oneida Flag is suspended across a corridor or lobby, it shall be
152 suspended in the upright position facing the main entrance.

153 (g) The Oneida Flag shall form a distinctive feature of the ceremony of unveiling
154 a statue or monument, but it shall never be used as the covering for the statue or
155 monument.

156 6-5. *Display of Respect.* At certain times, the Oneida Flag shall be lowered to Half-staff
157 as a sign of respect. In doing so, the Flag shall be first hoisted to the peak for an instant
158 and then lowered to the Half-staff position. The Oneida Flag shall be again raised to the
159 peak before it is lowered for the day.

- 160 (a) On the following days, the Oneida Flag shall be lowered to Half-staff:
161 (i) Oneida Code Talker Day
162 (ii) Memorial Day but only until noon, which it shall be raised to top of
163 the staff again.
- 164 (b) As a sign of respect, when the United States flag is lowered to Half-staff, the
165 Oneida Flag shall also be lowered.
- 166 (c) By a directive of the Chairperson, or his or her designee if the Chairperson is
167 not available, the Oneida Flag shall be flown at Half-staff upon the death of a
168 tribal member and remain at Half-staff until after the funeral.
- 169 (d) The Oneida Flag may be lowered to Half-staff by directive of the Chairperson
170 for other reasons he or she deems needed.

171

172 **Article VII. Respect for Flag**

173 7-1. No disrespect shall be shown to the flag of the Oneida Nation, the United States flag
174 or flags of any other Sovereigns.

175 (a) During the ceremony of hoisting or lowering the flag or when the flag is passing
176 in a parade or in review, all persons present shall face the flag and stand at attention.

177 (b) The Oneida Flag and United States flag shall not be dipped to any person or
178 thing. Regimental colors, State flags, and organization or institutional flags shall be
179 dipped as a mark of honor.

180 (c) The Oneida Flag shall never be displayed upside down.

181 (d) The Oneida Flag shall never touch anything beneath it, such as the ground, the
182 floor, or water.

183 (e) The Oneida Flag shall never be carried flat or horizontally, but always aloft and
184 free.

185 (f) The Oneida Flag shall never be draped, drawn back, tied up, folded, but always
186 allowed to fall free.

187 (g) The Oneida Flag shall never be fastened, displayed, used, or stored in such a
188 manner as to permit it to be easily torn, soiled, or damaged in any way.

189 (h) The Oneida Flag shall never be used as a covering for a ceiling.

190 (i) The Oneida Flag shall never have placed upon it, nor on any part of it, nor
191 attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of
192 any nature besides the Oneida Flag's design.

193 (j) The Oneida Flag shall never be used as a receptacle for receiving, holding,
194 carrying, or delivering anything.

195 (k) No part of the Oneida Flag shall ever be used as a costume or athletic uniform.
196 However, an Oneida Flag patch may be affixed to the uniform of military personnel,
197 firefighter, police officer, and members of patriotic organizations. The lapel Flag pin
198 being a replica, shall be worn on the left lapel near the heart.

199 (l) The Oneida Flag, when it is in such condition that it is no longer a fitting emblem
200 for display, shall be destroyed in a dignified way, preferably by burning.

201

202 **Article VIII. Display of the Oneida Flag off Reservation**

203 8-1. When outside of the boundaries of the Reservation, the proper display protocol of the
204 jurisdiction shall be followed.

205

206 *End.*

207
208