

NOTICE OF
PUBLIC MEETING

TO BE HELD
Thursday, June 21, 2018 at 12:15 p.m.
IN THE
OBC CONFERENCE ROOM
(2nd FLOOR—NORBERT HILL CENTER)

In accordance with the Legislative Procedures Act, the Legislative Operating Committee is hosting this Public Meeting to gather feedback from the community regarding a legislative proposal.

**TOPIC: AMENDMENTS TO THE COMPREHENSIVE
POLICY GOVERNING BOARDS, COMMITTEES AND
COMMISSIONS**

This is a proposal to amend and update the existing Comprehensive Policy Governing Boards, Committees, and Commissions. This law governs boards, committees, and commissions of the Nation and includes procedures regarding:

- ◆ Creation of a board, committee, or commission [1 O.C. 105.4];
 - ◆ Applications and vacancies [1 O.C. 105.5 and 105.6];
 - ◆ Appointment or election to a board, committee, or commission [1 O.C. 105.7 and 105.8];
 - ◆ Oath of office and the requirements for bylaws [1 O.C. 105.9 and 105.10];
 - ◆ Electronic polling and reporting requirements [1 O.C. 105.11 and 105.12];
 - ◆ Stipends and compensation [1 O.C. 105.13];
 - ◆ Confidential information, conflicts of interest, and use of the Nation's assets [1 O.C. 105.14, 105.15 and 105.16];
 - ◆ Dissolution of a board, committee, or commission [1 O.C. 105.17]; and
 - ◆ Enforcement [1 O.C. 105.18].
- ◆ To obtain copies of the Public Meeting documents for this proposal, or to learn about the LOC public meeting process, please visit www.oneida-nsn.gov/Register/PublicMeetings or contact the Legislative Reference Office.

**PUBLIC COMMENT PERIOD
OPEN UNTIL
THURSDAY, JUNE 28, 2018**

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to the Oneida Nation Secretary's Office or to the Legislative Reference Office in person (Second floor, Norbert Hill Center) or by U.S. mail, interoffice mail, e-mail or fax.

Legislative Reference Office
PO Box 365 Oneida, WI 54155
LOC@oneidation.org
Phone: **(920) 869-4376** or **(800) 236-2214**
Fax: **(920) 869-4040**



Amendments to Comprehensive Policy on Boards, Committees and Commissions Legislative Analysis

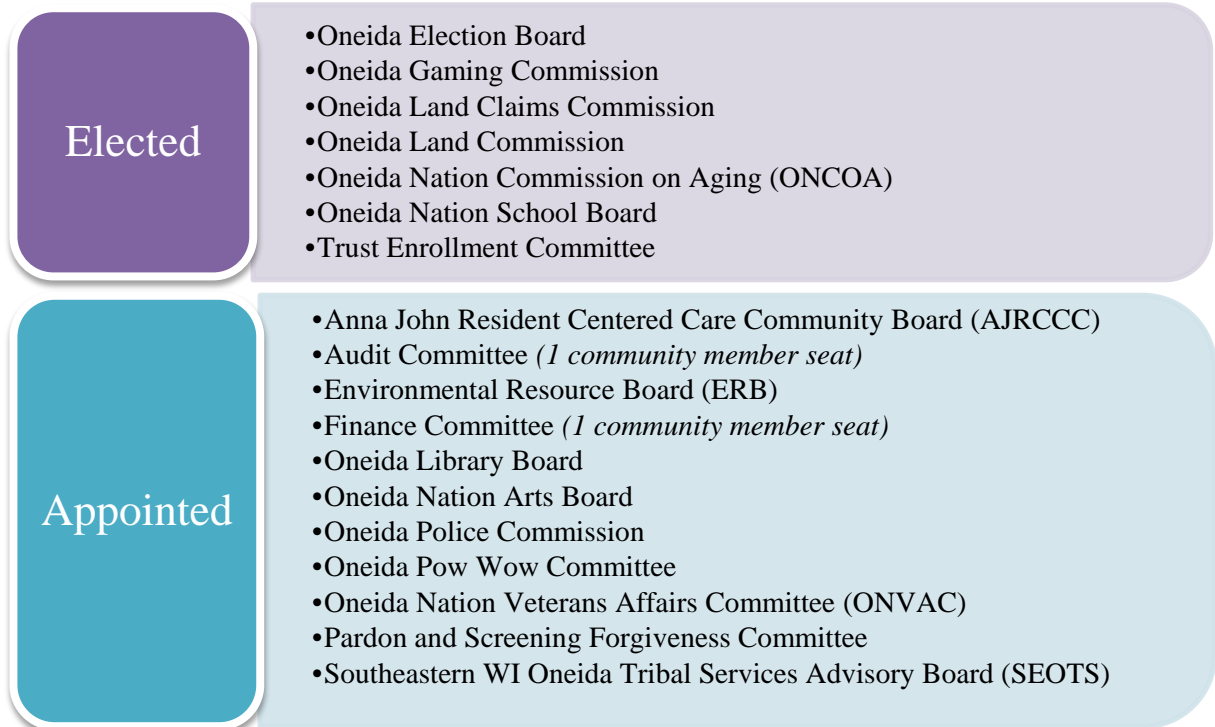
SECTION 1. BACKGROUND

REQUESTER: LOC	SPONSOR: Jennifer Webster	DRAFTER: Clorissa Santiago	ANALYST: Brandon Wisneski
Intent of the Amendments	When added to the Active Files list in 2013, the original intent of the amendments was to prohibit individuals from serving on multiple boards, committees and commission at one time; set term limits; and prohibit Tribal employees from serving on tribal boards, committees and commissions. Over time, the intent has changed. The current intent of the amendments is to update requirements for bylaws, reporting, and stipends, among other changes.		
Purpose	To govern the procedures regarding boards, committees and commissions of the Nation, including appointment and election, creation of bylaws, maintenance of official records, and compensation. <i>[see Boards, Committees and Commissions, 1 O.C. 105.1-1]</i>		
Affected Entities	Anyone serving on a Board, Committee or Commission of the Nation. Anyone applying to serve on a Board, Committee, or Commission of the Nation. Standing Committees of the Nation. Political appointees, such as legislative assistants. This law references the duties of the Business Committee Support Office, the Nation’s Secretary, the Nation’s Chairperson, the Oneida Election Board, Management Information Service (MIS) Department, and Records Management Department. This law does not apply to the Oneida Business Committee or Tribal corporations.		
Affected Legislation	Election law, Removal law, Conflict of Interest law, Code of Ethics, Computer Resources Ordinance, Social Media Policy, Travel and Expense Policy, Oneida Nation Gaming Ordinance, and bylaws of all boards, committees and commissions of the Nation.		
Enforcement/Due Process	A member of an entity that violates this law may be subject to sanctions and penalties in accordance with any laws and policies of the Nation governing sanctions and penalties. A member of an elected entity may be subject to removal pursuant to the Removal Law. A member of an appointed entity may be subject to termination of appointment by the Oneida Business Committee. <i>[see Boards, Committees and Commissions, 1 O.C. 105.17]</i>		
Public Meeting	A public meeting has not yet been held.		

SECTION 2. LEGISLATIVE DEVELOPMENT

- 1
- 2 **A.** These amendments set new standards for entity bylaws, update reporting requirements, update the
- 3 appointment process to increase feedback from entities and BC members, set a procedure for the
- 4 creation of new entities, create a standard e-poll process, provide official email addresses for
- 5 members of entities, and set a new procedure to set stipend amounts by resolution, among other
- 6 changes.
- 7 **B.** The following chart lists the Boards, Committees and Commissions of the Nation that are governed
- 8 by this law:
- 9

10 **Chart 1. Boards, Committees and Commissions of the Oneida Nation**



11
12 C. The following chart lists the Standing Committees of the Oneida Business Committee that are
13 governed by this law, where applicable.

14
15 **Chart 2. Standing Committees of the Oneida Nation**



16
17 **SECTION 3. CONSULTATION**

18 A. The Business Committee Support Office, Records Management, MIS and representatives from the
19 following Boards, Committees and Commissions were consulted in the development of this law:
20 Environmental Resource Board, Police Commission, Oneida Nation Commission on Aging, Oneida
21 Nation School Board, Oneida Election Board, Oneida Land Claims Commission, Trust Enrollment
22 Committee, Oneida Veterans Affairs Committee, Gaming Commission, Pow-wow Committee, Land
23 Commission, Oneida Library Board. All boards, committees and commissions were invited to
24 participate in two work meetings scheduled outside of normal business hours to meet their needs.

25 B. The Election Law, Removal Law, Conflict of Interest Law, Code of Ethics, Computer Resources
26 Ordinance, Social Media Policy, Travel and Expense Policy, and Oneida Nation Gaming Ordinance
27 were reviewed in drafting this analysis. In addition, the following bylaws were reviewed: Oneida

28 Election Board, Oneida Land Claims Commission, Oneida Land Commission, ONCOA, Oneida
29 Nation School Board, Trust Enrollment Committee, Anna John Resident Centered Care Community
30 Board, Finance Committee, Arts Board, Audit Committee, Environmental Resource Board, Oneida
31 Library Board, ONVAC, Pardon and Forgiveness Screening Committee, Police Commission, Pow-
32 wow Committee and Southern WI Oneida Tribal Services Advisory Board (SEOTS).

33

34 **SECTION 4. PROCESS**

- 35 A. Thus far, this law has followed the process set forth in the Legislative Procedures Act (LPA).
- 36 B. The law was originally added to the Active Files List on April 3, 2013 and has been carried over from
37 the previous two terms. The law was re-added to the Active Files List on September 17, 2014 and
38 again on September 6, 2017.
- 39 C. At the time this legislative analysis was developed, the following work meetings were held/scheduled
40 regarding the most recent efforts to develop this law and legislative analysis:
- 41 ▪ September 6, 2017: LOC
 - 42 ▪ September 21, 2017: LOC, BC Support Office, and representatives from the following Boards,
43 Committees and Commissions: Election Board, Environmental Resource Board, Land Claims
44 Commission, Police Commission, ONCOA, and Trust Enrollment. In addition, the Oneida Nation
45 School Board submitted written comments.
 - 46 ▪ October 2, 2017: BC Support Office
 - 47 ▪ October 27, 2017: LOC
 - 48 ▪ February 2, 2018: LOC
 - 49 ▪ February 22, 2018: LOC, BC Support Office, and representatives from the following Boards,
50 Committees and Commissions: Election Board, Gaming Commission, Land Commission, Library
51 Board, ONCOA, ONVAC, Police Commission, Pow-wow Committee, and Trust Enrollment. In
52 addition, Environmental Resource Board submitted written comments.
 - 53 ▪ March 2, 2018: LOC
 - 54 ▪ March 21, 2018: BC Support Office and Oneida Management Information Services (MIS)
 - 55 ▪ April 11, 2018: BC Support Office and MIS
 - 56 ▪ May 2, 2018: LOC

57

58 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 59 A. **Title.** The title of the law has been changed from “Comprehensive Policy on Boards, Committees and
60 Commissions” to “Boards, Committees and Commissions.”
- 61 B. **Creation of an Entity.** This new provision outlines a standard procedure for the creation a board,
62 committee or commission. Boards, committees or commissions must be created by adoption of a law
63 or resolution by the Oneida Business Committee (OBC) or General Tribal Council (GTC). The law or
64 resolution must include the purpose, powers and responsibilities of the entity. The Oneida Business
65 Committee is responsible for drafting the initial bylaws of the new entity [*see Boards, Committees*
66 *and Commissions, 1 O.C. 105.4*].
- 67 C. **Applications.** The application form to serve on a board, committee or commission must be approved
68 by the Oneida Business Committee. The application form must include a conflict of interest
69 disclosure. A statement has been added to the application form explaining attendance requirements.
70 Application materials will be made available in the Business Committee (BC) Support Office.

- 71 ▪ *Background Investigation Application.* For entities that require a background check, an additional
72 application form will now be required. This background application form will include social
73 security number and any other information required to conduct a background investigation. The
74 background investigation application will not be shared with the Oneida Business Committee,
75 entity or Election Board. The intent is to keep this personal information separate from the main
76 application materials. Currently, only Oneida Gaming Commission and Oneida Police
77 Commission require background checks [see *Boards, Committees and Commissions, 1 O.C.*
78 *105.5-1(b)*].
- 79 ▪ Completed applications must be submitted by 4:30 p.m. on the deadline date. Applications may
80 be mailed as long as they are postmarked by the deadline date and received by the Business
81 Committee Support Office within 5 business days of the deadline [see *Boards, Committees and*
82 *Commissions, 1 O.C. 105.5-2*].

83 **D. Vacancies.** This section describes the process for filling vacancies.

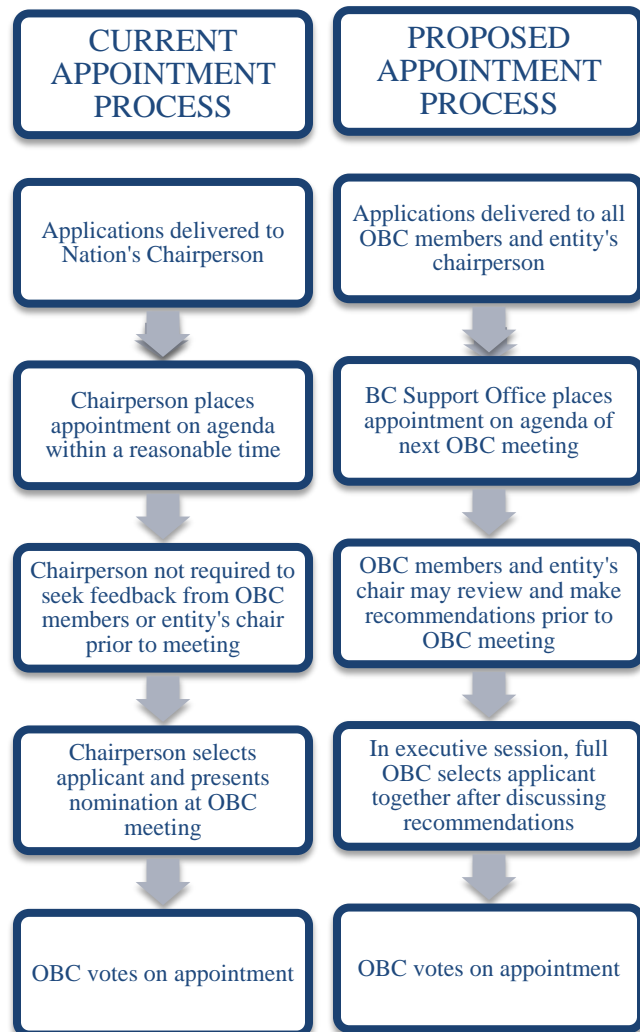
- 84 ▪ *Appointments to Fill Vacancies on Elected Entities.* Individuals appointed to fill a vacancy on an
85 elected entity will be considered an appointed official for the purposes of this law. This means
86 that the appointed official may have their appointment terminated by the OBC, regardless of
87 whether they serve on an elected board, unless another law of the Nation states that removal from
88 that board may only be done by the Removal Law [see *Boards, Committees and Commissions, 1*
89 *O.C. 105.6-1*].
- 90 ○ For example, the Oneida Nation Gaming Ordinance states that Gaming Commissioners
91 may only be removed via the Removal Law [see *Oneida Nation Gaming Ordinance, 5*
92 *O.C.501.6-12*]. Similarly, the Election Law states that members of the Election Board
93 may only be removed via the Removal Law [see *Election Board 1 O.C. 102.4-4*].
- 94 ▪ *Serve until Successor Appointed.* A new provision was added to allow members to remain in
95 office until their successor has been sworn in. This provision was added to ensure that entities can
96 still maintain a quorum while they wait for new appointments to be processed [see *Boards,*
97 *Committees and Commissions, 1 O.C. 105.6-2(a)(1)*].
- 98 ▪ *Resignations.* In addition to submitting resignations to the entity’s chairperson or verbally at an
99 official meeting, members will now have the option of submitting their resignation letter to the
100 Business Committee (BC) Support Office instead. This option was added for convenience, since
101 certain entities meet only once per month, while the BC Support Office is open during the
102 Nation’s regular business hours. The resignation will be effective upon receipt by the BC Support
103 Office. [see *Boards, Committees and Commissions 1 O.C. 105.6-2(d)*]
- 104 ▪ Entities must notify the Secretary’s Office of vacancies as soon as they learn the position will
105 become vacant [see *Boards, Committees and Commissions, 1 O.C. 105.6-3*]. This section also
106 specifies when the Secretary must post notice of vacancies [see *Boards, Committees and*
107 *Commissions, 1 O.C. 105.6-4*]. Notice of vacancies will be posted by the BC Support Office in all
108 official media outlets of the Nation, as determined by the Oneida Business Committee. [see
109 *Boards, Committees and Commissions, 1 O.C. 105.6-5*].

110 **E. Appointment to an Entity.** This section describes the process for appointment to an entity.

- 111 ▪ *Current Process.* Under current law, all applications are delivered to the Nation’s chairperson.

112 The chairperson selects an applicant
113 “within a reasonable time” and the
114 appointment is voted on by the Oneida
115 Business Committee. Currently, the
116 chairperson is under no obligation to
117 consult with OBC members prior to
118 making an appointment, and there is no
119 timetable for when the appointment
120 must be made.

Chart 3. Comparison of Appointment Process



121 ■ *Proposed Process.* In this law, the
122 appointment process has been modified
123 to provide individual OBC members
124 and the entity’s chairperson an
125 opportunity to review applications and
126 offer recommendations. In addition,
127 this law requires BC Support Office to
128 place appointments on the agenda for
129 the next BC meeting, to ensure a
130 speedier appointment process. During
131 executive session of the next BC
132 meeting, all OBC members will have
133 an opportunity to discuss the applicants
134 and select an appointee by consensus
135 [see *Boards, Committees and*
136 *Commissions, 1 O.C. 105.7-1*].

137 ■ *Notification of an Appointment.* After
138 an appointment is approved by the
139 Business Committee, the Nation’s
140 Chairperson will notify the Secretary of
141 the appointment. The Secretary will then
142 notify the applicant [see *Boards, Committees and*
143 *Commissions, 1 O.C. 105.7-2*].

144 ■ *Declination of Appointment.* This new
145 provision describes how an individual
146 can decline their appointment prior to
147 taking the oath of office. Individuals
148 may decline their appointment by
149 delivering a letter to the BC Support
150 Office. In addition, failure to take the
151 oath of office within 30 days of
152 appointment will also be considered
153 declining the appointment. Oaths of
154 office are administered during OBC
155 meetings, which are held twice
156 monthly. Therefore, appointees will
157 have at least two opportunities to take
158 the oath. In addition, a new provision
159 has been added later in this law to
160 allow for oath of office by video
161 conference. If an individual declines
162 their appointment, the OBC will select
163 another applicant from the original
164 posting rather than re-post the
165 vacancy [see *Boards, Committees and*
166 *Commissions, 1 O.C. 105.7-3*].

167 ■ *Termination of Appointment.* Appointed
168 members, including individuals
169 appointed to fill vacancies on elected
170 entities, may have their appointment
171 terminated by a 2/3 majority vote of
172 the BC. Termination of appointment
173 is final and cannot be appealed [see
174 *Boards, Committees and*
175 *Commissions, 1 O.C. 105.7-4*].

- 156 **F. *Election to an Entity.*** Candidates for an elected entity must be nominated at a caucus or petition to
157 be placed on the ballot. Vacancies may be filled by appointment, per each entity’s bylaws. The
158 election process is governed by the Election Law [*See Boards, Committees and Commissions, 1 O.C.*
159 *105.8*]
- 160 **G. *Oath of Office.*** This section lists the oath of office and the procedure for changing the oath.
- 161 ▪ *Revised Oath.* Minor revisions have been made to the wording of the oath to reflect the change
162 from Oneida Tribe to Oneida Nation and to make it easier to recite. Specifically, “and with the
163 strictest confidentiality” has been changed to “and will strictly maintain confidential
164 information.”
 - 165 ▪ *Video Conference.* A provision has been added that allows members to take their oath by video
166 conference with permission of the Secretary. Members of the SEOTS Board, who reside in the
167 Milwaukee area, are an example of members who may benefit from this provision.
 - 168 ▪ *Electronic Copies.* The BC Support Office may now store electronic copies of the signed oath,
169 rather than keep original paper copies [*See Boards, Committees and Commissions, 1 O.C. 105.9*]
- 170 **H. *Bylaws.*** Bylaws are the documents that provide a framework for the operation and management of an
171 entity. This law outlines the format that entities must follow for developing their bylaws. Bylaws
172 must be organized in the following manner:
- 173 ▪ *Article I: Authority.* This section includes the following new provisions: Establishment, which
174 cites the law or resolution that established the entity. Authority, which will state the purpose of
175 the entity and the authority delegated to the entity. Termination or Removal, which identifies
176 causes for termination or removal from the entity. Trainings and Conferences, which describes
177 trainings and/or conferences the entity deems necessary for service on the entity [*See Boards,*
178 *Committees and Commissions, 1 O.C. 105.10-3(a)*].
 - 179 ▪ *Article II: Officers.* This section lists the duties and responsibilities of the entity’s chairperson,
180 vice chairperson, and any additional officers. It also describes the procedure for selecting officers
181 and whether the entity has the authority to hire personnel. A new provision on budgetary and
182 travel sign-off authority has been added to identify which members of the entity have sign-off
183 authority on behalf of the entity. All travel requests must be approved by majority vote during a
184 meeting of the entity [*See Boards, Committees and Commissions, 1 O.C. 105.10-3(b)*].
 - 185 ▪ *Article III: Meetings.* This section identifies when and where regular and emergency meetings
186 will be held and how meetings will be noticed [*See Boards, Committees and Commissions, 1*
187 *O.C. 105.10-3(c)*].
 - 188 ○ *Justification for Emergency Meetings.* Within 72 hours of a special or emergency
189 meeting, the entity must provide the Nation’s Secretary with notice of the meeting, the
190 reason for the meeting, and an explanation for why the matter could not wait for a regular
191 meeting. This is a new provision.
 - 192 ○ *Voting and E-Poll.* The Voting section has been revised to include whether the entity will
193 allow e-polls and under what circumstances the entity’s chairperson is allowed to vote.
 - 194 ▪ *Article IV: Expectations.* This is a new section which sets expectations for behavior of members
195 of an entity. Entities must prohibit violence and the use of alcohol and illegal drugs when acting
196 in official capacity. Entities must also list expectations regarding how official business of the
197 entity may be posted on social media. A conflict of interest section has also been added, which
198 lists any additional conflict of interests that may be unique to that entity. This section will also

- 199 describe how conflicts of interest will be handled and mitigated [*See Boards, Committees and*
200 *Commissions, 1 O.C. 105.10-3(d)*].
- 201 ■ *Article V: Stipends and Compensation.* This new section will list all of the stipends members are
202 eligible to receive and the requirements for collecting each stipend [*See Boards, Committees and*
203 *Commissions, 1 O.C. 105.10-3(e)*].
 - 204 ■ *Article VI: Records and Reporting.* This section describes the procedure and format for agenda
205 items, meeting minutes, attachments and relationship with OBC Liaison. New revisions to this
206 section include identifying a reasonable timeframe that the entity will submit minutes to BC
207 Support Office, and identifying how records of meeting attachments will be kept [*See Boards,*
208 *Committees and Commissions, 1 O.C. 105.10-3(f)*].
 - 209 ○ *Audio Recording Requirement.* All entities will now be required to audio record their
210 meetings.
 - 211 ■ *Article VII: Amendments.* This section describes how entities may revise their bylaws, with the
212 approval of Oneida Business Committee or General Tribal Council [*See Boards, Committees and*
213 *Commissions, 1 O.C. 105.10-3(g)*].
- 214 **I. *Electronic Polling.*** This new provision outlines the process for conducting an electronic poll, or “e-
215 poll.” Entities may use e-polls if approval of an action is needed before their next meeting.
- 216 ■ *E-Poll Process.* E-polls must be sent from an official email address of the entity by the chair or
217 designee, include a deadline for response of no greater than 24 hours, and follow the formatting
218 requirements described in this section. Members will vote by responding to the e-poll from an
219 official address of the entity. Responses from personal email addresses will not be accepted. In
220 order for an e-poll to be valid, a majority of the members of the entity must respond to the e-poll.
221 This is similar to requiring a quorum for an in-person meeting. If a majority of those who
222 respond vote in support of the e-poll, then the action will be approved. Copies of all e-poll results
223 must be placed on the entity’s next meeting agenda to be entered into the record [*see Boards,*
224 *Committees and Commissions, 1 O.C. 105.11*].
- 225 **J. *Reporting Requirements.*** This law describes reporting requirements for minutes, standard operating
226 procedures and reports to the Oneida Business Committee and General Tribal Council. Several new
227 provisions have been added:
- 228 ■ *Minutes.* Actions taken by an entity are valid once the action has been approved by a vote. For
229 example, if an entity passes a motion, that motion is valid immediately. Entities have the option
230 of adding a requirement to their bylaws that minutes must be approved before the actions become
231 valid [*See Boards, Committees and Commissions, 1 O.C. 105.12-1*].
 - 232 ■ *Standard Operating Procedures.* Entities will now be required to submit all standard operating
233 procedures to the BC Support office to be kept on file.
 - 234 ■ *Quarterly Reports to Oneida Business Committee.* Entities must submit quarterly reports to the
235 Oneida Business Committee. At least one member of each entity must attend the BC Meeting
236 where their quarterly report is being presented. Quarterly reports will contain the following
237 information: Contact information, number and type of meetings, the topics of any emergency or
238 special meetings, accomplishments, goals, budget status, requests to the Business Committee and
239 any other information deemed appropriate by the entity [*See Boards, Committees and*
240 *Commissions, 1 O.C. 105.12-3*].
 - 241 ■ *Annual and Semi-Annual Reports to GTC.* Entities must submit annual and semi-annual reports
242 to the General Tribal Council. The Business Committee will set the format for these reports.

- 243 ○ *Complaints.* New provisions were added that require entities to include the number of
244 substantiated complaints in their annual and semi-annual reports. A substantiated
245 complaint is a complaint that has been found valid by the BC or Judiciary. The proposed
246 Sanctions and Penalties law will set a standard procedure for complaints.
- 247 ■ *Failure to Submit Reports.* A new provision was added specifying that if an entity does not
248 submit reports on time, OBC may place a hold on all stipends for that entity until the reports are
249 received [*See Boards, Committees and Commissions, 1 O.C. 105.12-5*].
- 250 **K. *Stipends, Reimbursement and Compensation.*** This law describes the procedures for how stipends
251 will be paid for meetings, hearings, and other expenses. The Oneida Business Committee will set
252 stipend amounts by resolution, and may adjust those amounts by amending the resolution. At the time
253 this analysis was written, the LOC plans to draft a resolution setting stipend amounts and include the
254 resolution in the adoption packet for this law.
- 255 ■ *Requirements for Meeting Stipend.* In order to receive a stipend, meetings must have an
256 established quorum and last at least one hour. In addition, there is a new requirement that
257 members must be physically present for the entire meeting to earn the stipend. If members arrive
258 late or leave early, they will not earn a stipend.
- 259 ○ *Appointed Members:* Appointed members may only receive one meeting stipend per
260 month, regardless of the number of meetings held. This is consistent with current law
261 [*See Boards, Committees and Commissions, 1 O.C. 105.13-4(a)*].
- 262 ○ *Elected Members:* Elected members may receive stipends for any number of meetings, so
263 long as the meetings meet the requirements for a stipend. This is consistent with current
264 law [*See Boards, Committees and Commissions, 1 O.C. 105.13-4(b)*].
- 265 ■ *Stipends for Oneida Judiciary Hearings.* A member of an entity may receive a stipend for
266 attending an Oneida Judiciary hearing if that member is required to attend by subpoena [*See*
267 *Boards, Committees and Commissions, 1 O.C. 105.13-5*].
- 268 ■ *Hearings of an Entity:* Members may receive stipends for conducting hearings administered by
269 the entity. Entities may only receive one stipend for each hearing, regardless of the length of the
270 hearing. Members may not receive additional stipends for continuations of a hearing or to draft
271 decisions [*See Boards, Committees and Commissions, 1 O.C. 105.13-6*].
- 272 ○ *Boards with Hearing Authority:* The following entities currently exercise hearing
273 authority: Election Board, Police Commission, School Board, Trust Enrollment
274 Committee, Pardon and Forgiveness Screening Committee, and Gaming Commission.
275 Environmental Resource Board and Land Commission have transferred hearing body
276 authority to the Judiciary.
- 277 ■ *Oneida Business Committee Meetings.* Up to two members of an entity may receive stipends for
278 presenting their entity’s quarterly report at an Oneida Business Committee Meeting. Their report
279 must be on the agenda to receive a stipend for the meeting [*See Boards, Committees and*
280 *Commissions, 1 O.C. 105.13-7*].
- 281 ■ *Other Stipends:* Stipends for any other activity will be set by the OBC in a resolution setting
282 stipend amounts. Currently, examples of such activities include Pow-wow committee working at
283 Pow-wows and Election Board conducting elections or conducting hand counts at GTC [*See*
284 *Boards, Committees and Commissions, 1 O.C. 105.13-8*].
- 285 ■ *Conferences and Training:* Members will receive stipends for attending conferences and training.
286 Members will receive stipends for each full day of training required by law, bylaw or resolution.

287 Members will not receive stipends for travel days. In addition, members are eligible for per diem
288 per the Nation’s Travel and Expense policy. This is consistent with current law. This section
289 removes the \$100 amount for the travel stipend. Instead, the amount of the stipend will be set by
290 the OBC by resolution [*See Boards, Committees and Commissions, 1 O.C. 105.13-9*].

291 **L. Confidential Information.** This law requires members to maintain confidentiality in all information
292 obtained through their position on the entity. Members cannot disclose confidential information
293 without the written authorization of the Oneida Business Committee. After leaving an entity, a
294 member must return all records. Members of an entity cannot use confidential information for
295 personal gain [*See Boards, Committees and Commissions, 1 O.C. 105.14-1*].

296 ■ **Official Email Address.** Members will now be provided an official email address for conducting
297 business of the entity. Members cannot use personal or work email to conduct the entity’s
298 business. Employees of the Nation will receive a separate email address. Members must follow
299 the Nation’s computer and media related policies and sign an acknowledgment form provided by
300 the Secretary. When a member leaves office, the Nation’s Secretary will direct MIS to disable the
301 email address [*See Boards, Committees and Commissions, 1 O.C. 105.14-3*].

302 **M. Conflicts of Interest.** This law requires members to adhere to the Nation’s policies regarding
303 conflicts of interest. It also requires members to disclose conflicts of interest as soon as they arise and
304 submit an updated conflict of interest disclosure form to the Nation’s Secretary on an annual basis
305 [*See Boards, Committees and Commissions, 1 O.C. 105.15-2*].

306 ■ **Political Appointees.** In this new provision, political appointees are no longer allowed to serve on
307 boards, committees or commissions. There are currently ten political appointees in the
308 organization: Chairperson’s Assistant, Chairperson’s Policy Advisor, Vice Chair’s Assistant,
309 Treasurer’s Assistant, Secretary’s Assistant, and five Legislative Assistants [*See Boards,*
310 *Committees and Commissions, 1 O.C. 105.15-3*].

311 ■ **Deleted Sections.** The current Comprehensive Policy includes a list of specifically prohibited
312 activities covered under “conflicts of interest.” This draft deletes this list of prohibited activities,
313 and instead, entities are directed to follow the Nation’s laws and policies governing conflicts of
314 interest [*see Comprehensive Policy on Boards, Committees and Commissions, 1 O.C. 105.13*].
315 These laws include the Conflict of Interest Law and the Code of Ethics, which both apply to
316 members of boards, committees and commissions. Members must also follow any conflict of
317 interest provisions in their entity’s bylaws. The deleted sections provided specific examples,
318 while the Conflict of Interest Law and Code of Ethics provide broader, general guidelines.

319 **N. Use of the Nation’s Assets.** This law describes how entities will maintain bank accounts, execute and
320 record transactions, and use Generally Accepted Accounting Principles for the Nation’s funds. Any
321 evidence of noncompliance will be reported to the Internal Audit department [*See Boards,*
322 *Committees and Commissions, 1 O.C. 105.16*].

323 **O. Dissolution of an Entity.** Entities can only be dissolved by GTC or OBC motion. Entities created by
324 GTC can only be dissolved by GTC. A new requirement was added that within 5 business days of
325 dissolving an entity, OBC will provide the entity with a written notice of the dissolution [*See Boards,*
326 *Committees and Commissions, 1 O.C. 105.17-2*]. This law specifies that chairpersons and secretaries
327 of dissolved entities are responsible for closing out business and forwarding records to the BC
328 Support Office. The BC Support Office may use the assistance of Records Management or any other
329 appropriate department. [*See Boards, Committees and Commissions, 1 O.C. 105.17-3*].

330 **P. *Enforcement.*** Members who violate this law are subject to sanctions and penalties, removal pursuant
331 to the Removal law, or termination of appointment to an appointed entity. A provision regarding
332 disqualifying candidates for election was removed, because disqualification is addressed in the
333 Election law [*See Boards, Committees and Commissions, 1 O.C. 105.18*].
334

335 **SECTION 6. EFFECT ON EXISTING LEGISLATION**

336 **A. *Bylaws.*** The bylaws of every Board, Committee and Commission will need to be updated to conform
337 with the new bylaw requirements in this law [*See Boards, Committees and Commissions, 1 O.C.*
338 *105.10-3*].

339 **B. *References to the Other Laws of the Nation:*** The following laws of the Nation are referenced in this
340 law. This law does not conflict with any of the referenced laws.

341 ▪ ***Election Law.*** The process for election of a member to an elected entity will be governed by the
342 Election Law [*See Boards, Committees and Commissions, 1 O.C. 105.8-2*].

343 ▪ ***Removal Law.*** Removal of an official elected to an entity is governed by the Removal Law [*See*
344 *Boards, Committees and Commissions, 1 O.C. 105.6-2(b)*]. Members who violate this law may be
345 subject to Removal pursuant to the Removal Law [*See Boards, Committees and Commissions, 1*
346 *O.C.105.17-1*].

347 ▪ ***Conflict of Interest Law.*** All members of an entity are required to follow the Nation's laws
348 governing conflicts of interest [*See Boards, Committees and Commissions, 1 O.C.105.15-1*].

349 ▪ ***Code of Ethics.*** All members of an entity are required to follow the Nation's laws governing
350 conflicts of interest. The Code of Ethics also includes conflict of interest provisions [*See Boards,*
351 *Committees and Commissions, 1 O.C. 105.15-1*].

352 ▪ ***Computer Resources Ordinance.*** Members of an entity must sign an acknowledgment form
353 indicating notice of the Nation's applicable computer and media related laws [*See Boards,*
354 *Committees and Commissions, 1 O.C. 105.14-3(b)*].

355 ▪ ***Social Media Policy.*** The bylaws of each entity must identify expectations for the use of social
356 media in regards to official business of the entity [*See Boards, Committees and Commissions, 1*
357 *O.C. 105.10-3(d)(4)*].

358 ▪ ***Travel and Expense Policy.*** Members of an entity are eligible to be reimbursed for travel and per
359 diem to attend a conference or training in accordance with the Nation's travel policies [*See*
360 *Boards, Committees and Commissions, 1 O.C. 105.13-9*].

361 ▪ ***Oneida Nation Gaming Ordinance.*** Members appointed to fill a vacancy on an elected board
362 may have their appointments terminated by the Oneida Business Committee, unless another law
363 of the Nation states removal from that entity must be done pursuant to the Removal Law [*See*
364 *Boards, Committees and Commissions, 1 O.C. 105.6-1*]. The Oneida Gaming Ordinance (ONGO)
365 is an example of such a law. ONGO states that Gaming Commissioners must be removed
366 pursuant to the Removal Law [*see Oneida Nation Gaming Ordinance, 5 O.C. 501.6-12*]
367

368 **SECTION 7. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR** 369 **OBLIGATIONS**

370 **A. *Right to Appeal Termination of Appointment.*** After the OBC terminates an appointment, the
371 termination is final and not subject to appeal. While appointed members have always served at the
372 discretion of the Business Committee, for clarity, the law now specifically states that appeals are not

373 allowed. Note that this does not impact members who were elected to their positions, which is
374 governed by the Removal Law.

375 **B. *Political Appointees.*** This law bans political appointees, such as legislative assistants, from serving
376 on boards, committees and commissions. By accepting the position, political appointees will be
377 knowingly giving up the right to serve on an entity as a condition of their employment. Any
378 appointees currently serving on an entity will be allowed to finish their terms. *[See Boards,*
379 *Committees and Commissions, 1 O.C. 105.15-3].*
380

381 **SECTION 8. ENFORCEMENT**

382 **A.** Elected officials may be removed pursuant to the Removal Law and appointed officials may have
383 their appointments terminated by the Oneida Business Committee *[See Boards, Committees and*
384 *Commissions, 1 O.C. 105.18-1(b-c)].*

385 **B.** Any member of an entity who violates this law may be subject to sanctions and penalties. The LOC is
386 currently developing a Sanctions and Penalties law *[See Boards, Committees and Commissions, 1*
387 *O.C. 105.18-1(a)].*

388 **C.** Entities that fail to comply with reporting requirements in this law may have their stipends withheld
389 until reports are submitted *[See Boards, Committees and Commissions, 1 O.C. 105.12-5].*
390

391 **SECTION 9. OTHER CONSIDERATIONS**

392 **A. *Bylaws.*** Boards, Committees and Commissions have been unable to update their bylaws for the last
393 several years while this law has been on the LOC's Active Files List. Upon adoption of this law, all
394 entities will need to update their bylaws to conform with the new standards *[See Boards, Committees*
395 *and Commissions, 1 O.C. 105.10].* All bylaws must be approved by the Oneida Business Committee.
396 Entities, the LOC and BC should expect to begin processing a large number of bylaws after passage.
397 It is recommended that a memorandum to entities be developed to provide guidance on the new
398 bylaw requirements and the procedure for amending bylaws.

399 **B. *Sanctions and Penalties.*** This law references sanctions and penalties. The LOC is currently drafting
400 a Sanctions and Penalties Law, which will provide options for reprimanding members who violate
401 provisions of this and other laws. Currently, the only reprimand available for violating this law is
402 termination of appointment for appointed members and removal of elected members *[See Boards,*
403 *Committees and Commissions, 1 O.C. 105.18-1(a)].*

404 **C. *Impact on Standing Committees.*** This law does not apply to the Oneida Business Committee.
405 However, the law does apply to the Nation's Standing Committees where applicable *[See Boards,*
406 *Committees and Commissions, 1 O.C. 105.1-1].* These Standing Committees are the Audit
407 Committee, Finance Committee, Legislative Operating Committee, Community Development
408 Planning Committee, and Quality of Life Committee. Standing Committees are largely made up of
409 OBC members. Certain Standing Committees, such as the Audit and Finance committees, include
410 community member seats. These community members are appointed in accordance with this law.

411

- *Provisions that Apply to Standing Committees.* The intent of including Standing Committees
412 is to ensure that they follow this law's standards regarding bylaws, reporting requirements,
413 and e-poll procedures.

414

- *Provisions that May Not Apply to Standing Committees.* Certain provisions of this law may
415 not apply to Standing Committees, such as the Stipend section, because OBC members who
416 serve on Standing Committees are full-time employees and do not receive additional stipends.

417 Other provisions that largely do not apply are Applications, Vacancies, Appointment,
418 Election and the email address provision in Confidential Information.

419 **D. Stipends.** Under this law, stipend amounts will be set by Business Committee resolution [see *Boards,*
420 *Committees and Commissions 1 O.C. 105.13-3*]. The OBC will periodically review and adjust these
421 stipend amounts. Below is a depiction of current stipend amounts at the time this analysis was
422 drafted. Whether to maintain or adjust the current stipend amounts a policy decision.

423
424

Chart 4. Current Meeting Stipends for Appointed Boards.

No Stipend

- Oneida Nation Arts Board

\$50 Per Meeting

- Anna John Resident Centered Care Community Board (AJRCC)
- Audit Committee (1 community member seat)
- Environmental Resource Board (ERB)
- Finance Committee (1 community member seat)
- Oneida Library Board
- Oneida Nation Arts Board
- Oneida Police Commission
- Oneida Pow Wow Committee
- Oneida Nation Veterans Affairs Committee (ONVAC)
- Pardon and Screening Forgiveness Committee
- Southeastern WI Oneida Tribal Services Advisory Board (SEOTS)

425
426
427

Chart 5. Current Meeting Stipends for Elected Boards.

\$50 Per Meeting

- Land Commission
- Land Claims Commission

\$75 Per Meeting

- Oneida Nation Commission on Aging
- Oneida Nation School Board

\$100 Per Meeting for Chair, \$75 Per Meeting for Members

- Trust Enrollment Committee

\$100 per Meeting

- Oneida Election Board

Full Time Salary- No Meeting Stipend

- Oneida Gaming Commission
- "Pro-Tem" Commissioners, appointed as needed to participate in hearings when full-time commissioners recuse themselves, receive \$150 per hearing.

428
429
430
431
432
433

- **Summary of Current Meeting Stipends.** Currently, there are variations in stipends from board to board based on various BC and entity actions over the years.
 - Members of appointed entities receive \$50 per meeting, with the exception of Oneida Arts Board, which is a volunteer board that does not accept stipends.

- 434 ○ Member of elected entities receive between \$50 to \$100 per meeting. An exception is the
- 435 Oneida Gaming Commission, whose members receive a full-time salary.
- 436 ■ *Hearing Stipends.* Entities with hearing body authority receive stipends for conducting hearings.
- 437 Hearing stipend amounts are typically the same as meeting stipends.
- 438 ■ *Conferences and Training Stipends.* Members currently receive a \$100 stipend for each full day
- 439 spent attending a conference or training, not including travel days.
- 440 ■ *Other Stipends.* In addition, certain entities receive stipends for other activities:
- 441 ○ Oneida Election Board members receive \$10 per hour for conducting elections and caucuses.
- 442 They also receive a \$100 stipend for conducting hand counts at General Tribal Council
- 443 meetings.
- 444 ○ Oneida Pow-wow Committee members receive \$25 per hour, not to exceed \$200 per day, for
- 445 planning, preparation and working Oneida Pow-wows.
- 446 ■ *Considerations When Setting Stipend Amounts.* When adjusting stipend amounts, OBC may want
- 447 to consider the following:
- 448 ○ What is the purpose of a stipend?
- 449 ○ Should chairpersons receive more than members?
- 450 ○ Should any of the following criteria be considered: Workload, qualifications for membership,
- 451 oversight of a department or supervision of employees?
- 452 **E. *Stipend Processing.*** This law places several new requirements and limitations on how and when
- 453 members may receive stipends. These new requirements will require enforcement. Enforcing these
- 454 new provisions will require reviewing bylaws, entity and OBC meeting minutes, Judiciary subpoenas
- 455 and other actions. Currently, stipend requests are sent directly to Accounting. The BC Support Office
- 456 is in the process of taking over this responsibility and is well suited to this role given their familiarity
- 457 with each of the boards. If possible, the BC Support Office should take over this role to coincide with
- 458 the implementation of this law.
- 459 **F. *Current Political Appointees.*** This law bans political appointees from serving on boards, committees
- 460 and commissions [*See Boards, Committees and Commissions, 1 O.C. 105.15-3*]. At the time this
- 461 analysis was drafted, three political appointees currently serve on an entity. All three serve on elected
- 462 entities. These three individuals, and any appointees who may be serving at the time this law is
- 463 adopted, will be permitted to serve out the remainder of their terms. This decision will be included in
- 464 the adopting resolution for this law. The OBC should also consider working with Oneida Human
- 465 Resources Dept. to update job descriptions for political appointees to include this ban.
- 466 **G. *Audio Recording Requirement.*** This law adds a new requirement for all entities to audio record their
- 467 meetings. According the BC Support Office, only three entities currently audio record their meetings
- 468 on a regular basis. It may be necessary for the BC Support Office to acquire additional audio
- 469 recording equipment to implement this provision. The LOC may want to consider delaying the
- 470 implementation date of this requirement in the adopting resolution to allow for necessary planning
- 471 and purchases.
- 472 **H. *Email Addresses for BCC Members.*** MIS, BC Support Office and Records Management have begun
- 473 work to develop a process to provide and manage email addresses for BCC members. Based on MIS
- 474 research, this will impact approximately 130 members. To allow for necessary planning to implement
- 475 protocols, set budgets, and secure licenses to set up new email addresses, the LOC intends to include
- 476 a delay of the email requirement in the adopting resolution.

- 477 **I. *Changes to Application Form.*** The following changes must be made to the application form for
478 boards, committees and commissions. The revised application forms must be approved by the
479 Business Committee. The LOC may want to include the updated forms in the adoption packet to the
480 OBC [*see Boards, Committees and Commissions, 1 O.C. 105.5-1*].
- 481 ▪ Add a statement to the application form explaining the attendance requirements of section
482 105.11-3
 - 483 ▪ Create an additional Background Investigation Application Form, to include social security
484 number and any other information needed to conduct a background investigation. This form will
485 only be provided to applicants applying to entities that require a background check
- 486 **J. *New Forms and Standard Operating Procedures:***
- 487 ▪ *Computer Resource Acknowledgment Form.* The Secretary must provide an acknowledgment
488 form to be signed by each member upon receiving an email address. The Nation’s Secretary and
489 BC Support Office may want to consult with MIS regarding these forms [*see Boards, Committees
490 and Commissions 1 O.C. 105.14-3(b)*].
 - 491 ▪ *Disabling Email Addresses.* The Secretary must direct MIS to disable the email address for
492 members that leave office. The Nation’s Secretary and BC Support Office may want to develop
493 an SOP for this process [*see Boards, Committees and Commissions 1 O.C. 105.14-3(d)*].
 - 494 ▪ *SOP for Background Check Application Forms.* Given the sensitive information on the new
495 background check application forms, the Nation’s Secretary and BC Support Office may want to
496 create an SOP for how these forms will be securely stored and processed, if such an SOP does not
497 already exist.
- 498 **K. *Deleted Conflict of Interest Section.*** The current Comprehensive Policy includes a detailed list of
499 prohibited activities that are considered conflicts of interest [*see Comprehensive Policy on Boards,
500 Committees and Commissions, 1 O.C. 105.13*]. This draft deletes these provisions and instead, directs
501 members to follow the Nation’s laws and policies regarding conflicts of interest, which include the
502 Conflict of Interest Law and the Code of Ethics. The deleted sections were reviewed to ensure that
503 they appear elsewhere in the Nation’s laws or are covered under this law’s definition of “conflict of
504 interest.” Based on this review, it was determined that the Conflict of Interest Law and Code of Ethics
505 provide broad guidelines, while the deleted Conflict of Interest sections in this law provided more
506 specific examples that fell within those guidelines. While the deleted sections are covered by the
507 Nation’s existing laws and the definition of “conflict of interest,” some of the detailed examples may
508 be helpful to members of entities seeking to determine what constitutes a conflict. For example, one
509 deleted section included detailed examples of “gifts” [*see Comprehensive Policy on Boards,
510 Committees and Commissions, 1 O.C. 105.13-14*]. The LOC may want to consider adding these and
511 other examples to the Conflict of Interest Law or Code of Ethics to provide additional guidance to
512 entities. The Code of Ethics is currently on the LOC’s Active File List.
- 513 **L.** Please refer to the fiscal impact statement for any fiscal impacts.

514

Title 1. Government and Finances – Chapter 105
~~COMPREHENSIVE POLICY GOVERNING~~ BOARDS, COMMITTEES AND
COMMISSIONS

Laotiyani ~~sh&ha~~ **k** ~~tyohkway~~ ~~se~~
Their laws _____ of the groups we have

105.1. Purpose and Policy	105.9. Minutes <u>Oath of Office</u>
105.2. Adoption, Amendment, Repeal	105.10. Dissolution of Entities <u>Bylaws</u>
105.3. Definitions	105.11. <u>Electronic Polling</u>
105.4. Creation of an Entity <u>Applications</u>	<u>105.12. Reporting Requirements</u>
105.5. <u>Applications</u>	<u>105.13. Stipends, Reimbursement and Compensation for Services</u>
105.6. <u>Vacancies</u>	105. 14. <u>Confidential Information</u>
105.6. <u>Appointed Positions</u>	105. 13. <u>15. Conflicts of Interest</u>
105.7. <u>Elected Positions</u> <u>Appointment to an Entity</u>	<u>105.16. Use of the Nation's Assets</u>
105.8. By-Laws of Boards, Committees and Commissions <u>Election to an Entity</u>	<u>105.17. Dissolution of an Entity</u>
	<u>105.18. Enforcement</u>

105.1. Purpose and Policy

105.1-1. It is the purpose of this ~~policy~~ law to govern boards, committees, and commissions of the standard Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of ~~by-laws~~ bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions. ~~This policy~~

- (a) This law shall not apply to the Oneida Business Committee.
- (b) This law shall apply to the Standing Committees of the Oneida Business Committee where applicable including, but not limited to, the Legislative Operating Committee, Finance Committee, Audit Committee, Quality of Life Committee, and Community Development Planning Committee.
- (c) This law does not apply to Tribal corporations due to the corporate structure and autonomy of those entities.

105.1-2. It is the policy of the Nation to have consistent and standard procedures for choosing and appointing or electing the most qualified persons to boards, committees and commissions, for creation of ~~by-laws~~ bylaws governing boards committees and commissions, and for the maintenance of information created by and for boards, committees and commissions.

105.2. Adoption, Amendment, Repeal

105.2-1. This ~~policy~~ law was adopted by the Oneida Business Committee by resolution ~~#BC-5-14-97-F~~ and amended by resolutions ~~#BC-09-27-06-E and # BC-09-22-10-C,~~ and BC- - - - -.

105.2-2. This ~~policy~~ law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the ~~Oneida Administrative~~ Legislative Procedures Act ~~by the Oneida Business Committee or the Oneida General Tribal Council, regardless of where the original adoption took place.~~

105.2-3. Should a provision of this ~~policy~~ law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this ~~policy~~ law which are considered to have legal force without the invalid portions.

31 ~~105.2-4. Any policy, regulation, rule, resolution or motion, or portion thereof, which directly~~
32 ~~conflicts with the provisions of this policy is hereby repealed to the extent that it is inconsistent~~
33 ~~with or is contrary to this policy.—Provided that meeting stipends for elected members of a~~
34 ~~board, committee or commission that are in effect on [adoption date of the amendments] shall~~
35 ~~remain unaffected, but prior exceptions to this policy for appointed entities shall be repealed to~~
36 ~~extent that meeting stipends are inconsistent with this policy.—~~

37 105.2-4. In the event of a conflict between a provision of this law and a provision of another
38 law, the provisions of this law shall control.

39 105.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

40 41 **105.3. Definitions**

42 105.3-1. This section shall govern the definitions of words and phrases ~~as used~~ herein within
43 this law. All words not defined herein shall be used in their ordinary and everyday sense.

44 (a) "Application" means the form by which a person seeks to be appointed to fill a
45 vacancy on an entity.

46 (b) "Appointment" means the process by which a person is chosen to fill a vacancy on
47 an entity by the Oneida Business Committee.

48 (c) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m.,
49 excluding holidays recognized by the Nation.

50 (d) "Bylaws" means a document which provides a framework for the operation and
51 management of a board, committee, or commission of the Nation chiefly for the
52 government of its members and the regulation of its affairs.

53 (e) "Conference" means any training, seminar, meeting, or other assembly of persons
54 which is not an assembly of the entity.

55 (f) "Confidential information" means all information or data, whether printed, written,
56 or oral, concerning business or customers of the Nation, disclosed to, acquired by, or
57 generated by a member of an entity in confidence at any time during their elected or
58 appointed term or during their employment.

59 (g) "Conflict of interest" means any interest, real or apparent, whether it be personal,
60 financial, political, or otherwise, in which an elected official, officer, political appointee,
61 employee, contractor, or appointed or elected member, or their immediate family
62 members, friends or associates, or any other person with whom they have contact, have
63 that conflicts with any right of the Nation to property, information, or any other right to
64 own and operate activities free from undisclosed competition or other violation of such
65 rights of the Nation. In addition, conflict of interest also means any financial or familial
66 interest an elected official, officer, political appointee, employee, contractor, or
67 appointed or elected member or their immediate family members may have in any
68 transaction between the Nation and an outside party.

69 (h) "Entity" means a board, committee or commission created by the General Tribal
70 Council or the Oneida Business Committee whose members are appointed by the Oneida
71 Business Committee or elected by the ~~General Tribal Council~~ Nation's membership.

72 (b) "~~Vacaney~~" i) "E-poll" means any position an electronic poll, which is the act of
73 delivering an email to all members of an entity, in order to seek a response which
74 identifies a vote in favor of, opposing, or abstaining to an issue requiring approval by the

75 entity.

76 (j) "Nation" means the Oneida Nation.

77 (k) "Per Diem" means the payment made by the Nation to offset the costs of being out-
78 of-town or to travel on any behalf of the Oneida Nation.

79 (l) "Prohibited drugs" means marijuana, cocaine, opiates, amphetamines, phencyclidine
80 (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substance
81 included in Schedules I through V, as defined by Section 812 of Title 21 of the United
82 States Code. This also includes prescription medication or over-the-counter medicine
83 used in an unauthorized or unlawful manner.

84 (m) "Stipend" means that amount paid by the Oneida Nation to persons serving on
85 boards, committees and commissions of the Oneida Nation to offset the expenses of
86 being a member on the board, committee or commission caused by resignation, end of
87 term, removal, termination, or creation of a new position. Stipends are paid in the form
88 of cash or cash equivalent, which may include, but is not limited to, gift cards.

89 ~~(c) "Application" means any process by which a person proceeds to be appointed to a~~
90 ~~vacancy.~~

91 ~~(d) "Appointment" means the process by which a person is chosen to fill a vacancy.~~

92 (e(n) "Subcommittee" means a subgroup of an entity; which is comprised of fewer than
93 all members of the entity; which is designated one (1) or more specific responsibilities
94 on behalf of the entity.

95 (o) "Substantiated complaint" means a complaint or allegation in a complaint that was
96 found to be valid by a preponderance of the evidence.

97 (p) "Task Force or Ad Hoc" means a group of persons gathered to pursue a single goal,
98 the accomplishment of which means the disbanding of the group. The goal is generally
99 accomplished in a short time period, i.e. less than one year, but the goal itself may be
100 long-term.

101 ~~(f) "Conference"q) "Vacancy" means any training, seminar, meeting, or other~~
102 ~~assembly position on any board, committee or commission caused by resignation, end~~
103 ~~of persons which is not term, removal, termination, or creation of a new position.~~

104
105 **105.4. Creation of an assembly Entity**

106 105.4-1. An entity of the entity Nation shall be created by a resolution or law adopted by the
107 Oneida Business Committee or General Tribal Council.

108 ~~(g) "Per Diem" means the payment made by 105.4-2. The law or resolution establishing~~
109 ~~the Tribe to offset entity shall state the costs of being out of town or to travel on~~
110 ~~behalf purpose of the Oneida Tribe of Indians of Wisconsin.~~

111 ~~(h) "Stipend" means that amount paid by entity and all powers and responsibilities delegated to~~
112 ~~the entity.~~

113 105.4-3. The Oneida Business Committee shall be responsible for drafting the initial bylaws of
114 the entity.

115
116 **105.5. Applications**

117 105.5-1. The Oneida Tribe of Indians of Wisconsin to persons serving on boards,
118 committees and commissions of the Oneida Tribe of Indians of Wisconsin to offset the

119 expenses of being a member on the board, committee or commission.
120 (i) ~~“Official” means any person appointed or elected to membership~~ Business Committee
121 shall approve all applications to serve on an entity of the ~~Oneida Tribe.~~

122
123 **105.4 Nation. – Applications**

124 ~~105.4-1.~~ All ~~applications~~ application materials shall be ~~generated by~~ available in the ~~Tribal~~
125 ~~Secretary's~~ Business Committee Support Office and ~~approved~~ any other location specified by the
126 ~~Oneida~~ Business Committee Support Office.

127 ~~105.4-2.~~ The content of ~~(a)~~ All applications shall ~~be as follows~~ include:

128 (a) ~~questions designed to obtain the following information~~

- 129 (1) ~~name~~
- 130 (2) ~~address~~
- 131 (3) ~~phone number~~
- 132 (4) ~~enrollment number~~
- 133 (5) ~~position applied for~~

134 (b) ~~applications may contain any other questions necessary to obtain information~~
135 ~~necessary to making an informed decision as to the qualifications of any individual to~~
136 ~~hold any vacancy.~~

137 (c) ~~Form A-1, attached, is the current approved application form in use and shall be~~
138 ~~placed in the Tribal Secretary's Office and other locations specified by the Tribal~~
139 ~~Secretary's Office.~~

- 140 (1) a statement explaining the attendance requirements of section 105.12-3; and
- 141 (2) a section regarding disclosures of conflicts of interest.

142 (b) An additional application form shall be required for those entities that require a
143 background investigation. This background investigation application shall include the
144 applicant's social security number and any other information required for a background
145 investigation. The background investigation application shall be solely used for the
146 background investigation and not included in the application materials that are then
147 shared with the Oneida Business Committee, entity, and/or the Election Board.

148 ~~105.5-2.~~ ~~105.4-3.~~ Applications shall be filed with the ~~Tribal Secretary's office~~ Business
149 Committee Support Office by 4:30 p.m. of the deadline date. Postmarked envelopes are
150 accepted as filed if postmarked by the deadline date and received by the ~~Tribal Secretary's~~
151 ~~Office within five (5) business days of the deadline.~~ At the completion of the posted deadline
152 for filing applications the Tribal Secretary shall notify by postcard all persons who have filed an
153 application of the date the application was filed and whether it will be considered for the
154 election or appointment. A tentative date for appointment will be placed on the post card with
155 the instruction that this is a tentative date and further information can be requested by calling
156 the Tribal Secretary's Office. Postcard information should be in substantially similar format as
157 that in Figure 1. Business Committee Support Office within five (5) business days of the
158 deadline.

159 105.5-3.

Your application was received on:

	160
Tentative date for appointment or election:	161
	162
You application 9 is 9 is not being considered.	163
	164
For more information, call the Tribal Secretary's Office at 859-2214.	165
	166

167

168 105.5-4-4. Five (5) days after the posted deadline for filing applications the Business Committee
169 Support Office shall notify all persons who have filed an application of the date his or her
170 application was received and if his or her application met the deadline to be considered for the
171 election or appointment.

172 105.5-4-4. Applications for elected positions shall be verified according to the Oneida Election
173 Ordinance. Nation's laws and/or policies governing elections. Applications for appointed
174 positions shall be verified by the Tribal Secretary's Business Committee Support Office as
175 needed or as required in the by laws bylaws of the entity.

176 105.4-5-5. Insufficient Applicants. In the event that there are an insufficient number of
177 applicants after the deadline date has passed for appointed positions, the Tribal
178 Chairperson Oneida Business Committee may elect to:

- 179 (a) Include include within the pool of appointed persons late applications, or
- 180 (b) Repost repost for an additional time period. In the event of reposting, prior
- 181 applicants will be considered to have filed applications within the deadline period.

182
183 **105.56. Vacancies**

184 ~~105.5-1. This section shall govern when vacancies occur, and where and when notice of the~~
185 ~~vacancies shall be posted.~~

186 105.6-1. The manner by which an individual fills a vacancy, either through election or
187 appointment, shall determine that member's status as an appointed or elected official, despite
188 the entity's classification as an appointed or elected entity pursuant to the entity's bylaws.
189 Unless, a law of the Nation indicates that removal of an official shall be done pursuant to the
190 Removal law, an appointed individual may have his or her appointment terminated by the
191 Oneida Business Committee.

192 105.56-2. The A position on an entity shall be considered vacant in the following vacaneies
193 shall be effective as listed herein. situations:

- 194 (a) *End of Term.* A vacancy is effective as of 4:30 p.m. of the last day of the month in
- 195 which the term ends ~~as of the by laws of the entity.~~

196 (1) Although a position is considered vacant once the term ends, the member of
197 the entity may remain in office until the member's successor has been sworn in
198 by the Oneida Business Committee in an effort to prevent a discontinuation of
199 business or a loss of quorum for the entity.

- 200 (b) *Removal.* Removal is effective, ~~under adopted pursuant to any law~~ and ~~approved~~
201 ~~procedures of the entity, when the final action has taken place. Where a final action is~~
202 ~~defined as~~ or policy of the Nation regarding removal.

203 ~~(1) failure to file a timely appeal,~~

204 ~~(2) denial of appeal, or~~
205 ~~(3) final written opinion is filed.~~
206 ~~(c) Termination of Appointment. A termination is effective upon a two-thirds (2/3)~~
207 ~~majority vote of the Oneida Business Committee in favor of a member’s termination of~~
208 ~~appointment.~~
209 ~~(d) Resignation. A resignation is effective upon:~~
210 ~~(1) Deliverance of a letter to the entity, or Business Committee Support Office;~~
211 ~~(A) Upon receipt of resignation, the Business Committee Support~~
212 ~~Office will notify the entity of the resignation;~~
213 ~~(2) Deliverance of a letter to the Chairperson of the entity, or designee, or~~
214 ~~(3) Acceptance by motion of the entity of a verbal resignation.~~
215 ~~(e) New Positions. Vacancies on new entities are effective upon adoption of by-~~
216 ~~lawsbylaws.~~
217 ~~(e) Interim Positions. Vacancies of interim positions are effective upon creation of~~
218 ~~interim positions by 105.6-3. An entity shall notify the Oneida Business Committee~~
219 ~~Support Office as soon as the entity learns that a position has or General Tribal Council.~~
220 ~~will become vacant. 105.5-3. All notices of vacancy shall be sent to the entities for clarification~~
221 ~~or confirmation prior to notification to the Oneida Business Committee. The following~~
222 ~~guidelines are minimum notice requirements:~~
223 ~~(a) End of Term. Entity should be notified 60 days prior to end of term by the Tribal~~
224 ~~Secretary.~~
225 ~~(b) Removal or Resignation. Entity should be notified as soon as final action is taken~~
226 ~~by the Oneida Business Committee or General Tribal Council to accept the resignation,~~
227 ~~or final action according to any Removal law of the Tribe.~~
228 ~~105.56-4. Notice of vacancies shall be by the Tribal Secretary’s Office in the following~~
229 ~~locations:~~
230 ~~(a) Tribal Secretary’s Office~~
231 ~~(b) The Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida~~
232 ~~Community Health Center, the South Eastern Wisconsin Oneida Tribal Services~~
233 ~~(SEOTS) building and the Highway 54 and E & EE Oneida One Stops.~~
234 ~~(c) Kalihwisaks~~
235 ~~(d) Minutes of the Oneida Business Committee, and~~
236 ~~(e) Any reasonable location requested by the entity.~~
237 ~~105.5 5. The Tribal Secretary’s Support Office shall forward the notice of vacancy to the~~
238 ~~Oneida Business Committee for Secretary. The Secretary shall request and receive approval and~~
239 ~~direction from the Oneida Business Committee to post the notice as set out in this section of~~
240 ~~vacancy. The Tribal Secretary shall post notice of vacancies at the following times:~~
241 ~~(a) End of Term. Automatically thirty (30) days prior to completion of the term.~~
242 ~~(b) Removal. Upon notice by Secretary, or other person authorized by No later than the~~
243 ~~by laws first Oneida Business Committee meeting following the effective date of the~~
244 ~~entity, to the Tribal Secretary’s Office. removal.~~
245 ~~(c) Resignation. Upon notice by No later than the Secretary, or other person authorized~~
246 ~~by first Oneida Business Committee meeting following the by laws Secretary’s receipt of~~
247 ~~notice of an effective resignation from the entity, to the Tribal Secretary’s Office.~~

- 248 (d) *New Positions*. Upon one of the following conditions:
249 (1) if not specified, immediately upon creation of entity or adoption of ~~by-~~
250 ~~laws~~bylaws, whichever is later, or
251 (2) upon date specified when creating the entity.
- 252 ~~(e) *Interim Members*. Upon one of the following:~~
253 ~~(1) upon completion of the term designated to hold in new entity, or~~
254 ~~(2) upon completion of vacant term of the pre-existing entity~~
- 255 ~~(f) *Termination of appointment*. At~~No later than the ~~next~~first Oneida Business
256 Committee meeting following the effective date of the ~~termination of appointment~~.
257

258 ~~105.6.~~ Appointed Positions

259 ~~105.6-1.~~ All appointments-5. Notice of vacancies shall be ~~made~~posted by the Business
260 Committee Support Office in all official media outlets of the Nation, as determined by the
261 Oneida Business Committee ~~at regular or special Oneida Business Committee meetings.~~
262 Provided that, no applicant may be appointed who fails to meet, as well as any other location
263 deemed appropriate by the requirements set out in the entity's by-lawsSecretary.
264

265 105.7. Appointment to an Entity

266 ~~105.6-2.7-1.~~ Appointment Selection. The following procedures shall be used to determine ~~who~~
267 ~~shall be~~how the applicant for an appointed: position is selected:

- 268 (a) Five (5) business days after ~~close of notice,~~the posted deadline for submitting an
269 application, or within twenty-one (21) days of the posted deadline if the entity requires a
270 background investigation to be completed as part of the application process, the
271 Business Committee Support Office shall:
- 272 (1) deliver all applications~~shall be delivered to the Tribal Chairperson,~~ along
273 with a summary of qualifications to hold office-, and the results of the
274 background investigation if required, to each member of the Oneida Business
275 Committee as well as the entity's Chairperson; and
- 276 ~~(b) Within a reasonable time, the Tribal Chairperson shall:~~
- 277 (2) place the appointment for the entity on the next executive session portion of
278 the agenda of a regular or special Oneida Business Committee meeting in which
279 the appointment is intended to be made.
- 280 (b) Each member of the Oneida Business Committee shall review the application
281 materials prior to executive session and be prepared to discuss and select an applicant
282 for appointment.
- 283 (1) The entity's Chairperson may have until the executive session to review the
284 application materials and provide the Oneida Business Committee a
285 recommendation of an applicant for appointment.
- 286 (c) The Oneida Business Committee shall have a full and complete discussion of the
287 merits and qualifications of the potential applicants, and any recommendation made by
288 the Chairperson of the entity, during executive session. After completing a thorough
289 discussion, the Oneida Business Committee shall:
- 290 (1) choose an applicant for appointment, or
291 (2) ask the ~~Tribal Secretary's Office~~Oneida Nation's Secretary to re-notice the

vacancy because of ineligible, unqualified, or under qualified applicants.

~~(c) Forward choice of applicants to all Council members prior to appointment:~~

~~(1) Council members may accept the Tribal Chairperson's selected applicants, or~~

~~(2) Reject an applicant by majority vote of a quorum at any~~ (d) All appointments shall be made by the Oneida Business Committee during the open session of a regular or special Oneida Business Committee meeting. The Oneida Business Committee shall not appoint an applicant who fails to meet the requirements set out in the entity's bylaws.

~~105.6-3. All appointments are official upon taking an oath at a~~ (e) During the open session of the regular or special Oneida Business Committee meeting and all rights and delegated authorities of membership in the entity shall vest upon taking the oath. The Tribal Secretary shall notify the chosen persons when they should appear for taking the oath.

~~(a) Originals of the signed oath shall be maintained by the Tribal Secretary's Office.~~

~~(b) Copies of the oath shall be forwarded to the new, a member and the entity.~~

~~(c) Wording of oaths shall be approved by the Oneida Business Committee and kept on file by the Tribal Secretary's Office.~~

~~(1) The following oath is the standard oath to be used unless a specific oath for the entity is pre-approved by the Oneida Business Committee:~~

~~I, ♦name♦, do hereby promise to uphold the laws and regulations of the Oneida Tribe of Indians of Wisconsin, the General Tribal Council, and the Tribal Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida people with honor, respect, dignity, and sincerity and with the strictest confidentiality.~~

~~I will carry out the duties and responsibilities as a member of the ♦entity name♦, and all recommendations shall be made in the best interest of the Oneida Tribe as a whole.~~

~~(d) Revisions of oaths shall be approved by the Oneida Business Committee prior to usage.~~

~~(e) All oaths shall be sufficient to~~ may make the appointee aware of their duty a motion to the appoint an individual. Oneida Tribe and as Business Committee members of the entity may:

~~105.6-4. The Tribal~~ (1) accept the selected applicant and vote to appoint the individual to the vacant position, or

(2) reject the selected applicant and vote to oppose the appointment of the individual.

(f) If the Oneida Business Committee rejects the selected applicant, the matter will be deferred to the next Oneida Business Committee meeting where another applicant may be recommended by the Oneida Business Committee, or the Oneida Business Committee may direct the vacancy to be re-posted. When a vacancy is re-posted under this section, all applications from the first posting shall be considered to have been filed within the deadline period.

105.7-2. Notification of Appointment. Once an individual is selected for appointment at an Oneida Business Committee meeting, the Nation's Secretary shall notify all applicants of the final status of their application.

(a) The Tribal Nation's Chairperson shall forward a list of all applicants to the Tribal Nation's Secretary and the final decision regarding the selection after the procedures in sec. 6-2 for selection of an applicant described in section 105.7-1 are completed. Provided that, the Tribal

337 (b) The Nation's Secretary shall include on the notice to the applicant selected for appointment
338 the following paragraph:

339 ~~“The Oneida Tribe of Indians of Wisconsin reports all income paid by the Oneida Tribe in whatever form.~~
340 ~~The Internal Revenue Service of the United States considers stipends paid to members~~
341 ~~of boards, committees, and commissions to be income which may be offset by expenses~~
342 ~~related to that income. You will receive an income report which is also forwarded to the~~
343 ~~Internal Revenue Service, it is also your responsibility to keep documentation of~~
344 ~~expenses related to this income.”~~

345 ~~105.6-5. Termination of Appointment. Appointed members of entities serve at the discretion of~~
346 ~~the Oneida Business Committee. Upon the recommendation of the Tribal Chair, an appointed~~
347 ~~member of an entity may have his or her appointment terminated by the Oneida Business~~
348 ~~Committee by a two-thirds majority vote of the entire Oneida Business Committee.~~

349 -

350 ~~105.7 Elected Positions~~

351 ~~105.7-1. All elected positions, unless otherwise noted in the by laws of the entity, shall be~~
352 ~~nominated at a caucus called by the Oneida Election Board, or petition for ballot placement, in~~
353 ~~accordance with the Oneida Election Law. Provided that, when the Election Board notifies a~~
354 ~~petitioner or nominee that he or she is eligible to be placed on the ballot, the following~~
355 ~~paragraph shall be included:~~

356 ~~“The Oneida Tribe of Indians of Wisconsin~~Nation ~~reports all income paid by the Tribe~~Oneida
357 Nation ~~in whatever form. The Internal Revenue Service of the United States considers~~
358 ~~stipends paid to members of boards, committees, and commissions to be income which~~
359 ~~may be offset by expenses related to that income. You will receive an income report~~
360 ~~which is also forwarded to the Internal Revenue Service, it is also your responsibility to~~
361 ~~keep documentation of expenses related to this income.”~~

362 ~~105.7-2. All other processes shall be as directed in the Oneida Election Law~~3. Declination of
363 Appointment. An individual who has been selected for appointment to an entity by the Oneida
364 Business Committee may decline the appointment.

365 (a) An individual may decline an appointment to an entity in the following ways:

366 (1) Delivery of an letter stating that the individual wishes to decline the
367 appointment to the Business Committee Support Office; or

368 (2) The failure to take the oath of office within thirty (30) days of being selected
369 for appointment by the Oneida Business Committee.

370 (b) The Business Committee Support Office shall notify the Oneida Business
371 Committee if an individual declines an appointment to an entity. The Oneida Business
372 Committee shall then use the original pool of applications for the vacancy posting and
373 the process outlined in section 105.7-1 to select another applicant for appointment.

374 ~~105.7-4. Termination of Appointment. Appointed members of entities serve at the discretion of~~
375 ~~the Oneida Business Committee.~~3 Upon the recommendation of a member of the Oneida
376 Business Committee or the entity, a member of an appointed entity may have his or her
377 appointment terminated by the Oneida Business Committee.

378 (a) A two-thirds majority vote of the Oneida Business Committee shall be required in
379 order to terminate the appointment of an individual.

380 (b) The Oneida Business Committee's decision to terminate an appointment is final and
381 not subject to appeal.

382
383 **105.8 Election to an Entity**

384 105.8-1. All elected positions shall be nominated at a caucus called by the Oneida Election
385 Board, or petition for ballot placement, in accordance with the Nation’s laws and/or policies
386 governing elections, except where an entity’s bylaws allow for a vacancy to be filled by
387 appointment.

388 (a) When the Election Board notifies a petitioner or nominee that he or she is eligible to
389 be placed on the ballot, the following paragraph shall be included: “The Oneida Nation
390 reports all income paid by the Nation in whatever form. The Internal Revenue Service
391 of the United States considers stipends paid to members of boards, committees, and
392 commissions to be income which may be offset by expenses related to that income. You
393 will receive an income report which is also forwarded to the Internal Revenue Service, it
394 is also your responsibility to keep documentation of expenses related to this income.”

395 105.8-2. All other processes for the election of a member of an entity shall be as directed by the
396 Nation’s laws and/or policies governing elections.

397
398 **105.9. Oath of Office**

399 105.9-1. All appointed and elected positions are official upon taking an oath at~~during~~ a regular
400 or special Oneida Business Committee meeting~~and all. All~~ rights and delegated authorities of
401 membership in the entity shall vest upon taking the oath. The Nation’s Secretary shall notify
402 the chosen persons when they shall appear for taking the oath.

403 (a) The appointed or elected member shall appear in person at the Oneida Business
404 Committee meeting to take his or her oath, except if granted permission by the Secretary
405 to appear by video conferencing equipment.

406 105.9-2. The Oneida Business Committee shall approve wording of oaths. Any revisions of
407 oaths shall be approved by the Oneida Business Committee prior to usage. Oaths shall be kept
408 on file by the Business Committee Support Office.

409 ~~105.9-3.(a)~~ Originals of the signed oath, or electronic copies of the originals of the
410 signed oath, shall be maintained by the Tribal Secretary’s Business Committee Support
411 Office.

412 ~~(b)~~ Copies of the oath shall be forwarded to the new member of the entity and the entity.

413 ~~105.9-4. © Wording of oaths shall be approved by the Oneida Business Committee and~~
414 ~~kept on file by the Tribal Secretary’s Office.~~ The following oath is the standard oath to
415 be used unless a specific oath for the entity is pre-approved by the Oneida Business
416 Committee:

417 I, ♦[name♦, do], hereby promise to uphold the laws and regulations of the Oneida Tribe of
418 Indians of Wisconsin Nation, the General Tribal Council, and the Tribal Oneida Nation Constitution.
419 I will perform my duties to the best of my ability and on behalf of the Oneida people with
420 honor, respect, dignity, and sincerity and with will strictly maintain confidential information. I
421 will carry out the strictest confidentiality duties and responsibilities as a member of the [entity
422 name], and all recommendations shall be made in the best interest of the Oneida Nation as a
423 whole.

424 ~~I will carry out the duties and responsibilities as a member of the ♦entity name♦, and~~
425 ~~all recommendations shall be made in the best interest of the Oneida Tribe as a whole.~~

426 ~~(d) Revisions of oaths shall be approved by the Oneida Business Committee prior to~~

427 usage.

428 ~~(e)~~105.9-5. All oaths shall be sufficient to make the ~~appointee~~appointed or elected member of
429 an entity aware of their duty to the TribeNation and as members of the entity.

430

431 ~~105.8. By-Laws of Boards, Committees and Commissions~~

432 ~~105.8~~10. Bylaws

433 ~~105.10-1. By-Laws~~All entities of ~~all Boards, Committees and Commissions~~the Nation shall
434 have bylaws that conform to the requirements of this ~~outline~~law. Bylaws shall become effective
435 upon approval of the Oneida Business Committee, unless where General Tribal Council
436 approval is additionally required.

437 (a) All existing entities must comply with this format and present ~~by-laws~~bylaws for
438 adoption within a reasonable time after creation of the entity, or within a reasonable time
439 after adoption of this ~~policy~~. ~~By-laws must contain this minimum information, although~~
440 ~~more information is not prohibited~~law.

441 ~~105.8-2. Specifically excepted from this section are~~ (b) Bylaws must contain at least
442 the minimum information required by law, although more information is not prohibited.

443 (c) Exception. Task Forces and Ad Hoc Committees are excepted from the requirement
444 to have bylaws. However, these entities must have, at minimum, mission or goal
445 statements for completion of the task.

446 ~~105.8-3. There~~10-2. Articles. Bylaws shall ~~be~~contain, at a minimum, the following Articles:

447 (a) Article I. Authority.

448 (b) Article II. Officers.

449 (c) Article III. Meetings.

450 (d) Article IV. ~~Reporting~~Expectations.

451 (e) Article V. Stipends and Compensation.

452 (f) Article VI. Records and Reporting.

453 (g) Article VII. Amendments.

454 ~~105.8-4~~10-3. Sections. Articles shall be divided into "~~Sections~~sections" as set out.

455 (a) "Article I. Authority" ~~consists~~shall consist of the following ~~information~~:

456 (1) Name. ~~All entities should list the~~ The full name of the entity. ~~In addition,~~
457 ~~there should be listed~~ shall be stated, along with any short name that will be
458 officially used.

459 (2) AuthorityEstablishment. This section ~~should~~shall state the citation and
460 name, if any, of the creation document.

461 ~~(3)~~ (3) Authority. This section shall state the purpose for which the entity was
462 created and what, if any, authority the entity is delegated.

463 (4) Office. There ~~should~~shall be listed the official office or post box of the
464 entity.

465 (4) Membership. The following information ~~should~~shall be in this section:

466 (A) Number of members on the entity;

467 (B) ~~How~~ If members on the entity are elected or appointed; ~~and how a~~
468 member is elected or appointed;

469 (C) How vacancies are filled; and

470 (D) ~~The qualifications~~Qualifications for membership on the entity.

471 (6) Termination or Removal. This section shall identify causes for termination
472 or removal, if any, in addition to those already identified in laws and/or policies
473 of the Nation.

474 (7) Trainings and Conferences. This section shall describe any trainings and/or
475 conferences that the entity deems necessary for members to responsibly serve the
476 entity, if any.

477 (b) "Article II. Officers" ~~consists~~shall consist of the following ~~information~~:

478 (1) ~~Chair~~Chairperson and ~~Vice-Chair~~Chairperson. This section creates the
479 chairperson and vice-chairperson positions of the entity. Other officer positions
480 may also be created here.

481 (2) ~~Chair duties.~~Responsibilities of the Chairperson. Because of the importance
482 of this position, ~~those~~all duties and responsibilities of the chairperson, as well as
483 limitations should of the chairperson shall be specifically listed here.

484 (3) ~~Responsibilities of the Vice-Chair duties~~Chairperson. Because of the
485 importance of this position, ~~those~~all duties and responsibilities of the vice-
486 chairperson, as well as limitations should of the vice-chairperson shall be
487 specifically listed here.

488 (4) ~~Responsibilities of Additional Offices and Duties.~~Officers. There ~~should~~may
489 be additional sections as needed for every office-officer position created in
490 subsection one (1) above. These sections shall state all duties and responsibilities
491 of the officer, as well as any limitations of the officer.

492 (5) ~~How chosen.~~ There should be specifically set out Selection of Officers. This
493 section shall identify how a member of the entity will occupy shall be selected for
494 an official officer position as set out in this section the entity.

495 ~~(6)~~ (6) Budgetary Sign-Off Authority and Travel. This section shall identify the
496 entity's varying levels of budgetary sign-off authority, the members that are
497 authorized to sign-off at each level, and how the entity shall handle approving
498 travel on behalf of the entity.

499 (A) An entity shall follow the Nation's policies and procedures regarding
500 purchasing and sign-off authority.

501 (B) An entity shall approve a member's request to travel on behalf of the
502 entity by majority vote at a regular or emergency meeting of the entity.

503 (7) Personnel. ~~State entities~~ This section shall state the entity's authority for
504 hiring personnel, if any, and the duties of such personnel.

505 (c) "Article III. Meetings" ~~consists~~shall consist of the following ~~information~~:

506 (1) Regular meetings. ~~There~~ This section shall ~~be listed~~ identify when and where
507 regular meetings shall be held, and, ~~how~~ the entity shall provide notice of the
508 meeting agenda, documents, and minutes ~~will be disbursed to the members.~~

509 (2) Emergency meetings. ~~There~~ This section shall ~~be listed~~ identify what
510 constitutes an emergency meeting, how Emergency emergency meetings shall be
511 called ~~and noticed.~~, and how the entity shall provide notice of the emergency
512 meeting.

513 (A) All bylaws shall include a provision requiring that within seventy-
514 two (72) hours after an emergency meeting, the entity shall provide the

515 Nation’s Secretary with notice of the meeting, the reason for the
516 emergency meeting, and an explanation of why the matter could not wait
517 for a regular or special meeting.

518 (3) *Quorum*. This section shall ~~list~~identify how many members of an entity
519 create a quorum.

520 (4) *Order of Business*. This section sets out how the agenda will be set up.

521 (5) *Voting*. This section ~~should list how~~shall identify voting ~~shall be taken, what~~
522 ~~percentages shall be needed~~requirements, such as, but not limited to ~~pass~~
523 ~~different items.:~~

524 (A) the percentages that shall be needed to pass different items;

525 (B) if, and when, the chairperson is allowed to vote;

526 (C) if the use of an e-poll is permissible; and

527 (D) if the use of and e-poll is permissible, who will serve as the
528 Chairperson’s designee for the responsibility of conducting an e-poll, if a
529 designee is utilized.

530 (d) ~~“Article IV. Reporting”~~“Article IV. Reporting” ~~consists~~Expectations” shall consist of the following
531 information:

532 (1) Behavior of Members. This section shall identify the behavioral
533 expectations and requirements of a member of the entity, and identify how the
534 entity shall enforce these behavioral expectations.

535 (2) Prohibition of Violence. This section shall prohibit any violent intentional
536 act committed by a member of the entity that inflicts, attempts to inflict, or
537 threatens to inflict emotional or bodily harm on another person, or damage to
538 property, and set forth any further expectations regarding the prohibition of
539 violence.

540 (3) Drug and Alcohol Use. This section shall prohibit the use of alcohol and
541 prohibited drugs for a member of an entity when acting in their official capacity,
542 and set forth any further expectations regarding the use of prohibited drugs and
543 alcohol.

544 (4) Social Media. This section shall identify expectations for the use of social
545 media in regards to official business of the entity.

546 (5) Conflict of Interest. This section shall state any standards and expectations
547 additional to those required by law of the Nation in regards to conflicts of
548 interest and how they are handled, as well as requirements related to prohibited
549 activities resulting from disclosed conflicts of interest, and means by which a
550 party can alleviate or mitigate the conflict of interest.

551 (e) “Article V. Stipends and Compensation” shall consist of the following information:

552 (1) Stipends. This section shall include a comprehensive list of all stipends
553 members are eligible to receive and the requirements for collecting each stipend,
554 if any in addition to those contained in this law.

555 (2) Compensation. This section shall include details regarding all other forms of
556 compensation members are eligible to receive and the requirements for collecting
557 such compensation, if any in addition to those contained in this law.

558 (f) “Article VI. Records and Reporting” shall consist of the following information:

- 559 (1) *Agenda Items.* Agenda items shall be maintained in ~~an~~ consistent format as
560 identified ~~format~~ by this section.
- 561 (2) *Minutes.* Minutes shall be typed and in a consistent format designed to
562 generate the most informative record of the meetings of the entity. This may
563 include a summary of action taken by the entity. This section shall identify the
564 format for minutes, and a reasonable timeframe by which minutes shall be
565 submitted to the Business Committee Support Office.
- 566 (3) *Attachments.* Handouts, reports, memoranda, and the like may be attached
567 to the minutes and agenda, or may be kept separately, provided that all materials
568 can be identified to the meeting in which they were presented. This section shall
569 identify how records of attachments shall be kept.
- 570 (4) *Oneida Business Committee Liaison.* Entities ~~will report to~~ shall regularly
571 communicate with the Oneida Business Committee member who is their
572 designated liaison. This ~~reporting~~ section shall identify a format and frequency
573 for communication which may be as the liaison and entity agree to, but not less
574 than that required in any law or policy on reporting developed by the Oneida
575 Business Committee or Oneida General Tribal Council. ~~Reports shall be made~~
576 ~~within a reasonable time after a meeting is held, or as the Oneida Business~~
577 ~~Committee member liaison and entity agree. Provided that, the agreement~~ The
578 purpose of the liaison relationship is to uphold the ability of the liaison to act as a
579 support to that entity.
- 580 ~~(e)~~ (5) Audio Recordings. An entity shall audio record all meetings. This section shall
581 state how the entity will audio record meetings, and how the entity shall maintain the
582 audio records. (g) "Article ~~V~~VII. Amendments" consists of:
- 583 (1) *Amendments to By-laws.* ~~There should be described~~ Bylaws. This section
584 shall describe how amendments to the ~~by-laws shall take place. Provided~~
585 ~~that,~~ bylaws are made. Any amendments to bylaws shall conform to the
586 requirements of this and any other policy. ~~Provided further, that amendments are~~
587 of the Nation. Amendments to bylaws shall be approved by the Oneida Business
588 Committee, in addition to the General Tribal Council when applicable, prior to
589 implementation.

591 **105.9. Minutes** **11. Electronic Polling**

- 592 105.911-1. An entity may utilize an e-poll when approval of an action may be required before
593 the next available meeting agenda of the entity.
- 594 105.11-2. Conducting an E-Poll. The Chairperson of the entity, or designee, shall e-mail the e-
595 poll to all members of the entity. Requests for an e-poll shall be sent only from an official email
596 address of the entity. The e-poll's message shall include the following information:
- 597 (a) The email subject line shall begin with "E-poll Request:" and include a short title
598 describing the purpose of the request.
- 599 (b) The body of the e-poll shall contain the following elements:
- 600 (1) An executive summary of the reason for the request and why the request
601 cannot be presented at the next available meeting of the entity;
- 602 (2) A proposed motion which shall be in bold and identified in a separate

603 paragraph by the words “Requested Action:”

604 (3) All attachments in *.pdf format, which are necessary to understand the
605 request being made; and

606 (4) A deadline date for a response to be returned regarding the results of the
607 electronic poll which shall be in bold and identified in a separate paragraph by
608 the words “Deadline for Response.”

609 (A) E-poll requests shall be open for response not less than one (1) hour
610 and no more than twenty-four (24) hours.

611 (B) The time frame for responses shall be determined by the Secretary of
612 the entity, or designee, based on urgency, scheduling, and any other
613 pertinent factors.

614 105.11-3. Response to an E-Poll. A response from a member of an entity shall be valid if
615 received from an official e-mail address of the entity. No responses from unknown e-mails or
616 personal e-mails shall be accepted. An e-poll request shall receive responses from a majority of
617 members of the entity in order to be an official vote.

618 (a) E-polls that receive at least a majority of supporting votes by the deadline are
619 considered to be approved.

620 (b) E-polls for which insufficient responses were received by the deadline are
621 considered to have failed to receive support, and result in a denied request.

622 (c) E-polls that result in a denied request may be reconsidered by the entity at the next
623 available meeting.

624 (d) The Chairperson, or designee, shall monitor all responses and deadline dates for
625 responses.

626 105.11-4. Entering an E-Poll in the Record. Both approved and denied e-poll requests shall be
627 placed on the next meeting agenda of the entity to be entered into the record. The agenda item
628 shall contain the following information:

629 (a) Original e-poll request and all supporting documentation;

630 (b) A summary of the e-poll results identifying each member of the entity and his or her
631 response; and

632 (c) A copy of any comment by a member of the entity if comments are made beyond a
633 vote.

634 **105.12. Reporting Requirements**

635 105.12-1. Minutes. All minutes shall be submitted to the Tribal Secretary's Business Committee
636 Support Office within a reasonable time after approval by the entity, as identified in the entity's
637 bylaws.

638 ~~105.9-2.~~ (a) Actions taken by an entity are valid when upon approval of the action by
639 vote, unless the bylaws of the entity otherwise require minutes are approved, provided
640 that, minutes are to be approved by the entity before the actions are valid.

641 (b) Minutes shall be filed according to this section, and any specific directions within
642 approved by laws bylaws.

643 ~~105.9-3.~~ (c) No action or approval of minutes is required by the Oneida Business
644 Committee on minutes submitted by an entity unless specifically required by the by-
645 laws bylaws of that entity.

647 ~~105.9-4. In the event of dissolution of an entity, all files and documents are required to be~~
648 ~~forwarded to the Tribal Secretary's Office for proper storage and disposal.~~

649
650 **105.10. Dissolution of Entities**

651 ~~105.10-1. All entities of the Tribe shall be dissolved according to this section. Provided that~~
652 ~~other specific directions may be included within by laws.~~

653 ~~105.10-2. A task force or ad hoc committee dissolves upon a set date or acceptance of a final~~
654 ~~report. Unless otherwise indicated, the materials generated by a task force or ad hoc committee~~
655 ~~shall be forwarded to the Tribal Secretary's Office for proper disposal within two weeks of~~
656 ~~dissolution.~~

657 105.10-3. *12-2. Standard Operating Procedures.* All other entities of the Tribe shall be
658 dissolved only standard operating procedures established by motion of the Oneida General
659 Tribal Council or an entity shall be submitted to the Business Committee Support Office, where
660 they shall be kept on file.

661 105.12-3. *Quarterly Reports to the Oneida Business Committee.* Entities shall provide
662 quarterly reports to the Oneida Business Committee. Unless otherwise indicated, in accordance
663 with the materials generated quarterly reporting schedule approved by these entities shall be
664 forwarded to the Tribal Secretary's Office for proper disposal within two weeks of
665 dissolution. the Oneida Business Committee. All quarterly reports shall be approved by official
666 entity action before they are submitted. The quarterly reports shall not contain any information
667 that conflicts with any law, resolution, or policy of the Nation. At least one (1) member of the
668 entity shall attend the Oneida Business Committee meeting where the quarterly report is an
669 agenda item. Quarterly reports shall follow a format prescribed by the Oneida Business
670 Committee and contain the following information:

671 (a) *Contact Information.* The name of the entity, the member submitting the report, the
672 Oneida Business Committee liaison; and a list of the members and their titles, term
673 expiration dates and contact information.

674 (b) *Meetings.* When and how often the entity is holding meetings and whether any
675 emergency and/or special meetings have been held.

676 (1) If emergency meetings were held, the report shall indicate the basis of the
677 emergency for each meeting.

678 (2) If special meetings were held, the report shall indicate the topic of each
679 meeting.

680 (c) *Accomplishments.* Details of what the entity has accomplished that quarter,
681 including any special events held during the reporting period and any travel by the
682 members and/or staff.

683 (d) *Goals.* Details of both the entity's long term goals, the entity's goals for the next
684 quarter, and projected quarterly activities.

685 (e) *Budget.* The amount of the entity's budget, the status of the budget at that quarter,
686 the amount of each stipend a member may be eligible to receive, how the budget is
687 being utilized by the entity, and projected budgetary uses for the next quarter.

688 (f) *Requests.* Details of any requests to the Oneida Business Committee.

689 (g) *Other.* And any other information deemed appropriate by the entity, as well as any
690 other information required by a law or policy of the Nation.

691 105.12-4. Annual and Semi-Annual Reports to the General Tribal Council. Entities shall
692 provide annual reports to the Oneida General Tribal Council based on their activities during the
693 previous fiscal year, and semi-annual reports based on their activities during the current fiscal
694 year. All annual and semi-annual reports shall follow a format prescribed by the Oneida
695 Business Committee.

696 (a) Annual and semi-annual reports shall contain information on the number of
697 substantiated complaints against all members of the entity.

698 (b) Each entity with oversight of a department shall also submit annual and semi-annual
699 reports for each department the entity oversees.

700 105.12-5. Any failure to comply with the reporting requirements may result in the Oneida
701 Business Committee placing a hold on the release of a stipend payment.

702
703 ~~105.13~~~~105.10-4. All Chairpersons and Secretaries of dissolved entities shall be responsible for~~
704 ~~closing out open business of the entity and forwarding materials.~~

705
706 **105.11. Stipends, Reimbursement and Compensation for Service**

707 105.13-1. The Nation recognizes that an individual serving on an entity of the Nation, whether
708 elected or appointed, incurs some expense as a result of his or her position on the entity.
709 Therefore, the Nation, in order to attract individuals to serve on entities, shall pay stipends to
710 these members in accordance with this section.

711 ~~105.13-2, 105.11-1.~~ Compensation and reimbursement for expenses shall ~~be follow the~~
712 ~~procedures~~ as set out in this section and according to procedures for payment as set out by the
713 ~~Oneida Tribe of Indians of Wisconsin Nation.~~

714 ~~105.11-2. The Oneida Tribe recognizes that persons serving on entities of the Tribe, whether~~
715 ~~elected or appointed, incur some expense. Therefore, the Tribe, in order to attract persons to~~
716 ~~serve on entities, shall pay stipends to these members in accordance with this section.~~

717 ~~105.11-3. Meeting Stipends for Appointed Members. Except provided in sub (a) and unless~~
718 ~~otherwise declined by the entity through its bylaws, or declined by a member(s), appointed~~
719 ~~members serving on entities shall be paid a stipend of no more than \$50 per month when at least~~
720 ~~one (1) meeting is conducted where a quorum has been established in accordance with the duly~~
721 ~~adopted by laws of that entity. Provided that the meeting lasts for at least one (1) hour and that~~
722 ~~members collecting stipends must be present for at least one (1) hour of the meeting.~~

723 105.13-3. (a) Members serving on the Oneida Child Protective Board shall be exempt
724 from the \$50 stipend per month limitation and shall receive a \$50 The Oneida Business
725 Committee shall set stipend for each meeting held in accordance with 105.11-3.

726 ~~105.11-4. Meeting Stipends for Elected Members. Unless otherwise declined by the entity~~
727 ~~through its bylaws, or declined by a member(s), elected members serving on entities shall be~~
728 ~~paid a minimum stipend of \$50 for each meeting which has established a quorum in accordance~~
729 ~~with the duly adopted by laws of that entity for at least one (1) hour, regardless of the length of~~
730 ~~the meeting. Members collecting stipends must be present for at least one (1) hour of the~~
731 ~~meeting, regardless of the length of the meeting.~~

732 105.11-5. amounts by resolution. The Oneida Business Committee shall periodically review the
733 amounts provided for ~~meeting~~ stipends and, based on the availability of funds, shall adjust those
734 amounts accordingly by amending ~~this Policy~~ the resolution.

735 | 105.13-4. Meeting Stipends. A member of an entity, whether elected or appointed, shall only
736 | receive a meeting stipend for a meeting where a quorum has been established in accordance
737 | with the duly adopted bylaws of that entity, that lasts for at least one (1) hour, and the member
738 | collecting the stipend is physically present for the entire meeting.

739 | (a) Meeting Stipends for Appointed Members. Appointed members serving on entities
740 | shall be paid no more than one (1) meeting stipend per month when at least one (1)
741 | meeting is conducted

742 | (b) Meeting Stipends for Elected Members. Elected members serving on entities shall
743 | be paid a stipend for each meeting held in accordance with this law.

744 | 105.13-5. Oneida Judiciary Hearings. A member of an entity may receive a Judiciary hearing
745 | stipend if the member's attendance at the Judiciary hearing is required by official subpoena.

746 | 105.13-6. Hearings of an Entity. A member of an entity that maintains hearing authority may
747 | obtain a hearing stipend for conducting hearings administered by the entity. A hearing consists
748 | of all functions related to the resolution of the matter notwithstanding the amount of time it
749 | takes to resolve the matter, including, but not limited to, any continuations of the hearing and
750 | decision drafting.

751 | 105.13-7. Oneida Business Committee Meetings. Up to two (2) members of an entity that
752 | attend the Oneida Business Committee meeting where the quarterly report of the entity is an
753 | agenda item, and present the quarterly report are eligible to receive a stipend.

754 | 105.13-8. Other Stipends. The Oneida Business Committee shall determine if, and when, any
755 | other stipends are appropriate to compensate members of entities for their official actions. All
756 | possible stipends shall be included in the Oneida Business Committee resolution which sets
757 | stipend amounts.

758 | 105.13-9. 105.11-6. Conferences and Training. A member of any entity, elected or appointed,
759 | shall be reimbursed in accordance with the ~~Tribal~~Nation's policy for travel and per diem, for
760 | attending a conference or training. Provided that:

761 | (a) A member shall be eligible for a ~~\$100~~ stipend for each full day the member is present
762 | at the conference or training, when attendance at the conference or training is required
763 | by law, bylaw or resolution.

764 | (b) A member shall not be eligible for a conference and training stipend if that training is
765 | not required by law, bylaw or resolution.

766 | (c) No stipend payments shall be made for those days spent traveling to and from the
767 | conference or training.

768 | ~~105.11-7.~~ 13-10. Business Expenses. All members of entities shall be eligible for
769 | reimbursement for normal business expenses naturally related to membership in the entity.

770 | ~~105.13-11-8.~~ Task Force members and members Ad Hoc Subcommittees. Members of task
771 | force, ad hoc committees and subcommittees shall not be eligible for stipends unless specific
772 | exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

773

774 | **105.1214. Confidential Information**

775 | ~~105.1214-1. The Oneida Tribe is involved in numerous business ventures and governmental~~
776 | ~~functions where it is necessary that private information be kept in the strictest confidence to~~
777 | ~~assure the continued success and welfare~~ All members of the Tribe. ~~It is in the best interest of~~
778 | ~~the Oneida Tribe that all officials~~ an entity shall maintain in a confidential manner all

779 information, ~~whether of historical, immediate, or future use or need.~~ obtained through their
780 position on the entity. The ~~Oneida Tribe desires~~Nation requires that all ~~officials~~members of an
781 entity who have access to the ~~Oneida Tribe's~~Nation's confidential information be subject to
782 specific limitations in order to protect the interest of the ~~Oneida Tribe.~~ It is the intention of the
783 Oneida TribeNation and ensure that no persons engaged in by the ~~Tribe~~Nation, nor their
784 relatives or associates, benefit from the use of confidential information.

785 ~~105.12-2. Confidential information means all information or data, whether printed, written, or~~
786 ~~oral, concerning business or customers of the Oneida Tribe, disclosed to, acquired by, or~~
787 ~~generated by officials in confidence at any time during their elected or appointed term or during~~
788 ~~their employment.~~

789 105.12-3.(a) Confidential information shall be considered and kept as the private and
790 privileged records of the ~~Oneida Tribe~~Nation and will not be divulged to any person,
791 firm, corporation, or other entity except by direct written authorization of the Oneida
792 Business Committee.

793 ~~105.12-4. An official~~(b) A member of an entity will continue to treat as private and
794 privileged any confidential information, and will not release any such information to any
795 person, firm, corporation, or other entity, either by statement, deposition, or as a witness,
796 except upon direct written authority of Oneida Business Committee, and the ~~Oneida~~
797 ~~Tribe~~Nation shall be entitled to an injunction by any competent court to enjoin and
798 restrain the unauthorized disclosure of such information. Such restriction continues after
799 termination of the relationship with the ~~Oneida Tribe~~Nation and the entity.

800 105.12-5.(c) Upon completion or termination of his/ ~~or~~ her elected or appointed term of
801 membership in an entity, for any cause whatsoever, the ~~official~~member of the entity will
802 surrender to the ~~Oneida Tribe~~Nation, in good condition, all records kept by the
803 ~~employee~~member of the entity.

804 105.12-6.(d) No ~~official~~member of an entity shall disclose confidential information
805 acquired by reason of his/~~her~~ other relationship or status with the ~~Oneida Tribe~~Nation
806 for his/ ~~or~~ her personal advantage, gain, or profit, or for the advantage, gain, or profit of
807 a relative or associate.

808 105.14-2. Any records created or obtained while as an official of an entity are the property of
809 the Nation and can only be removed or destroyed by approval from a majority vote of the entity
810 at a duly called meeting. All removal or destruction of documents must be made in accordance
811 with the Nation's laws and policies regarding open records and open meetings.

812 105.14-3. Official Oneida Nation E-mail Address. Each member of an entity shall be provided
813 an official Oneida e-mail address upon election or appointment for the purpose of conducting
814 business of the entity electronically.

815 (a) If a member is also an employee of the Nation, he or she shall receive a separate e-
816 mail address from his or her regular work e-mail address.

817 (b) A member of an entity shall sign an acknowledgment form provided by the Nation's
818 Secretary indicating notice of the Nation's applicable computer and media related laws,
819 policies and rules. The Nation's Secretary shall maintain a record of all such
820 acknowledgment forms.

821 (c) A member of an entity shall not use any personal or work e-mail address to
822 electronically conduct any business of the entity.

823 (d) Immediately upon receipt of notice of an entity vacancy, the Nation’s Secretary
824 shall instruct the Management Information Systems department to disable the e-mail
825 address for the member having vacated the position.
826

827 **105.15. Conflicts of Interest**

828 105.15-1. All members of an entity are required to adhere to the Nation’s laws and policies
829 governing conflicts of interest.

830 105.15-2. A member of an entity shall disclose a conflict of interest to the Nation’s Secretary as
831 soon as the conflict arises, and update a conflict of interest disclosure form with the Nation’s
832 Secretary on an annual basis.

833 (a) Upon receiving information of a potential conflict of interest, the Nation’s Secretary
834 shall request a determination from the Oneida Law Office whether further action must
835 be taken by the Nation regarding the status of the official.

836 105.15-3. Due to the potential for a real or perceived conflict of interest to exist, political
837 appointees and legislative assistants shall not serve on an appointed or elected entity.
838

839 **105.16. Use of the Nation’s Assets**

840
841 ~~**105.13. Conflicts of Interest**~~

842 ~~*Subpart A. General*~~

843 ~~105.13-1. The Oneida Tribe recognizes the ability of all persons to serve on entities of the~~
844 ~~Oneida Tribe. However, it is also recognized that the delegated authority and responsibilities of~~
845 ~~an entity may cause conflict with membership on other entities or employment.~~

846 ~~105.13-2. It is the policy of the Oneida Tribe to request a candidate to disclose possible~~
847 ~~conflicts prior to election or appointment to allow the conflicts to be resolved in a timely~~
848 ~~manner.~~

849 ~~105.13-3. Officials shall disclose and resolve conflicts of interest in a reasonable and timely~~
850 ~~manner. Failure to resolve conflicts shall result in removal from office for elected officials and~~
851 ~~may result in termination of appointment for appointed officials. Provided that, all applicants~~
852 ~~shall submit, with the application forms, a signed conflict of interest declaration disclosing all~~
853 ~~known conflicts.~~

854 ~~105.13-4. This section sets forth specifically prohibited conflicts of interests. However, for any~~
855 ~~individual candidate or member on an entity, conflicts may arise within the by-laws of that~~
856 ~~entity or employment relationships.~~

857 ~~105.13-5. No official shall act as a consultant, agent, representative for, or hold any position as~~
858 ~~an officer, director, partner, trustee, or belong as a member in a board, committee or~~
859 ~~commission, or the like without first disclosing such activity to determine possible conflicts of~~
860 ~~interest.~~

861
862 ~~*Subpart B. Employment Interests*~~

863 ~~105.13-6. No official shall hold office in an entity which has authority over the area in which~~
864 ~~the official is employed by the Oneida Tribe or elsewhere. The Oneida Tribe recognizes the~~
865 ~~ability of all persons to serve on entities of the Oneida Tribe, however, recognizes the conflict~~
866 ~~arising out of membership on an entity and employment in an area over which the entity has~~

867 authority.

868 ~~105.13-7. Employment is defined for this subpart as that area which the employee supervises or~~
869 ~~is supervised in regards to a specific subject matter~~ 16-1. Entities.

870 ~~105.13-8. Authority of an entity is defined for this subpart as that area over which the entity has~~
871 ~~subject matter jurisdiction delegated either by the Oneida Business Committee or Oneida~~
872 ~~General Tribal Council, and for which that authority may be regulatory, oversight, or otherwise.~~

873

874 ~~*Subpart C. Financial Interests, Investments, and Gifts*~~

875 ~~105.13-9. No official, or their immediate family, may have a financial interest in any~~
876 ~~transaction between the entity and an outside party where the official has a financial or familial~~
877 ~~relationship.~~

878 ~~105.13-10. The following words are defined for the purposes of this subpart:~~

879 (a) ~~“Financial interest” means any profit sharing arrangements, rebates, payments,~~
880 ~~commissions, or compensation in any form, and shall include any form of ownership,~~
881 ~~regardless of ability to control the activities of the business. Provided that, this shall not~~
882 ~~include ownership of shares which, other than in combination with others, cannot exert a~~
883 ~~controlling influence on the activities of the business and in relation to the outstanding~~
884 ~~shares, the ownership of shares represents a small part of the whole.~~

885 (b) ~~“Transaction” means any activity wherein a provider of goods and/or services is~~
886 ~~compensated in any form.~~

887 (c) ~~“Immediate family” means the mother, father, sister, brother, daughter, son,~~
888 ~~granddaughter, grandson, grandfather, grandmother and these relationships with any~~
889 ~~spouse.~~

890 ~~105.13-11. As referred to in this Subpart, entity includes for the purposes of defining conflicts,~~
891 ~~the programs or enterprises over which the entity has delegated authority.~~

892 ~~105.13-12. Officials shall avoid personal investment in any business with which the Oneida~~
893 ~~Tribe has or is expected to have a contractual or other business relationship. Notwithstanding the~~
894 ~~foregoing, however, an investment by an official in a business with which the Oneida Tribe has~~
895 ~~dealings is permissible if the Oneida Business Committee or other delegated authority~~
896 ~~determines in writing that:~~

897 (a) ~~the investment is not made or cannot be considered to have been made on the basis of~~
898 ~~confidential information, and~~

899 (b) ~~the investment cannot be expected to adversely affect or influence the official's~~
900 ~~judgement in the performance of any services or obligations on behalf of the Oneida~~
901 ~~Tribe.~~

902 ~~105.13-13. Officials shall not use their relationship with the Oneida Tribe to exercise undue~~
903 ~~influence to obtain anything which is not freely available to all prospective purchasers.~~

904 ~~105.13-14. No official shall accept gifts, payments for personal gain, opportunities to invest,~~
905 ~~opportunities to act as an agent, a consultant, or a representative for actual or potential~~
906 ~~purchasers, sales sources, contractors, consultants, customers or suppliers, or accept any direct or~~
907 ~~indirect benefit from any actual or potential purchaser, sales source, contractor, consultant,~~
908 ~~customer, or supplier.~~

909 ~~105.13-15. No official shall accept any gift, entertainment, service, loan, promise of future~~
910 ~~benefits or payment of any kind which the Oneida Business Committee or other delegated~~

911 ~~authority determines adversely affects or influence his/her judgement in the performance of any~~
912 ~~services, duties, obligations or responsibilities to the Oneida Tribe, or impairs confidence in the~~
913 ~~Oneida Tribe.~~

914 ~~105.13-16. Notwithstanding the foregoing, however, officials may accept or provide business-~~
915 ~~related meals, entertainment, gifts or favors when the value involved is insignificant and the~~
916 ~~Oneida Business Committee or other delegated authority has determined that it clearly will not~~
917 ~~place him/her under any obligation.~~

918
919 ~~*Subpart D. Competition With The Oneida Tribe*~~

920 ~~105.13-17. No official shall enter into competition with the Oneida Tribe in the purchase or sale~~
921 ~~of any property, property rights or interests, without prior consent of the Oneida Tribe.~~

922 ~~105.13-18. An official may enter into competition with the Oneida Tribe where the activity~~
923 ~~engaged is approved through an Oneida entrepreneur development program or other similar~~
924 ~~Oneida program and does not otherwise violate this policy.~~

925
926 ~~*Subpart E. Use Of Tribal Assets*~~

927 ~~105.13-19. All maintain all bank accounts for tribalthe Nation's funds ~~shall be maintained~~ in the~~
928 ~~name of the Oneida Tribe and Nation. Bank accounts will be reflected on the Oneida~~
929 ~~Tribe's Nation's books in accordance with Generally Accepted Accounting ~~Procedures~~ Principles.~~

930 ~~105.13-20~~ 16-2. Each ~~official~~ member of an entity shall comply with the system of internal
931 accounting controls sufficient to provide assurances that:

932 (a) all transactions are executed in accordance with management's authorization; and
933 (b) access to assets is permitted only in accordance with management's authorization;
934 and

935 (c) ~~all transactions are recorded to permit preparation of financial statements in~~
936 ~~conformity with generally accepted accounting principles~~ Generally Accepted Accounting
937 Principles or other applicable criteria.

938 ~~105.13-21. Any records created or obtained while as an official of an entity of the Oneida Tribe~~
939 ~~is/are the property of the Oneida Tribe and can only be removed or destroyed by approval from a~~
940 ~~quorum of the entity at a duly called meeting. All removal or destruction of documents must be~~
941 ~~made in accordance with the Open Records and Open Meetings law.~~

942
943 ~~*Subpart F. Disclosure*~~

944 ~~105.13-22. Each official shall disclose any outside activities or interests that conflict or suggest~~
945 ~~a potential conflict with the best interests of the Oneida Tribe by completely filling out the~~
946 ~~application for membership or informing the Oneida Business Committee or other designated~~
947 ~~authority after election or appointment of a conflict arising during membership on an entity.~~

948
949 ~~*Subpart G. Reporting*~~

950 ~~105.13-23. All conflicts or potential conflicts that arise during membership on an entity shall be~~
951 ~~immediately reported to the Tribal Secretary of the Oneida Tribe. Upon receiving information of~~
952 ~~a potential conflict of interest, the Tribal Secretary shall request a determination from the Oneida~~
953 ~~Law Office whether further action must be taken by the Oneida Tribe regarding the status of the~~
954 ~~official.~~

955 ~~105.13-24.~~ 105.16-3. Any evidence of noncompliance with any policy regarding the use of tribal

956 | assets shall be immediately reported to the ~~internal audit staff~~Internal Audit department. If the
957 | ~~internal audit staff~~Internal Audit department finds evidence of noncompliance they shall notify
958 | the Oneida Law Office ~~of the Oneida Tribe~~, who will then make a determination of further action
959 | to be taken, if any.

960 |
961 | **105.17. Dissolution of an Entity**

962 | 105.17-1. Dissolution of a Task Force or Ad Hoc Committee. A task force or ad hoc committee
963 | dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the
964 | materials generated by a task force or ad hoc committee shall be forwarded to the ~~Subpart H.~~
965 | Business Committee Support Office for proper disposal within two (2) weeks of the dissolution.

966 | 105.17-2. Dissolution of an Entity. All other entities of the Nation shall be dissolved only by
967 | motion of the Oneida General Tribal Council or the Oneida Business Committee. The General
968 | Tribal Council shall have the authority to dissolve an entity created by the General Tribal
969 | Council or the Oneida Business Committee, and the Oneida Business Committee shall have the
970 | authority to dissolve an entity created by the Oneida Business Committee.

971 | 105.17-3. Notice of Dissolution. Within five (5) business days of the Oneida General Tribal
972 | Council or the Oneida Business Committee taking official action to dissolve an entity, the
973 | Oneida Business Committee shall provide the entity written notice of the dissolution.

974 | 105.17-4. Management of Records and Materials. All chairpersons and secretaries of dissolved
975 | entities shall be responsible for closing out open business of the entity and forwarding all
976 | materials and records to the Business Committee Support Office for proper storage and disposal
977 | within two (2) weeks of dissolution. The entity shall not alter or destroy any records. The
978 | Business Committee Support Office may utilize the assistance of the Records Management
979 | Department and/or any other appropriate department for the storage and disposal of the records
980 | and materials.

981 | (a) The entity may request the Oneida Business Committee to grant a one (1) week
982 | extension of the time allowed to close out open business of the entity and forward all
983 | materials and records to the Business Committee Support Office.

984 |
985 | **105.18. Enforcement ~~And Penalties~~**

986 | ~~105.13-25. Officials~~105.18-1. Any member of an entity found to be in violation of this
987 | ~~policy law~~ may be ~~removed~~subject to:

988 | (a) sanctions and penalties in accordance with any laws or policies of the Nation
989 | governing sanctions and/or penalties;

990 | (b) removal pursuant to ~~the Removal Law~~any laws or policies of the Nation's governing
991 | removal, if a member of an elected entity; or ~~have their~~

992 | (c) termination of appointment ~~terminated~~by the Oneida Business Committee, if a
993 | member of an appointed entity.

994 | ~~105.13-26. Candidates for appointment or election to office found in violation of this policy may~~
995 | ~~be disqualified from taking office.~~

996 |
997 | *End.*

998 |

1000 |

1001 | Adopted - BC-~~8-208-02~~-95-A

1002 | Amended - BC-~~505~~-14-97-F

1003 Emergency Amendments - BC-04-12-06-JJ
1004 | Amended - BC-~~909~~-27-06-E (permanent adoption of emergency amendments)
1005 Amended – BC-09-22-10-C
1006 | ~~Amended – BC-~~
1007
1008

Title 1. Government and Finances – Chapter 105
BOARDS, COMMITTEES AND COMMISSIONS
Laotiyani sh&ha k<tyohkway<=se>
Their laws of the groups we have

105.1. Purpose and Policy
105.2. Adoption, Amendment, Repeal
105.3. Definitions
105.4. Creation of an Entity
105.5. Applications
105.6. Vacancies
105.7. Appointment to an Entity
105.8. Election to an Entity
105.9. Oath of Office

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105.11. Electronic Polling
105.12. Reporting Requirements
105.13. Stipends, Reimbursement and Compensation
105.14. Confidential Information
105.15. Conflicts of Interest
105.16. Use of the Nation's Assets
105.17. Dissolution of an Entity
105.18. Enforcement

1
2 **105.1. Purpose and Policy**

3 105.1-1. It is the purpose of this law to govern boards, committees, and commissions of the
4 Nation, including the procedures regarding the appointment and election of persons to boards,
5 committees and commissions, creation of bylaws, maintenance of official records, compensation,
6 and other items related to boards, committees and commissions.

7 (a) This law shall not apply to the Oneida Business Committee.

8 (b) This law shall apply to the Standing Committees of the Oneida Business Committee
9 where applicable including, but not limited to, the Legislative Operating Committee,
10 Finance Committee, Audit Committee, Quality of Life Committee, and Community
11 Development Planning Committee.

12 (c) This law does not apply to Tribal corporations due to the corporate structure and
13 autonomy of those entities.

14 105.1-2. It is the policy of the Nation to have consistent and standard procedures for choosing
15 and appointing or electing the most qualified persons to boards, committees and commissions,
16 for creation of bylaws governing boards committees and commissions, and for the maintenance
17 of information created by and for boards, committees and commissions.

18
19 **105.2. Adoption, Amendment, Repeal**

20 105.2-1. This law was adopted by the Oneida Business Committee by resolution BC-5-14-97-F
21 and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, and BC-__-__-__.

22 105.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to
23 the procedures set out in the Legislative Procedures Act.

24 105.2-3. Should a provision of this law or the application thereof to any person or circumstances
25 be held as invalid, such invalidity shall not affect other provisions of this law which are
26 considered to have legal force without the invalid portions.

27 105.2-4. In the event of a conflict between a provision of this law and a provision of another
28 law, the provisions of this law shall control.

29 105.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

30
31 **105.3. Definitions**

32 105.3-1. This section shall govern the definitions of words and phrases used within this law. All
33 words not defined herein shall be used in their ordinary and everyday sense.

34 (a) "Application" means the form by which a person seeks to be appointed to fill a
35 vacancy on an entity.

36 (b) "Appointment" means the process by which a person is chosen to fill a vacancy on an
37 entity by the Oneida Business Committee.

38 (c) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m.,
39 excluding holidays recognized by the Nation.

40 (d) "Bylaws" means a document which provides a framework for the operation and
41 management of a board, committee, or commission of the Nation chiefly for the
42 government of its members and the regulation of its affairs.

43 (e) "Conference" means any training, seminar, meeting, or other assembly of persons
44 which is not an assembly of the entity.

45 (f) "Confidential information" means all information or data, whether printed, written, or
46 oral, concerning business or customers of the Nation, disclosed to, acquired by, or
47 generated by a member of an entity in confidence at any time during their elected or
48 appointed term or during their employment.

49 (g) "Conflict of interest" means any interest, real or apparent, whether it be personal,
50 financial, political, or otherwise, in which an elected official, officer, political appointee,
51 employee, contractor, or appointed or elected member, or their immediate family
52 members, friends or associates, or any other person with whom they have contact, have
53 that conflicts with any right of the Nation to property, information, or any other right to
54 own and operate activities free from undisclosed competition or other violation of such
55 rights of the Nation. In addition, conflict of interest also means any financial or familial
56 interest an elected official, officer, political appointee, employee, contractor, or appointed
57 or elected member or their immediate family members may have in any transaction
58 between the Nation and an outside party.

59 (h) "Entity" means a board, committee or commission created by the General Tribal
60 Council or the Oneida Business Committee whose members are appointed by the Oneida
61 Business Committee or elected by the Nation's membership.

62 (i) "E-poll" means an electronic poll, which is the act of delivering an email to all
63 members of an entity, in order to seek a response which identifies a vote in favor of,
64 opposing, or abstaining to an issue requiring approval by the entity.

65 (j) "Nation" means the Oneida Nation.

66 (k) "Per Diem" means the payment made by the Nation to offset the costs of being out-
67 of-town or to travel on behalf of the Oneida Nation.

68 (l) "Prohibited drugs" means marijuana, cocaine, opiates, amphetamines, phencyclidine
69 (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substance
70 included in Schedules I through V, as defined by Section 812 of Title 21 of the United
71 States Code. This also includes prescription medication or over-the-counter medicine
72 used in an unauthorized or unlawful manner.

73 (m) "Stipend" means that amount paid by the Oneida Nation to persons serving on
74 boards, committees and commissions of the Oneida Nation to offset the expenses of
75 being a member on the board, committee or commission. Stipends are paid in the form of
76 cash or cash equivalent, which may include, but is not limited to, gift cards.

77 (n) “Subcommittee” means a subgroup of an entity; which is comprised of fewer than all
78 members of the entity; which is designated one (1) or more specific responsibilities on
79 behalf of the entity.

80 (o) “Substantiated complaint” means a complaint or allegation in a complaint that was
81 found to be valid by a preponderance of the evidence.

82 (p) "Task Force or Ad Hoc" means a group of persons gathered to pursue a single goal,
83 the accomplishment of which means the disbanding of the group. The goal is generally
84 accomplished in a short time period, i.e. less than one year, but the goal itself may be
85 long-term.

86 (q) "Vacancy" means any position on any board, committee or commission caused by
87 resignation, end of term, removal, termination, or creation of a new position.
88

89 **105.4. Creation of an Entity**

90 105.4-1. An entity of the Nation shall be created by a resolution or law adopted by the Oneida
91 Business Committee or General Tribal Council.

92 105.4-2. The law or resolution establishing the entity shall state the purpose of the entity and all
93 powers and responsibilities delegated to the entity.

94 105.4-3. The Oneida Business Committee shall be responsible for drafting the initial bylaws of
95 the entity.
96

97 **105.5. Applications**

98 105.5-1. The Oneida Business Committee shall approve all applications to serve on an entity of
99 the Nation. All application materials shall be available in the Business Committee Support Office
100 and any other location specified by the Business Committee Support Office.

101 (a) All applications shall include:

102 (1) a statement explaining the attendance requirements of section 105.12-3; and

103 (2) a section regarding disclosures of conflicts of interest.

104 (b) An additional application form shall be required for those entities that require a
105 background investigation. This background investigation application shall include the
106 applicant’s social security number and any other information required for a background
107 investigation. The background investigation application shall be solely used for the
108 background investigation and not included in the application materials that are then
109 shared with the Oneida Business Committee, entity, and/or the Election Board.

110 105.5-2. Applications shall be filed with the Business Committee Support Office by 4:30 p.m. of
111 the deadline date. Postmarked envelopes are accepted as filed if postmarked by the deadline date
112 and received by the Business Committee Support Office within five (5) business days of the
113 deadline.

114 105.5-3. Five (5) days after the posted deadline for filing applications the Business Committee
115 Support Office shall notify all persons who have filed an application of the date his or her
116 application was received and if his or her application met the deadline to be considered for the
117 election or appointment.

118 105.5-4. Applications for elected positions shall be verified according to the Nation’s laws
119 and/or policies governing elections. Applications for appointed positions shall be verified by the
120 Business Committee Support Office as needed or as required in the bylaws of the entity.

121 105.5-5. *Insufficient Applicants*. In the event that there are an insufficient number of applicants

122 after the deadline date has passed for appointed positions, the Oneida Business Committee may
123 elect to:

- 124 (a) include within the pool of appointed persons late applications, or
- 125 (b) repost for an additional time period. In the event of reposting, prior applicants will
126 be considered to have filed applications within the deadline period.

127
128 **105.6. Vacancies**

129 105.6-1. The manner by which an individual fills a vacancy, either through election or
130 appointment, shall determine that member’s status as an appointed or elected official, despite the
131 entity’s classification as an appointed or elected entity pursuant to the entity’s bylaws. Unless, a
132 law of the Nation indicates that removal of an official shall be done pursuant to the Removal law,
133 an appointed individual may have his or her appointment terminated by the Oneida Business
134 Committee.

135 105.6-2. A position on an entity shall be considered vacant in the following situations:

136 (a) *End of Term.* A vacancy is effective as of 4:30 p.m. of the last day of the month in
137 which the term ends.

138 (1) Although a position is considered vacant once the term ends, the member of
139 the entity may remain in office until the member’s successor has been sworn in by
140 the Oneida Business Committee in an effort to prevent a discontinuation of
141 business or a loss of quorum for the entity.

142 (b) *Removal.* Removal is effective, pursuant to any law and/or policy of the Nation
143 regarding removal.

144 (c) *Termination of Appointment.* A termination is effective upon a two-thirds (2/3)
145 majority vote of the Oneida Business Committee in favor of a member’s termination of
146 appointment.

147 (d) *Resignation.* A resignation is effective upon:

148 (1) Deliverance of a letter to the Business Committee Support Office;

149 (A) Upon receipt of resignation, the Business Committee Support Office
150 will notify the entity of the resignation;

151 (2) Deliverance of a letter to the Chairperson of the entity, or designee, or

152 (3) Acceptance by motion of the entity of a verbal resignation.

153 (e) *New Positions.* Vacancies on new entities are effective upon adoption of bylaws.

154 105.6-3. An entity shall notify the Business Committee Support Office as soon as the entity
155 learns that a position has or will become vacant. All notices of vacancy shall be sent to the
156 entities for clarification or confirmation prior to notification to the Oneida Business Committee.

157 105.6-4. The Business Committee Support Office shall forward the notice of vacancy to the
158 Secretary. The Secretary shall request and receive approval from the Oneida Business
159 Committee to post the notice of vacancy. The Secretary shall post notice of vacancies at the
160 following times:

161 (a) *End of Term.* Automatically thirty (30) days prior to completion of the term.

162 (b) *Removal.* No later than the first Oneida Business Committee meeting following the
163 effective date of the removal.

164 (c) *Resignation.* No later than the first Oneida Business Committee meeting following
165 the Secretary’s receipt of notice of an effective resignation from the entity.

166 (d) *New Positions.* Upon one of the following conditions:

- 167 (1) if not specified, immediately upon creation of entity or adoption of bylaws,
168 whichever is later, or
169 (2) upon date specified when creating the entity.

170 (e) *Termination of appointment.* No later than the first Oneida Business Committee
171 meeting following the effective date of the termination.

172 105.6-5. Notice of vacancies shall be posted by the Business Committee Support Office in all
173 official media outlets of the Nation, as determined by the Oneida Business Committee, as well as
174 any other location deemed appropriate by the Secretary.
175

176 **105.7. Appointment to an Entity**

177 105.7-1. *Appointment Selection.* The following procedures shall be used to determine how the
178 applicant for an appointed position is selected:

179 (a) Five (5) business days after the posted deadline for submitting an application, or
180 within twenty-one (21) days of the posted deadline if the entity requires a background
181 investigation to be completed as part of the application process, the Business Committee
182 Support Office shall:

- 183 (1) deliver all applications, along with a summary of qualifications to hold office,
184 and the results of the background investigation if required, to each member of the
185 Oneida Business Committee as well as the entity's Chairperson; and
186 (2) place the appointment for the entity on the next executive session portion of
187 the agenda of a regular or special Oneida Business Committee meeting in which
188 the appointment is intended to be made.

189 (b) Each member of the Oneida Business Committee shall review the application
190 materials prior to executive session and be prepared to discuss and select an applicant for
191 appointment.

192 (1) The entity's Chairperson may have until the executive session to review the
193 application materials and provide the Oneida Business Committee a
194 recommendation of an applicant for appointment.

195 (c) The Oneida Business Committee shall have a full and complete discussion of the
196 merits and qualifications of the potential applicants, and any recommendation made by
197 the Chairperson of the entity, during executive session. After completing a thorough
198 discussion, the Oneida Business Committee shall:

- 199 (1) choose an applicant for appointment, or
200 (2) ask the Oneida Nation's Secretary to re-notice the vacancy because of
201 ineligible, unqualified, or under qualified applicants.

202 (d) All appointments shall be made by the Oneida Business Committee during the open
203 session of a regular or special Oneida Business Committee meeting. The Oneida
204 Business Committee shall not appoint an applicant who fails to meet the requirements set
205 out in the entity's bylaws.

206 (e) During the open session of the regular or special Oneida Business Committee
207 meeting, a member of the Oneida Business Committee may make a motion to appoint an
208 individual. Oneida Business Committee members may:

- 209 (1) accept the selected applicant and vote to appoint the individual to the vacant
210 position, or
211 (2) reject the selected applicant and vote to oppose the appointment of the

212 individual.

213 (f) If the Oneida Business Committee rejects the selected applicant, the matter will be
214 deferred to the next Oneida Business Committee meeting where another applicant may be
215 recommended by the Oneida Business Committee, or the Oneida Business Committee
216 may direct the vacancy to be re-posted. When a vacancy is re-posted under this section,
217 all applications from the first posting shall be considered to have been filed within the
218 deadline period.

219 105.7-2. *Notification of Appointment.* Once an individual is selected for appointment at an
220 Oneida Business Committee meeting, the Nation’s Secretary shall notify all applicants of the
221 final status of their application.

222 (a) The Nation’s Chairperson shall forward a list of all applicants to the Nation’s
223 Secretary and the final decision regarding the selection after the procedures for selection
224 of an applicant described in section 105.7-1 are completed.

225 (b) The Nation’s Secretary shall include on the notice to the applicant selected for
226 appointment the following paragraph: “The Oneida Nation reports all income paid by the
227 Oneida Nation in whatever form. The Internal Revenue Service of the United States
228 considers stipends paid to members of boards, committees, and commissions to be
229 income which may be offset by expenses related to that income. You will receive an
230 income report which is also forwarded to the Internal Revenue Service, it is also your
231 responsibility to keep documentation of expenses related to this income.”

232 105.7-3. *Declination of Appointment.* An individual who has been selected for appointment to
233 an entity by the Oneida Business Committee may decline the appointment.

234 (a) An individual may decline an appointment to an entity in the following ways:

235 (1) Delivery of an letter stating that the individual wishes to decline the
236 appointment to the Business Committee Support Office; or

237 (2) The failure to take the oath of office within thirty (30) days of being selected
238 for appointment by the Oneida Business Committee.

239 (b) The Business Committee Support Office shall notify the Oneida Business Committee
240 if an individual declines an appointment to an entity. The Oneida Business Committee
241 shall then use the original pool of applications for the vacancy posting and the process
242 outlined in section 105.7-1 to select another applicant for appointment.

243 105.7-4. *Termination of Appointment.* Appointed members of entities serve at the discretion of
244 the Oneida Business Committee. Upon the recommendation of a member of the Oneida
245 Business Committee or the entity, a member of an appointed entity may have his or her
246 appointment terminated by the Oneida Business Committee.

247 (a) A two-thirds majority vote of the Oneida Business Committee shall be required in
248 order to terminate the appointment of an individual.

249 (b) The Oneida Business Committee’s decision to terminate an appointment is final and
250 not subject to appeal.

251

252 **105.8 Election to an Entity**

253 105.8-1. All elected positions shall be nominated at a caucus called by the Oneida Election
254 Board, or petition for ballot placement, in accordance with the Nation’s laws and/or policies
255 governing elections, except where an entity’s bylaws allow for a vacancy to be filled by
256 appointment.

257 (a) When the Election Board notifies a petitioner or nominee that he or she is eligible to
258 be placed on the ballot, the following paragraph shall be included: “The Oneida Nation
259 reports all income paid by the Nation in whatever form. The Internal Revenue Service of
260 the United States considers stipends paid to members of boards, committees, and
261 commissions to be income which may be offset by expenses related to that income. You
262 will receive an income report which is also forwarded to the Internal Revenue Service, it
263 is also your responsibility to keep documentation of expenses related to this income.”

264 105.8-2. All other processes for the election of a member of an entity shall be as directed by the
265 Nation’s laws and/or policies governing elections.
266

267 **105.9. Oath of Office**

268 105.9-1. All appointed and elected positions are official upon taking an oath during a regular or
269 special Oneida Business Committee meeting. All rights and delegated authorities of membership
270 in the entity shall vest upon taking the oath. The Nation’s Secretary shall notify the chosen
271 persons when they shall appear for taking the oath.

272 (a) The appointed or elected member shall appear in person at the Oneida Business
273 Committee meeting to take his or her oath, except if granted permission by the Secretary
274 to appear by video conferencing equipment.

275 105.9-2. The Oneida Business Committee shall approve wording of oaths. Any revisions of
276 oaths shall be approved by the Oneida Business Committee prior to usage. Oaths shall be kept on
277 file by the Business Committee Support Office.

278 105.9-3. Originals of the signed oath, or electronic copies of the originals of the signed oath,
279 shall be maintained by the Business Committee Support Office. Copies of the oath shall be
280 forwarded to the new member of the entity and the entity.

281 105.9-4. The following oath is the standard oath to be used unless a specific oath for the entity is
282 pre-approved by the Oneida Business Committee: I, [name], hereby promise to uphold the laws
283 and regulations of the Oneida Nation, the General Tribal Council, and the Oneida Nation
284 Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida
285 people with honor, respect, dignity, and sincerity and will strictly maintain confidential
286 information. I will carry out the duties and responsibilities as a member of the [entity name], and
287 all recommendations shall be made in the best interest of the Oneida Nation as a whole.

288 105.9-5. All oaths shall be sufficient to make the appointed or elected member of an entity
289 aware of their duty to the Nation and as members of the entity.
290

291 **105.10. Bylaws**

292 105.10-1. All entities of the Nation shall have bylaws that conform to the requirements of this
293 law. Bylaws shall become effective upon approval of the Oneida Business Committee, unless
294 where General Tribal Council approval is additionally required.

295 (a) All existing entities must comply with this format and present bylaws for adoption
296 within a reasonable time after creation of the entity, or within a reasonable time after

297 adoption of this law.
298 (b) Bylaws must contain at least the minimum information required by law, although
299 more information is not prohibited.
300 (c) *Exception.* Task Forces and Ad Hoc Committees are excepted from the requirement
301 to have bylaws. However, these entities must have, at minimum, mission or goal
302 statements for completion of the task.

303 105.10-2. *Articles.* Bylaws shall contain, at a minimum, the following Articles:

- 304 (a) Article I. Authority.
- 305 (b) Article II. Officers.
- 306 (c) Article III. Meetings.
- 307 (d) Article IV. Expectations.
- 308 (e) Article V. Stipends and Compensation.
- 309 (f) Article VI. Records and Reporting.
- 310 (g) Article VII. Amendments.

311 105.10-3. *Sections.* Articles shall be divided into "sections" as set out.

- 312 (a) "Article I. Authority" shall consist of the following:
 - 313 (1) *Name.* The full name of the entity shall be stated, along with any short name
314 that will be officially used.
 - 315 (2) *Establishment.* This section shall state the citation and name, if any, of the
316 creation document.
 - 317 (3) *Authority.* This section shall state the purpose for which the entity was
318 created and what, if any, authority the entity is delegated.
 - 319 (4) *Office.* There shall be listed the official office or post box of the entity.
 - 320 (5) *Membership.* The following information shall be in this section:
 - 321 (A) Number of members on the entity;
 - 322 (B) If members on the entity are elected or appointed, and how a member
323 is elected or appointed;
 - 324 (C) How vacancies are filled; and
 - 325 (D) Qualifications for membership on the entity.
 - 326 (6) *Termination or Removal.* This section shall identify causes for termination or
327 removal, if any, in addition to those already identified in laws and/or policies of
328 the Nation.
 - 329 (7) *Trainings and Conferences.* This section shall describe any trainings and/or
330 conferences that the entity deems necessary for members to responsibly serve the
331 entity, if any.
- 332 (b) "Article II. Officers" shall consist of the following:
 - 333 (1) *Chairperson and Vice-Chairperson.* This section creates the chairperson and
334 vice-chairperson positions of the entity. Other officer positions may also be
335 created here.
 - 336 (2) *Responsibilities of the Chairperson.* Because of the importance of this
337 position, all duties and responsibilities of the chairperson, as well as limitations of
338 the chairperson shall be specifically listed here.
 - 339 (3) *Responsibilities of the Vice-Chairperson.* Because of the importance of this
340 position, all duties and responsibilities of the vice-chairperson, as well as
341 limitations of the vice-chairperson shall be specifically listed here.

342 (4) *Responsibilities of Additional Officers.* There may be additional sections as
343 needed for every officer position created in subsection one (1) above. These
344 sections shall state all duties and responsibilities of the officer, as well as any
345 limitations of the officer.

346 (5) *Selection of Officers.* This section shall identify how a member of the entity
347 shall be selected for an official officer position in the entity.

348 (6) *Budgetary Sign-Off Authority and Travel.* This section shall identify the
349 entity’s varying levels of budgetary sign-off authority, the members that are
350 authorized to sign-off at each level, and how the entity shall handle approving
351 travel on behalf of the entity.

352 (A) An entity shall follow the Nation’s policies and procedures regarding
353 purchasing and sign-off authority.

354 (B) An entity shall approve a member’s request to travel on behalf of the
355 entity by majority vote at a regular or emergency meeting of the entity.

356 (7) *Personnel.* This section shall state the entity’s authority for hiring personnel,
357 if any, and the duties of such personnel.

358 (c) "Article III. Meetings" shall consist of the following:

359 (1) *Regular meetings.* This section shall identify when and where regular
360 meetings shall be held, and how the entity shall provide notice of the meeting
361 agenda, documents, and minutes.

362 (2) *Emergency meetings.* This section shall identify what constitutes an
363 emergency meeting, how emergency meetings shall be called, and how the entity
364 shall provide notice of the emergency meeting.

365 (A) All bylaws shall include a provision requiring that within seventy-two
366 (72) hours after an emergency meeting, the entity shall provide the
367 Nation’s Secretary with notice of the meeting, the reason for the
368 emergency meeting, and an explanation of why the matter could not wait
369 for a regular or special meeting.

370 (3) *Quorum.* This section shall identify how many members of an entity create a
371 quorum.

372 (4) *Order of Business.* This section sets out how the agenda will be set up.

373 (5) *Voting.* This section shall identify voting requirements, such as, but not
374 limited to:

375 (A) the percentages that shall be needed to pass different items;

376 (B) if, and when, the chairperson is allowed to vote;

377 (C) if the use of an e-poll is permissible; and

378 (D) if the use of and e-poll is permissible, who will serve as the
379 Chairperson’s designee for the responsibility of conducting an e-poll, if a
380 designee is utilized.

381 (d) "Article IV. Expectations" shall consist of the following information:

382 (1) *Behavior of Members.* This section shall identify the behavioral expectations
383 and requirements of a member of the entity, and identify how the entity shall
384 enforce these behavioral expectations.

385 (2) *Prohibition of Violence.* This section shall prohibit any violent intentional act
386 committed by a member of the entity that inflicts, attempts to inflict, or threatens

387 to inflict emotional or bodily harm on another person, or damage to property, and
388 set forth any further expectations regarding the prohibition of violence.

389 (3) *Drug and Alcohol Use.* This section shall prohibit the use of alcohol and
390 prohibited drugs for a member of an entity when acting in their official capacity,
391 and set forth any further expectations regarding the use of prohibited drugs and
392 alcohol.

393 (4) *Social Media.* This section shall identify expectations for the use of social
394 media in regards to official business of the entity.

395 (5) *Conflict of Interest.* This section shall state any standards and expectations
396 additional to those required by law of the Nation in regards to conflicts of interest
397 and how they are handled, as well as requirements related to prohibited activities
398 resulting from disclosed conflicts of interest, and means by which a party can
399 alleviate or mitigate the conflict of interest.

400 (e) "Article V. Stipends and Compensation" shall consist of the following information:

401 (1) *Stipends.* This section shall include a comprehensive list of all stipends
402 members are eligible to receive and the requirements for collecting each stipend,
403 if any in addition to those contained in this law.

404 (2) *Compensation.* This section shall include details regarding all other forms of
405 compensation members are eligible to receive and the requirements for collecting
406 such compensation, if any in addition to those contained in this law.

407 (f) "Article VI. Records and Reporting" shall consist of the following information:

408 (1) *Agenda Items.* Agenda items shall be maintained in a consistent format as
409 identified by this section.

410 (2) *Minutes.* Minutes shall be typed and in a consistent format designed to
411 generate the most informative record of the meetings of the entity. This may
412 include a summary of action taken by the entity. This section shall identify the
413 format for minutes, and a reasonable timeframe by which minutes shall be
414 submitted to the Business Committee Support Office.

415 (3) *Attachments.* Handouts, reports, memoranda, and the like may be attached to
416 the minutes and agenda, or may be kept separately, provided that all materials can
417 be identified to the meeting in which they were presented. This section shall
418 identify how records of attachments shall be kept.

419 (4) *Oneida Business Committee Liaison.* Entities shall regularly communicate
420 with the Oneida Business Committee member who is their designated liaison.
421 This section shall identify a format and frequency for communication which may
422 be as the liaison and entity agree to, but not less than that required in any law or
423 policy on reporting developed by the Oneida Business Committee or Oneida
424 General Tribal Council. The purpose of the liaison relationship is to uphold the
425 ability of the liaison to act as a support to that entity.

426 (5) *Audio Recordings.* An entity shall audio record all meetings. This section shall state
427 how the entity will audio record meetings, and how the entity shall maintain the audio
428 records. (g) "Article VII. Amendments" consists of:

429 (1) *Amendments to Bylaws.* This section shall describe how amendments to the
430 bylaws are made. Any amendments to bylaws shall conform to the requirements
431 of this and any other policy of the Nation. Amendments to bylaws shall be

432 approved by the Oneida Business Committee, in addition to the General Tribal
433 Council when applicable, prior to implementation.
434

435 **105.11. Electronic Polling**

436 105.11-1. An entity may utilize an e-poll when approval of an action may be required before the
437 next available meeting agenda of the entity.

438 105.11-2. *Conducting an E-Poll.* The Chairperson of the entity, or designee, shall e-mail the e-
439 poll to all members of the entity. Requests for an e-poll shall be sent only from an official email
440 address of the entity. The e-poll’s message shall include the following information:

441 (a) The email subject line shall begin with “E-poll Request:” and include a short title
442 describing the purpose of the request.

443 (b) The body of the e-poll shall contain the following elements:

444 (1) An executive summary of the reason for the request and why the request
445 cannot be presented at the next available meeting of the entity;

446 (2) A proposed motion which shall be in bold and identified in a separate
447 paragraph by the words “Requested Action;”

448 (3) All attachments in *.pdf format, which are necessary to understand the
449 request being made; and

450 (4) A deadline date for a response to be returned regarding the results of the
451 electronic poll which shall be in bold and identified in a separate paragraph by the
452 words “Deadline for Response.”

453 (A) E-poll requests shall be open for response not less than one (1) hour
454 and no more than twenty-four (24) hours.

455 (B) The time frame for responses shall be determined by the Secretary of
456 the entity, or designee, based on urgency, scheduling, and any other
457 pertinent factors.

458 105.11-3. *Response to an E-Poll.* A response from a member of an entity shall be valid if
459 received from an official e-mail address of the entity. No responses from unknown e-mails or
460 personal e-mails shall be accepted. An e-poll request shall receive responses from a majority of
461 members of the entity in order to be an official vote.

462 (a) E-polls that receive at least a majority of supporting votes by the deadline are
463 considered to be approved.

464 (b) E-polls for which insufficient responses were received by the deadline are considered
465 to have failed to receive support, and result in a denied request.

466 (c) E-polls that result in a denied request may be reconsidered by the entity at the next
467 available meeting.

468 (d) The Chairperson, or designee, shall monitor all responses and deadline dates for
469 responses.

470 105.11-4. *Entering an E-Poll in the Record.* Both approved and denied e-poll requests shall be
471 placed on the next meeting agenda of the entity to be entered into the record. The agenda item
472 shall contain the following information:

473 (a) Original e-poll request and all supporting documentation;

474 (b) A summary of the e-poll results identifying each member of the entity and his or her
475 response; and

476 (c) A copy of any comment by a member of the entity if comments are made beyond a

477 vote.

478

479 **105.12. Reporting Requirements**

480 105.12-1. *Minutes.* All minutes shall be submitted to the Business Committee Support Office
481 within a reasonable time after approval by the entity, as identified in the entity’s bylaws.

482 (a) Actions taken by an entity are valid upon approval of the action by vote, unless the
483 bylaws of the entity otherwise require minutes to be approved by the entity before the
484 actions are valid.

485 (b) Minutes shall be filed according to this section, and any specific directions within
486 approved bylaws.

487 (c) No action or approval of minutes is required by the Oneida Business Committee on
488 minutes submitted by an entity unless specifically required by the bylaws of that entity.

489 105.12-2. *Standard Operating Procedures.* All standard operating procedures established by an
490 entity shall be submitted to the Business Committee Support Office, where they shall be kept on
491 file.

492 105.12-3. *Quarterly Reports to the Oneida Business Committee.* Entities shall provide quarterly
493 reports to the Oneida Business Committee in accordance with the quarterly reporting schedule
494 approved by the Oneida Business Committee. All quarterly reports shall be approved by official
495 entity action before they are submitted. The quarterly reports shall not contain any information
496 that conflicts with any law, resolution, or policy of the Nation. At least one (1) member of the
497 entity shall attend the Oneida Business Committee meeting where the quarterly report is an
498 agenda item. Quarterly reports shall follow a format prescribed by the Oneida Business
499 Committee and contain the following information:

500 (a) *Contact Information.* The name of the entity, the member submitting the report, the
501 Oneida Business Committee liaison; and a list of the members and their titles, term
502 expiration dates and contact information.

503 (b) *Meetings.* When and how often the entity is holding meetings and whether any
504 emergency and/or special meetings have been held.

505 (1) If emergency meetings were held, the report shall indicate the basis of the
506 emergency for each meeting.

507 (2) If special meetings were held, the report shall indicate the topic of each
508 meeting.

509 (c) *Accomplishments.* Details of what the entity has accomplished that quarter, including
510 any special events held during the reporting period and any travel by the members and/or
511 staff.

512 (d) *Goals.* Details of both the entity’s long term goals, the entity’s goals for the next
513 quarter, and projected quarterly activities.

514 (e) *Budget.* The amount of the entity’s budget, the status of the budget at that quarter,
515 the amount of each stipend a member may be eligible to receive, how the budget is being
516 utilized by the entity, and projected budgetary uses for the next quarter.

517 (f) *Requests.* Details of any requests to the Oneida Business Committee.

518 (g) *Other.* And any other information deemed appropriate by the entity, as well as any
519 other information required by a law or policy of the Nation.

520 105.12-4. *Annual and Semi-Annual Reports to the General Tribal Council.* Entities shall
521 provide annual reports to the Oneida General Tribal Council based on their activities during the

522 previous fiscal year, and semi-annual reports based on their activities during the current fiscal
523 year. All annual and semi-annual reports shall follow a format prescribed by the Oneida Business
524 Committee.

525 (a) Annual and semi-annual reports shall contain information on the number of
526 substantiated complaints against all members of the entity.

527 (b) Each entity with oversight of a department shall also submit annual and semi-annual
528 reports for each department the entity oversees.

529 105.12-5. Any failure to comply with the reporting requirements may result in the Oneida
530 Business Committee placing a hold on the release of a stipend payment.

531

532 **105.13. Stipends, Reimbursement and Compensation**

533 105.13-1. The Nation recognizes that an individual serving on an entity of the Nation, whether
534 elected or appointed, incurs some expense as a result of his or her position on the entity.
535 Therefore, the Nation, in order to attract individuals to serve on entities, shall pay stipends to
536 these members in accordance with this section.

537 105.13-2. Compensation and reimbursement for expenses shall follow the procedures as set out
538 in this section and according to procedures for payment as set out by the Nation, unless
539 otherwise declined by the entity through its bylaws, or declined by a member.

540 105.13-3. The Oneida Business Committee shall set stipend amounts by resolution. The Oneida
541 Business Committee shall periodically review the amounts provided for stipends and, based on
542 the availability of funds, shall adjust those amounts accordingly by amending the resolution.

543 105.13-4. *Meeting Stipends.* A member of an entity, whether elected or appointed, shall only
544 receive a meeting stipend for a meeting where a quorum has been established in accordance with
545 the duly adopted bylaws of that entity, that lasts for at least one (1) hour, and the member
546 collecting the stipend is physically present for the entire meeting.

547 (a) *Meeting Stipends for Appointed Members.* Appointed members serving on entities
548 shall be paid no more than one (1) meeting stipend per month when at least one (1)
549 meeting is conducted

550 (b) *Meeting Stipends for Elected Members.* Elected members serving on entities shall be
551 paid a stipend for each meeting held in accordance with this law.

552 105.13-5. *Oneida Judiciary Hearings.* A member of an entity may receive a Judiciary hearing
553 stipend if the member's attendance at the Judiciary hearing is required by official subpoena.

554 105.13-6. *Hearings of an Entity.* A member of an entity that maintains hearing authority may
555 obtain a hearing stipend for conducting hearings administered by the entity. A hearing consists of
556 all functions related to the resolution of the matter notwithstanding the amount of time it takes to
557 resolve the matter, including, but not limited to, any continuations of the hearing and decision
558 drafting.

559 105.13-7. *Oneida Business Committee Meetings.* Up to two (2) members of an entity that attend
560 the Oneida Business Committee meeting where the quarterly report of the entity is an agenda
561 item, and present the quarterly report are eligible to receive a stipend.

562 105.13-8. *Other Stipends.* The Oneida Business Committee shall determine if, and when, any
563 other stipends are appropriate to compensate members of entities for their official actions. All
564 possible stipends shall be included in the Oneida Business Committee resolution which sets
565 stipend amounts.

566 105.13-9. *Conferences and Training.* A member of any entity, elected or appointed, shall be

567 reimbursed in accordance with the Nation’s policy for travel and per diem, for attending a
568 conference or training. Provided that:

569 (a) A member shall be eligible for a stipend for each full day the member is present at the
570 conference or training, when attendance at the conference or training is required by law,
571 bylaw or resolution.

572 (b) A member shall not be eligible for a conference and training stipend if that training is
573 not required by law, bylaw or resolution.

574 (c) No stipend payments shall be made for those days spent traveling to and from the
575 conference or training.

576 105.13-10. *Business Expenses.* All members of entities shall be eligible for reimbursement for
577 normal business expenses naturally related to membership in the entity.

578 105.13-11. *Task Force and Ad Hoc Subcommittees.* Members of task force, ad hoc committees
579 and subcommittees shall not be eligible for stipends unless specific exception is made by the
580 Oneida Business Committee or the Oneida General Tribal Council.

581

582 **105.14. Confidential Information**

583 105.14-1. All members of an entity shall maintain in a confidential manner all information
584 obtained through their position on the entity. The Nation requires that all members of an entity
585 who have access to the Nation’s confidential information be subject to specific limitations in
586 order to protect the interest of the Nation and ensure that no persons engaged in by the Nation,
587 nor their relatives or associates, benefit from the use of confidential information.

588 (a) Confidential information shall be considered and kept as the private and privileged
589 records of the Nation and will not be divulged to any person, firm, corporation, or other
590 entity except by direct written authorization of the Oneida Business Committee.

591 (b) A member of an entity will continue to treat as private and privileged any
592 confidential information, and will not release any such information to any person, firm,
593 corporation, or other entity, either by statement, deposition, or as a witness, except upon
594 direct written authority of Oneida Business Committee, and the Nation shall be entitled to
595 an injunction by any competent court to enjoin and restrain the unauthorized disclosure of
596 such information. Such restriction continues after termination of the relationship with the
597 Nation and the entity.

598 (c) Upon completion or termination of his or her elected or appointed term of
599 membership in an entity, for any cause whatsoever, the member of the entity will
600 surrender to the Nation, in good condition, all records kept by the member of the entity.

601 (d) No member of an entity shall disclose confidential information acquired by reason of
602 his other relationship or status with the Nation for his or her personal advantage, gain, or
603 profit, or for the advantage, gain, or profit of a relative or associate.

604 105.14-2. Any records created or obtained while as an official of an entity are the property of the
605 Nation and can only be removed or destroyed by approval from a majority vote of the entity at a
606 duly called meeting. All removal or destruction of documents must be made in accordance with
607 the Nation’s laws and policies regarding open records and open meetings.

608 105.14-3. *Official Oneida Nation E-mail Address.* Each member of an entity shall be provided
609 an official Oneida e-mail address upon election or appointment for the purpose of conducting
610 business of the entity electronically.

611 (a) If a member is also an employee of the Nation, he or she shall receive a separate e-

612 mail address from his or her regular work e-mail address.

613 (b) A member of an entity shall sign an acknowledgment form provided by the Nation's
614 Secretary indicating notice of the Nation's applicable computer and media related laws,
615 policies and rules. The Nation's Secretary shall maintain a record of all such
616 acknowledgment forms.

617 (c) A member of an entity shall not use any personal or work e-mail address to
618 electronically conduct any business of the entity.

619 (d) Immediately upon receipt of notice of an entity vacancy, the Nation's Secretary shall
620 instruct the Management Information Systems department to disable the e-mail address
621 for the member having vacated the position.
622

623 **105.15. Conflicts of Interest**

624 105.15-1. All members of an entity are required to adhere to the Nation's laws and policies
625 governing conflicts of interest.

626 105.15-2. A member of an entity shall disclose a conflict of interest to the Nation's Secretary as
627 soon as the conflict arises, and update a conflict of interest disclosure form with the Nation's
628 Secretary on an annual basis.

629 (a) Upon receiving information of a potential conflict of interest, the Nation's Secretary
630 shall request a determination from the Oneida Law Office whether further action must be
631 taken by the Nation regarding the status of the official.

632 105.15-3. Due to the potential for a real or perceived conflict of interest to exist, political
633 appointees and legislative assistants shall not serve on an appointed or elected entity.
634

635 **105.16. Use of the Nation's Assets**

636 105.16-1. Entities shall maintain all bank accounts for the Nation's funds in the name of the
637 Oneida Nation. Bank accounts will be reflected on the Oneida Nation's books in accordance with
638 Generally Accepted Accounting Principles.

639 105.16-2. Each member of an entity shall comply with the system of internal accounting
640 controls sufficient to provide assurances that:

641 (a) all transactions are executed in accordance with management's authorization; and
642 (b) access to assets is permitted only in accordance with management's authorization;
643 and

644 (c) all transactions are recorded to permit preparation of financial statements in
645 conformity with Generally Accepted Accounting Principles or other applicable criteria.

646 105.16-3. Any evidence of noncompliance with any policy regarding the use of tribal assets shall
647 be immediately reported to the Internal Audit department. If the Internal Audit department finds
648 evidence of noncompliance they shall notify the Oneida Law Office, who will then make a
649 determination of further action to be taken, if any.
650

651 **105.17. Dissolution of an Entity**

652 105.17-1. *Dissolution of a Task Force or Ad Hoc Committee.* A task force or ad hoc committee
653 dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the
654 materials generated by a task force or ad hoc committee shall be forwarded to the Business
655 Committee Support Office for proper disposal within two (2) weeks of the dissolution.

656 105.17-2. *Dissolution of an Entity.* All other entities of the Nation shall be dissolved only by

657 motion of the Oneida General Tribal Council or the Oneida Business Committee. The General
658 Tribal Council shall have the authority to dissolve an entity created by the General Tribal
659 Council or the Oneida Business Committee, and the Oneida Business Committee shall have the
660 authority to dissolve an entity created by the Oneida Business Committee.

661 105.17-3. *Notice of Dissolution.* Within five (5) business days of the Oneida General Tribal
662 Council or the Oneida Business Committee taking official action to dissolve an entity, the
663 Oneida Business Committee shall provide the entity written notice of the dissolution.

664 105.17-4. *Management of Records and Materials.* All chairpersons and secretaries of dissolved
665 entities shall be responsible for closing out open business of the entity and forwarding all
666 materials and records to the Business Committee Support Office for proper storage and disposal
667 within two (2) weeks of dissolution. The entity shall not alter or destroy any records. The
668 Business Committee Support Office may utilize the assistance of the Records Management
669 Department and/or any other appropriate department for the storage and disposal of the records
670 and materials.

671 (a) The entity may request the Oneida Business Committee to grant a one (1) week
672 extension of the time allowed to close out open business of the entity and forward all
673 materials and records to the Business Committee Support Office.

674
675 **105.18. Enforcement**

676 105.18-1. Any member of an entity found to be in violation of this law may be subject to:

677 (a) sanctions and penalties in accordance with any laws or policies of the Nation
678 governing sanctions and/or penalties;

679 (b) removal pursuant to any laws or policies of the Nation’s governing removal, if a
680 member of an elected entity; or

681 (c) termination of appointment by the Oneida Business Committee, if a member of an
682 appointed entity.

683 *End.*

684

685
686
687 Adopted - BC-08-02-95-A
688 Amended - BC-05-14-97-F
689 Emergency Amendments - BC-04-12-06-JJ
690 Amended - BC-09-27-06-E (permanent adoption of emergency amendments)
691 Amended – BC-09-22-10-C
692 Amended – BC-

693
694