

**Title 1. Government and Finances - Chapter 120**  
**SANCTIONS AND PENALTIES**

**Kalihwahníla·tú· Okhale? Atatlihwá?thlewáhtu Kayanlása**

*Giving strength to the issues and Forgiving oneself for the issue at hand Laws*

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- 1  
2 **120.1. Purpose and Policy**  
3 120.1-1. *Purpose.* The purpose of this law is to establish a consistent set of sanctions and penalties  
4 that may be imposed upon elected and appointed officials of the Nation for misconduct in office  
5 for the purpose of providing an opportunity for the official to take corrective action to address the  
6 misconduct and promote accountability and improved performance of the official.  
7 (a) This law applies to members of the Oneida Business Committee.  
8 (b) This law does not apply to judges of the Oneida Nation Judiciary.  
9 (c) This law does not apply to members of corporate entities of the Nation.  
10 120.1-2. *Policy.* It is the policy of the Nation to ensure that elected and appointed officials who  
11 commit misconduct while in office be subject to appropriate sanctions and penalties; and to ensure  
12 that there is a fair process in place that enables officials to fairly respond to allegations of  
13 misconduct.  
14 120.1-3. It is the intent of the Nation that all elected and appointed officials strive to exhibit and  
15 uphold the Nation’s core values of The Good Mind as expressed by Onayote’a’ka, which includes:  
16 (a) Kahletsyalása. The heart felt encouragement of the best in each of us.  
17 (b) Kanolukhwása. Compassion, caring, identity, and joy of being.  
18 (c) Ka’nikuhli’yó. The openness of the good spirit and mind.  
19 (d) Ka’tshatstása. The strength of belief and vision as a People.  
20 (e) Kalihwi’yó. The use of the good words about ourselves, our Nation, and our future.  
21 (f) Twahwahtsílawayá. All of us are family.  
22 (g) Yukwatsístayá. Our fire, our spirit within each one of us.  
23  
24 **120.2. Adoption, Amendment, Repeal**  
25 120.2-1. This law was adopted by the General Tribal Council by resolution GTC-\_\_-\_\_-\_\_-\_\_.  
26 120.2-2. This law may be amended or repealed by the General Tribal Council pursuant to the  
27 procedures set out in the Legislative Procedures Act.  
28 120.2-3. Should a provision of this law or the application thereof to any person or circumstances  
29 be held as invalid, such invalidity shall not affect other provisions of this law which are considered  
30 to have legal force without the invalid portions.  
31 120.2-4. In the event of a conflict between a provision of this law and a provision of another law,  
32 the provisions of this law shall control.  
33 120.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.  
34

35 **120.3. Definitions**

36 120.3-1. This section shall govern the definitions of words and phrases used within this law. All  
37 words not defined herein shall be used in their ordinary and everyday sense.

38 (a) “Affirmative defense” means a fact or set of facts other than those alleged by the  
39 complainant which, if proven by the official, defeats or mitigates the consequences of the  
40 official's otherwise unlawful conduct.

41 (b) “Answer” means a formal written statement addressing the dispute on the merits  
42 and presents any defenses and counterclaims.

43 (c) “Business Committee Support Office” means the office that provides administrative  
44 support for the Oneida Business Committee and various other governmental operations.

45 (d) “Business day” means Monday through Friday 8:00 a.m. – 4:30 p.m., excluding  
46 holidays recognized by the Nation.

47 (e) “Clear and convincing evidence” means that it is substantially more likely than not that  
48 the facts presented are true.

49 (f) “Complainant” means an individual who has made a complaint.

50 (g) “Constitution” means the Constitution and By-Laws of the Oneida Nation.

51 (h) “Court of Appeals” means the Court of Appeals of the Oneida Nation Judiciary.

52 (i) “Entity” means a board, committee, commission, office, unincorporated agency, or  
53 other group of the Nation an individual may be appointed or elected to serve a position on,  
54 including the Oneida Business Committee.

55 (j) “F frivolous” means a complaint without any reasonable basis or merit, that cannot be  
56 supported by a good faith argument. Most often frivolous complaints are intended to  
57 merely harass, delay, or embarrass the opposition.

58 (k) “Misconduct” means wrongful, improper or unlawful conduct or behavior.

59 (l) “Nation” means the Oneida Nation.

60 (m) “Official” means any person who is elected or appointed to serve a position for the  
61 Nation, including, but not limited to, a position on a board, committee, commission, or  
62 office of the Nation, including the Oneida Business Committee.

63 (n) “Restitution” means compensation to an individual or entity for an injury, damage or  
64 loss.

65 (o) “Stipend” means the amount paid by the Oneida Nation to individuals serving on  
66 boards, committees and commissions of the Nation to offset the expenses of being a  
67 member on the board, committee or commission.

68 (p) “Substantiate” means to find that the complaint or allegation in the complaint is valid  
69 because there is clear and convincing evidence.

70 (q) “Trial Court” means the Trial Court of the Oneida Nation Judiciary.

71  
72 **120.4. Misconduct**

73 120.4-1. It shall be the obligation of every official to behave in a manner that promotes the highest  
74 ethical and moral standard. High moral and ethical standards amongst officials of the Nation is  
75 essential to the conduct of government.

76 120.4-2. An official may be subject to sanctions and penalties for behaving in a manner which  
77 constitutes misconduct. Misconduct includes:

78 (a) a violation of the Constitution or any of the Nation’s laws, policies, or rules;

79 (b) a violation of the bylaws, standard operating procedures or other internal operating  
80 documents that govern the entity upon which the official serves;

- 81 (c) a conviction of a felony, or any crime in any jurisdiction that would be classified as a  
82 felony under federal law or Wisconsin law; and  
83 (d) any other activity that is incompatible with the high moral and ethical standards that  
84 are expected of the Nation's officials.  
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### 86 **120.5. Filing of a Complaint**

87 120.5-1. *Who May File.* Any individual at least eighteen (18) years of age or older, or entity, who  
88 in good faith, has knowledge or reason to believe that an official has committed misconduct, may  
89 file a written complaint.

90 120.5-2. *When to File.* A complaint may be filed as long as the alleged misconduct has occurred,  
91 or was discovered to have occurred, within the previous ninety (90) days.

92 120.5-3. *Contents of the Complaint.* The complaint alleging misconduct by an official shall  
93 include the following information:

- 94 (a) The name(s) of the official alleged to have committed the misconduct;  
95 (b) The entity or entities upon which the official serves;  
96 (c) The specific date(s), time(s), and location(s) of the alleged misconduct;  
97 (d) The specific details of the official's misconduct;  
98 (e) The specific provision of law, policy, rule, or bylaw of the Nation allegedly violated  
99 by the official;  
100 (f) Names of any witnesses of the alleged misconduct, or individuals who may have  
101 knowledge pertinent to the alleged misconduct;  
102 (g) The contact information for the person filing the complaint, which at minimum shall  
103 include the person's name, address, and telephone number;  
104 (h) A notarized sworn statement attesting that the information provided in and with the  
105 complaint is true, accurate, and complete to the best of the complainant's knowledge;  
106 (i) Any supporting documentation; and  
107 (j) Any other information required by the Nation's Rules of Civil Procedure if the  
108 complaint is alleging misconduct of an elected official.

109 120.5-4. *Where to File.*

110 (a) *Appointed Official.* Complaints against an appointed official shall be filed with the  
111 Business Committee Support Office.

112 (b) *Elected Official.* Complaints against an elected official shall be filed with the Nation's  
113 Trial Court.

114 120.5-5. *Retaliation Prohibited.* Retaliation against any individual who makes a complaint or party  
115 or witness to a complaint is prohibited. This protection shall also be afforded to any person offering  
116 testimony or evidence or complying with directives authorized under this law. Retaliation shall  
117 include any form of adverse or punitive action by or caused by, any official.

- 118 (a) If an individual alleges that retaliatory action has been threatened or taken based on the  
119 individual's complaint, or cooperation with directives authorized under this law, the  
120 individual may file a complaint for the retaliatory action in accordance with section 120.5  
121 of this law.

122 120.5-6. Any official who is the subject of a complaint has the right to be represented by an  
123 attorney or advocate, at his or her own expense, for any actions or proceedings related to the  
124 complaint.

125 120.5-7. *Confidentiality.* All complaints alleged against an official of the Nation shall be handled  
126 in a confidential manner.

- 127 (a) All hearings and/or proceedings related to a complaint shall be closed to the general  
128 public.  
129 (b) All records of hearings and/or proceedings shall not be subject to public review or  
130 inspection. An official's record of conduct shall only be made available for review to the  
131 Oneida Business Committee and the Trial Court.  
132 (c) *Exception.* A decision of the Trial Court or the Oneida Business Committee regarding  
133 a complaint alleged against an official, and any sanctions and/or penalties that are imposed  
134 against an official, shall be public information.  
135

## 136 **120.6. Complaints Alleged Against an Appointed Official**

137 120.6-1. Due to the fact that an appointed official serves at the discretion of the Oneida Business  
138 Committee, all complaints alleged against an appointed official shall be handled by the Oneida  
139 Business Committee.

140 120.6-2. *Receipt of Complaint.* Upon receiving a complaint, the Business Committee Support  
141 Office shall:

142 (a) immediately forward copies of the complaint, including any supporting documentation,  
143 to:

- 144 (1) all members of the Oneida Business Committee for review; and  
145 (2) the individual who is the subject of the complaint.

146 (b) place the complaint on the executive session portion of the agenda of a regular or  
147 special meeting of the Oneida Business Committee for an initial review which shall occur  
148 within thirty (30) business days after the initial receipt of a complaint.

149 120.6-3. *Mediation.* The complainant or the official who is the subject of the complaint shall have  
150 up to five (5) business days after the initial receipt of the complaint to contact the Business  
151 Committee Support Office and request mediation.

152 (a) If both the complainant and the official who is the subject of the complaint agree to  
153 mediation, then the Business Committee Support Office shall schedule a mediation  
154 between the parties. The intent of this mediation meeting is to resolve the complaint prior  
155 to commencing an initial review.

156 (b) The Business Committee Support Office shall utilize a trained mediator to facilitate  
157 the mediation meeting. Every mediator shall have at least twenty-five (25) hours of  
158 mediation training or at least three (3) years of experience in dispute resolution.

159 (c) The mediation shall occur before the investigatory hearing is scheduled to take place.

160 (d) If a resolution is reached during mediation, the Oneida Business Committee shall be  
161 informed of the resolution before the initial review and the complaint shall be formally  
162 dismissed during the initial review.

163 (e) If the matter is not resolved through mediation, the initial review shall occur as  
164 prescribed by this law.

165 120.6-4. *Answer to the Complaint.* The individual who is the subject of the complaint shall have  
166 ten (10) business days after receiving his or her copy of the complaint, to submit to the Business  
167 Committee Support Office a written answer setting forth any admission, denial, affirmative  
168 defense, or other relevant information upon which the official intends to rely during proceedings  
169 related to the complaint.

170 (a) The Business Committee Support Office shall immediately forward the answer and  
171 any supporting documentation to all members of the Oneida Business Committee upon  
172 receipt from the individual who is the subject of the complaint.

173 120.6-5. *Conflict of Interest.* An Oneida Business Committee member that has a conflict of  
174 interest in a complaint brought before the Oneida Business Committee, shall immediately recuse  
175 himself or herself and shall not participate in any portion of the complaint process.

176 (a) Failure of an Oneida Business Committee member to recuse themselves due to a  
177 conflict of interest shall constitute grounds for sanctions and/or penalties.

178 120.6-6. *Initial Review.* The Oneida Business Committee shall perform an initial review of an  
179 allegation of misconduct on the part of an official. The purpose of the initial review shall be to  
180 determine whether the allegation made within the complaint has merit.

181 (a) During the initial review the Oneida Business Committee shall review the complaint  
182 and the written answer; as well as any supporting documentation.

183 (b) In order to determine if a complaint has merit, the Oneida Business Committee will  
184 discuss if whether assuming the facts alleged are true, said facts would support a  
185 determination of misconduct.

186 (c) The Oneida Business Committee shall determine, by majority vote, whether the  
187 complaint has merit.

188 (1) Upon a finding that the complaint has merit, the Oneida Business Committee  
189 shall schedule an investigatory hearing to consider the specific allegations  
190 identified in the complaint.

191 (A) The investigatory hearing shall occur within thirty (30) business days  
192 after the initial review has concluded and shall take place during the  
193 executive session portion of the agenda of a regular or special meeting of  
194 the Oneida Business Committee.

195 (2) Upon finding that a complaint has no merit, the Oneida Business Committee  
196 shall dismiss the complaint. The Oneida Business Committee shall send notice that  
197 the complaint was dismissed to the complainant and the official who is the subject  
198 of the complaint within five (5) business days.

199 (A) If the Oneida Business Committee dismisses the complaint based on a  
200 determination that the complaint was frivolous, false, or made with a  
201 malicious intent, the complainant may be subject to:

202 (i) a fine not to exceed five hundred dollars (\$500);

203 (ii) prohibition from filing another complaint for a period of time  
204 not to exceed one (1) year; and/or

205 (iii) a civil suit in the Nation's Trial Court brought by the official  
206 accused by the frivolous, false or malicious allegation.

207 120.6-7. *Notice of the Investigatory Hearing.* The Business Committee Support Office shall  
208 provide the complainant, the official who is the subject of the complaint, and any other individual  
209 compelled to attend the hearing with written notice of the date and the time of the investigatory  
210 hearing at least ten (10) business days before the investigatory hearing.

211 120.6-8. *Investigatory Hearing.* The purpose of the investigatory hearing is for the Oneida  
212 Business Committee to determine if there is enough evidence to substantiate the allegations of  
213 misconduct by clear and convincing evidence.

214 (a) When conducting an investigatory hearing, the Oneida Business Committee shall have  
215 the broadest grant of authority to compel any person or organization within the Nation to:

216 (1) appear at the hearing to provide testimony under oath and/or information  
217 relevant to the allegations against the official; and/or

218 (2) produce physical evidence that is relevant to the allegations.

219 (b) The Oneida Business Committee shall provide an opportunity for the official who is  
220 the subject of the complaint to answer all allegations and to provide witness testimony,  
221 documents, and other evidence on his or her own behalf.

222 (c) The Oneida Business Committee shall also provide the complainant the opportunity to  
223 answer questions, provide witness testimony or additional information, and/or to otherwise  
224 speak on his or her own behalf.

225 (d) The hearing shall be informal and conducted as the interests of justice so require, and  
226 shall be recorded by the Business Committee Support Office.

227 120.6-9. *Deliberation of the Oneida Business Committee.* At the conclusion of the investigatory  
228 hearing, the Oneida Business Committee shall excuse everyone from executive session for the  
229 deliberation of the Oneida Business Committee. Prior to making a final determination as to  
230 whether to substantiate the complaint, the Oneida Business Committee shall:

231 (a) consider all evidence and information provided, and shall have a full and complete  
232 discussion of all aspects of the complaint and answer; and

233 (b) have a full and complete discussion of all potential sanctions and penalties that may be  
234 imposed, if appropriate.

235 120.6-10. *Determination by the Oneida Business Committee.* After the investigatory hearing has  
236 concluded and the Oneida Business Committee has deliberated, the Oneida Business Committee  
237 shall in open session of a regular or special Oneida Business Committee meeting, by majority vote,  
238 declare whether the Oneida Business Committee has determined there is enough evidence to  
239 substantiate the allegations of misconduct by clear and convincing evidence.

240 (a) If the Oneida Business Committee finds that there is clear and convincing evidence that  
241 the official engaged in misconduct, the Oneida Business Committee shall, by majority vote,  
242 determine and impose appropriate sanctions and/or penalties.

243 (b) If the Oneida Business Committee does not find that there is clear and convincing  
244 evidence to support the allegations that the official engaged in misconduct, the complaint  
245 shall be dismissed.

246 (c) Within ten (10) business days after the investigatory hearing, the Oneida Business  
247 Committee shall issue a written decision and provide copies of the decision to:

248 (1) the complainant,

249 (2) the official who is the subject of the complaint, and

250 (3) the Business Committee Support Office, for recordkeeping.

251 120.6-11. *Appeal.* The complainant and the official who is the subject of the complaint shall both  
252 have the right to appeal the Oneida Business Committee's decision to the Court of Appeals  
253 pursuant to the Nation's Rules of Appellate Procedure. The appeal shall be limited to review of  
254 the record, and the Oneida Business Committee's decision may only be overturned if the Court of  
255 Appeals determines that:

256 (a) The findings or penalties imposed were clearly erroneous, unsupported by the record,  
257 or made on unreasonable grounds or without any proper consideration of circumstances;  
258 or

259 (b) Procedural irregularities occurred which prevented a fair and impartial hearing.

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## 261 **120.7. Complaints Alleged Against an Elected Official**

262 120.7-1. The Trial Court shall have jurisdiction to hear complaints of alleged misconduct of  
263 elected officials. Complaints of alleged misconduct shall be filed with the Trial Court pursuant to  
264 the Nation's Rules of Civil Procedure.

265 120.7-2. In a civil action against an elected official for misconduct, the complainant has the burden  
266 of proving by clear and convincing evidence that the official engaged in misconduct.

267 120.7-3. In making a final determination, the Trial Court shall determine if there is enough  
268 evidence to substantiate the allegations of misconduct by the official by clear and convincing  
269 evidence.

270 (a) If the Trial Court finds that there is clear and convincing evidence that the official  
271 engaged in misconduct, the Trial Court shall determine and impose any sanctions and/or  
272 penalties deemed appropriate in accordance with this law.

273 (b) If the Trial Court does not find that there is clear and convincing evidence to support  
274 the allegations that the official engaged in misconduct, the complaint shall be dismissed.

275 120.7-4. *Appeal*. The complainant and the official who is the subject of the complaint shall both  
276 have the right to appeal the Trial Court's decision to the Court of Appeals pursuant to the Nation's  
277 Rules of Appellate Procedure. The appeal shall be limited to review of the record, and the Trial  
278 Court's decision may only be overturned if the Court of Appeals determines that:

279 (a) The findings or penalties imposed were clearly erroneous, unsupported by the record,  
280 or made on unreasonable grounds or without any proper consideration of circumstances;  
281 or

282 (b) Procedural irregularities occurred which prevented a fair and impartial hearing.

283 120.7-5. The Trial Court shall provide the Business Committee Support Office a copy of the  
284 complaint and the determination of the Trial Court for the official's record of conduct in office.  
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## 286 **120.8. Sanctions and Penalties**

287 120.8-1. A sanction or penalty, or any combination of sanctions and/or penalties, may be imposed  
288 upon the Nation's officials for misconduct in office, in accordance with this law.

289 120.8-2. Sanctions and penalties may include:

290 (a) *Verbal Reprimand*. A verbal reprimand may be imposed on the official.

291 (1) The Oneida Business Committee or Trial Court shall submit written notices to  
292 both the official and to the Business Committee Support Office of the specific date,  
293 time and location of the verbal reprimand. The verbal reprimand shall occur at an  
294 Oneida Business Committee meeting and/or a General Tribal Council meeting.

295 (2) To impose the verbal reprimand, the presiding Oneida Business Committee  
296 Chairperson, or another Oneida Business Committee member if the verbal  
297 reprimand is imposed against the presiding Oneida Business Committee  
298 Chairperson, shall read a statement that identifies:

299 (A) The Oneida Business Committee or Trial Court's findings regarding the  
300 specific actions or inaction taken by the official that were found to be  
301 misconduct;

302 (B) The reasons why the official's actions or inactions amounted to  
303 misconduct;

304 (C) A statement identifying that the misconduct violates the high standards  
305 of behavior expected of the Nation's officials and is not acceptable; and

306 (D) A direction to the official to refrain from engaging in future misconduct.

307 (b) *Public Apology*. The official may be ordered to make a public apology. The Oneida  
308 Business Committee or Trial Court shall submit written notices to both the official and to  
309 the Business Committee Support Office of the specific date, time and location of the public  
310 apology. The public apology shall occur at an Oneida Business Committee meeting and/or  
311 a General Tribal Council meeting. The public apology shall:

- 312 (1) identify the specific misconduct committed by the official;  
313 (2) recognize that the official's actions or inactions were wrong;  
314 (3) identify the effects of the official's misconduct; and  
315 (4) include a clear and unambiguous apology from the official.
- 316 (c) *Written Reprimand*. A written reprimand may be imposed on the official by publication  
317 on the Nation's official media outlets, as determined by the Oneida Business Committee.  
318 The Oneida Business Committee or the Trial Court may publish a written reprimand which  
319 includes the information required for the verbal reprimand as stated in section 120.8-  
320 2(a)(2)(A)-(D).
- 321 (d) *Suspension*. An official may be suspended from performing his or her duties as an  
322 official for a period of time not to exceed two (2) meetings, or fifteen (15) business days if  
323 the official serves in a full-time capacity.
- 324 (1) During a suspension, the official shall not:  
325 (A) attend meetings, trainings or any other event as part of the entity;  
326 (B) attend conferences or other events on behalf of, or as a representative  
327 of, the entity;  
328 (C) vote or participate in any activities of the entity;  
329 (D) perform work on behalf of the entity; or  
330 (E) be eligible for any compensation, including regular pay, stipends, or  
331 mileage reimbursement.
- 332 (2) When an official is suspended, the Oneida Business Committee or Trial Court  
333 shall submit written notices to both the official and to the Business Committee  
334 Support Office of the specific start and end date of the suspension.
- 335 (3) If a suspension is imposed on multiple officials of the same entity at one time,  
336 the Oneida Business Committee or the Trial Court shall impose the suspensions of  
337 the officials on a staggered basis to avoid an interruption of the official business  
338 and function of the entity.
- 339 (e) *Restitution*. An official may be ordered to pay restitution, which may include the  
340 repayment of any improperly received benefit, or any other payment which is intended to  
341 make another whole after suffering losses as a result of the official's misconduct.
- 342 (f) *Fines*. An official may be ordered to pay a fine not to exceed two thousand and five  
343 hundred dollars (\$2,500).
- 344 (1) Fines shall be paid to the Trial Court.  
345 (2) Fines shall be paid within ninety (90) days after the order is issued or upheld  
346 on final appeal, whichever is later. Cash shall not be accepted for payment of fines.  
347 If the fine is not paid by this deadline, the Trial Court may seek to collect the money  
348 owed through the Nation's garnishment and/or per capita attachment process.  
349 (3) Money received from fines shall be deposited into the General Fund.  
350 (4) Community service may be substituted for part or all of any fine at the minimum  
351 wage rate of the Nation for each hour of community service.
- 352 (g) *Loss of Stipend*. An official may be ordered to forfeit a stipend for his or her service  
353 on an entity not to exceed two (2) meetings.
- 354 (h) *Mandatory Participation in Training*. An official may be ordered to participate in and  
355 complete a training class or program that will assist the official in addressing and  
356 improving his or her behaviors and/or actions.



357 (1) The mandated training class or program may address a variety of topics  
358 including, but not limited to, anger management, sexual harassment, or other  
359 sensitivity training.

360 (i) *Termination of Appointment.* An appointed official may have his or her appointment  
361 terminated by the Oneida Business Committee in accordance with the Nation's laws and/or  
362 policies governing boards, committees, and commissions.

363 (j) *Removal.* The Trial Court may recommend that the process for removing an elected  
364 official as contained in the Nation's laws and/or policies governing removal be initiated.

365 120.8-3. *Factors in Determining an Appropriate Sanction and/or Penalty.* When determining the  
366 appropriate sanction or sanctions to impose, the Oneida Business Committee or the Trial Court  
367 may consider all factors it deems relevant, including but not limited to:

- 368 (a) the seriousness or severity of the misconduct;
- 369 (b) whether the conduct was intentional or not;
- 370 (c) the likelihood of repetition;
- 371 (d) the extent of probable damage to the finances or reputation of the Nation, the  
372 complainant, the entity, or to any other person or organization;
- 373 (e) whether the official or his or her family personally profited, financially or otherwise,  
374 from the prohibited conduct;
- 375 (f) the official's remorse, or
- 376 (g) the official's willingness and ability to take steps to mitigate the harm caused by the  
377 violation, and
- 378 (h) any prior complaints filed, including any previous sanctions and penalties imposed  
379 upon the official while serving on an entity.

380 120.8-4. The Oneida Business Committee and/or the Trial Court may impose a sanction and/or  
381 penalty on a conditional basis, whereas compliance with a specific sanction and/or penalty shall  
382 prevent the imposition of a more stringent or burdensome sanction and/or penalty.

383 120.8-5. The imposition of sanctions and/or penalties in accordance with this law does not exempt  
384 an official from individual liability for the underlying misconduct, and does not limit any penalties  
385 that may be imposed in accordance with other applicable laws. In addition to any sanctions and  
386 penalties that may be imposed in accordance with this law, officials who commit misconduct in  
387 office may be subject to other consequences; including but not limited to:

- 388 (a) removal in accordance with the Nation's laws and/or policies governing removal, if an  
389 elected official;
- 390 (b) termination of appointment by the Oneida Business Committee, if an appointed official;
- 391 (c) criminal prosecution, for misconduct that also violates applicable criminal law;
- 392 (d) civil liability, in accordance with the applicable law of any jurisdiction; and/or
- 393 (e) penalties for specific misconduct as authorized by any other law of the Nation.

394 120.8-6. An official who does not comply with a sanction and/or penalty that has been imposed  
395 against him or her by either the Oneida Business Committee or Trial Court may be subject to the  
396 following:

- 397 (a) additional sanctions and/or penalties that result from a complaint of misconduct filed  
398 in accordance with this Law based on the non-compliance;
- 399 (b) termination of appointment by the Oneida Business Committee in accordance with the  
400 Nation's laws and policies governing boards, committees, and commissions, if the official  
401 was appointed to his or her position; and/or
- 402 (c) removal in accordance with the Nation's laws and policies governing removal, if the  
403 official was elected to his or her position.

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**120.9. Effect of Resignation by an Official**

120.9-1. The resignation of an official after a complaint has been filed against the official shall not affect the status of the hearing and determination by either the Oneida Business Committee or Trial Court.

120.9-2. An official who resigns may still be subject to sanctions and/or penalties at the discretion of the Oneida Business Committee or Trial Court.

**120.10. Record of Conduct in Office**

120.10-1. The Business Committee Support Office shall maintain a record of conduct in office for each official.

120.10-2. The record of conduct in office maintained for each official shall include, at a minimum:

- (a) a copy of each complaint filed against the official;
- (b) recording and/or transcript from any hearings and/or proceedings;
- (c) the outcome of the complaint, and
- (d) any sanctions or penalties imposed upon an official.

120.10-3. The record of conduct in office for each official shall be maintained for a period of no less than seven (7) years.

*End.*

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Adopted – GTC-\_\_-\_\_-\_\_-\_\_