

ONEIDA NATION SCHOOL BOARD BYLAWS

Article I. Authority

- 1-1. *Name.* The name of this entity shall be the Oneida Nation School Board and may hereinafter be referred to as the Board.
- 1-2. *Establishment.* The Oneida Nation School Board was established in 1977 by the Oneida General Tribal Council.
- 1-3. *Authority.*
- (a) *Purpose.* The Board was established to coordinate existing and future education programs of the Oneida Nation; per directive of the Oneida General Tribal Council, to be an autonomous administrator of the Oneida Nation School System (“System”) under a Memorandum of Agreement with the Oneida Business Committee; and to administer the Oneida Nation School System Endowment in accordance with the Nation’s Endowments law as authorized under resolution BC-02-27-19-B.
 - (b) *Powers and Duties.* In accordance with the Oneida General Tribal Council’s directive, on March 21, 1988, the Board entered into a Memorandum of Agreement (“MOA”) with the Oneida Business Committee, delegating certain powers and duties to the Board, which, subject to amendment from time-to-time hereafter, include, but are not limited to:
 - (1) Overseeing and planning, in coordination with the Oneida Business Committee, for the academic and cultural growth of the students within the System;
 - (2) Monitoring school operations and development, ensuring their compliance with sound academic practice and consistency with community priorities, as well as the Nation’s initiatives and planning;
 - (3) Approving all curriculum developed and implemented for use within the System, ensuring quality academic instruction that incorporates Oneida cultural tenets;
 - (4) Providing direct involvement in the process of personnel matters, as prescribed in the MOA, to be consistent with the Nation’s Personnel Policies and Procedures so as to ensure the maintenance of quality staff and policy benefiting the harmony of the staff and ultimately the students within the System;
 - (5) Reviewing, endorsing and submitting all contracts, grants, and proposals relative to the System’s operation and planning consistent with the Nation’s policies and procedures, as well as the System’s funding cycles, by ensuring a level of funding that corresponds with the System’s developmental and operational needs;
 - (6) Meeting with the Oneida Business Committee to negotiate any disputes which may arise between the Oneida Business Committee and the Board;

- (7) Monitoring long and short-range educational programming for the students attending Nation-specific programs of study; and
- (8) Developing and maintaining consistent procedures to be employed as it carries out its charge to the Oneida General Tribal Council and the Oneida Nation School System.
- (c) The Board shall adhere to the laws of the Nation when exercising the authority delegated it under the MOA, as may be amended from time-to-time hereafter, and shall further exercise any other powers and duties delegated to the Board through the laws, policies, rules and resolutions of the Nation in a manner consistent therewith.

1-4. *Office.* The official mailing address of the Oneida Nation School Board is:
 Oneida Nation School Board
 P.O. Box 365
 Oneida, WI 54155-0365

1-5. *Membership.*

- (a) *Number of Members.* The Oneida Nation School Board shall be comprised of nine (9) members.
- (b) *Elected.* Members of the Board shall be chosen by election to three (3) year staggered terms in accordance with any laws and/or policies of the Nation governing elections.
 - (1) Members of the Board shall hold office until their term expires, they resign, or they are terminated/removed from office.
 - (A) A member whose term has expired may remain in office until his or her successor is sworn in by the Oneida Business Committee.
 - (B) A member may resign at any time either verbally during a Board meeting or by delivering written notice to the Oneida Business Committee Support Office and the Board Chairperson or Chairperson's designee.
 - (i) A resignation is deemed effective upon acceptance by Board motion of the member's verbal resignation or upon delivery of the written notices.
- (c) *Vacancies.* Vacancies of the Board shall be filled as follows:
 - (1) *Expired Terms.* Vacancies caused by term expiration shall be filled by election in accordance with any laws and/or policies of the Nation governing elections to office.
 - (2) *Unexpired Terms.* Vacancies that occur before the end of a term shall be filled by appointment of the Oneida Business Committee pursuant to the Boards, Committees and Commissions law.
 - (A) The Board Chairperson shall provide the Oneida Business Committee with recommendations on all applications for appointment to fill a vacancy of an unexpired term in accordance with the submission deadline for the Oneida

Business Committee in which the appointment is intended to be made.

- (d) *Qualifications of Members.* Members of the Board shall meet the following qualifications:
- (1) Be at least eighteen (18) years of age;
 - (2) Be enrolled members of the Oneida Nation;
 - (3) At least four (4) of the nine (9) members must be parents/guardians of a student enrolled in an educational program that qualifies under the Oneida Nation School System; and
 - (4) Have passed an Annual Care Giver Background Check (State of Wisconsin Form F-80264).

1-6. *Termination and Removal.* A Board member found to be in violation of these bylaws or any applicable law, policy and/or resolution of the Nation may be subject to the following:

- (a) If the member was elected, the Board may direct the Chairperson to file a petition for his or her removal on behalf of the Board pursuant to the Removal law and/or any other law of the Nation governing the removal of elected officials.
- (b) If the member was appointed, the Board may direct the Chairperson to provide a recommendation to the Oneida Business Committee for his or her termination in accordance with the Boards, Committees and Commissions law and/or any other law of the Nation governing the termination of appointed officials.
- (c) Petitions for removal and/or recommendations for termination shall be decided by a majority vote of the Board members present at a meeting of an established quorum.

1-7. *Trainings and Conferences.* Board members shall attend the following mandatory trainings and/or conferences:

- (a) As recommended by the Superintendent;
- (b) Bi-annual trainings/conferences with the Bureau of Indian Education;
- (c) Interview Certification from Oneida Nation; and/or
- (d) Disciplinary Action from Oneida Nation.
- (e) Regardless of the number of trainings/conferences that he or she is required to attend, no member of the Board shall be eligible to receive stipends for attending more than five (5) full days of mandatory trainings/conferences per year.

Article II. Officers

2-1. *Officers.* The Officer positions for the Oneida Nation School Board shall consist of a Chairperson, a Vice-Chairperson and a Secretary.

2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the Chairperson shall be to:

- (a) Call and preside over all regular meetings, emergency meetings and hearings of the Board;
- (b) Represent the Board and the System at official functions;
- (c) Ensure that the Board complies in its charge to the Nation and the System;
- (d) Be an ex officio member of any committee established by the Board;
- (e) Carry out all general duties and powers assigned to the Board pursuant to the Oneida Nation's Constitution, any laws of the Nation and the most current version of the MOA, which may be amended from time-to-time hereafter;
- (f) Submit, or through a designee submit, annual and semi-annual reports to the Oneida General Tribal Council, as well as quarterly reports to the Oneida Business Committee, in accordance with the Boards, Committees and Commissions law; and submit other reports as required by resolution BC-02-27-19-B, the most current version of the MOA, and any other governing law, policy or resolution of the Nation; and
- (g) Attend, or designate a member to attend, the Oneida Business Committee meeting in which the Board's quarterly report appears on the agenda.

2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the Vice-Chairperson shall be to:

- (a) Act in replacement of the Board Chairperson should for any reason he or she be unable to carry out the above prescribed powers and duties;
- (b) Chair ad hoc committees established by the Board; and
- (c) Carry out all general duties and powers that are duly assigned or delegated to the Board.

2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the Secretary shall be to:

- (a) Act in the absence of the Chairperson and Vice-Chairperson in the carrying out of their powers and duties;
 - (1) With respect to calling or presiding over meetings of the Board, the Secretary's authority shall be limited as follows:
 - (A) In the event that both the Chairperson and Vice-Chairperson positions have become vacant before the end of their terms, the Secretary shall have the authority to call Board meetings to fill the vacancies and to preside over those meetings for the sole purpose of conducting an election of new Officers, at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside.
- (b) Establish the agenda and provide notice of all meeting locations, agendas, documents and minutes to all members of the Board, as well as the public, in accordance with the Boards, Committees and Commissions law, the Open Records and Open Meetings law, these bylaws, and the most current version of the MOA;
- (c) Maintain accurate recording and presenting of all Board minutes and other formal documents in accordance with the Boards, Committees and

Commissions law, the Open Records and Open Meetings law, these bylaws, and the most current version of the MOA;

- (d) Work closely with System staff and/or the Oneida Business Committee Support Office to ensure timely reporting of all Board actions; and
- (e) Carry out all general duties and powers that are duly assigned or delegated to the Board.

2-5. *Selection of Officers.* Officers of the Board shall be elected by a majority vote of the members present at a Board meeting of an established quorum to terms of one (1) year.

- (a) Officer elections shall occur at the first Board meeting of an established quorum that takes place subsequent to an election of the Board members.
- (b) Board Officers shall hold their positions until the new Officers are elected.
 - (1) Officers may be re-elected and there is no limitation upon the number of times a member may run for an Officer position.
 - (2) Board members shall not hold more than one (1) Officer position per Officer term.
- (c) If for any reason, an Officer of the Board cannot fulfill the obligations of his or her Officer position, upon majority vote of the members present at a Board meeting of an established quorum, that member may be dismissed from his or her Officer position and a new Officer shall be elected.

2-6. *Budgetary Sign-Off Authority and Travel.* The Board shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

- (a) Levels of budgetary sign-off authority for the Board shall be as set forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for Divisional Directors/Tribal School Chairperson/Trust Committee/Gaming Director.
 - (1) All Board Officers have sign-off authority and two (2) Officers shall be required to sign-off on all budgetary requests.
 - (A) Upon formal approval of a purchase by the Board, the Oneida Business Committee Support Office shall have official budgetary sign-off authority for the Board.
- (b) Travel on behalf of the Board for any member shall be approved by majority vote of the members present at a regular or emergency Board meeting of an established quorum.

2-7. *Personnel.* Commencing on the date these bylaws are adopted by the Oneida Business Committee and from that point forward, the Board shall not have authority to hire personnel for the benefit of the Board.

- (a) The Board shall have authority to be involved in the hiring of personnel for the System so long as conducted in accordance with the most current version of the MOA, the Nation's Personnel Policies and Procedures, and any applicable accounting policies/procedures of the Nation.

- (b) The Board shall have authority, at its discretion, to hire consultants and other resource persons to help carry out the stated purposes and goals of the System, subject to the following:
 - (1) The Superintendent shall assist the Board with establishing criteria for the hiring of consultants/resource persons and, when appropriate, provide selection recommendations to the Board.
 - (2) Consultants/resource persons shall be hired under formal contract per the process set forth in the most current version of the MOA and consistent with the policies and procedures of the Nation.
- (c) Where issues arise between the Board and individuals/entities other than the Oneida Business Committee, the Board shall have the authority to avail itself of legal counsel per the Request for Proposal (“RFP”) process set by the Nation’s competitive bidding/purchasing policies and procedures, to protect the powers and responsibilities delegated to the Board by the Oneida General Tribal Council.
 - (1) Prior to commencing with the RFP process to retain outside counsel, the Board shall be required to avail itself of counsel through the Oneida Law Office; provided, it is capable and willing to supply the Board with the necessary legal services.

Article III. Meetings

3-1. *Regular Meetings.* Meetings of the Board shall be held at 5:00 p.m. on the first and third Monday of each month in the Oneida Nation Elementary School, located at N7125 Seminary Road in Oneida, Wisconsin. Meetings may be attended in person, by telephone, through videoconferencing, or through other telecommunications so long as presence is demonstrated in accordance with the Boards, Committees and Commissions law.

- (a) The meetings date, time and/or location may change from time-to-time as determined by a majority vote of the members present at a Board meeting of an established quorum; provided, notice is given to all members in writing and, along with the public, in accordance with the Nation’s Open Records and Open Meetings law, prior to the implementation of a new date, time and/or location.
- (b) The agenda for regular meetings shall be established by the Secretary, or Secretary’s designee, in accordance with these bylaws.
 - (1) Board members and other persons wishing to have items placed on the agenda should submit the item to the Secretary, or Secretary’s designee.
 - (2) Items should be submitted at least ten (10) days prior to the next regular meeting.
- (c) Action items shall be incorporated into the School Superintendent’s report.
- (d) The Secretary or Secretary’s designee shall prepare the meeting agenda, minutes and other appropriate documentation for action items; mail or email them to each Board member, along with the Superintendent, at least seven (7) days before a regular meeting date; and further provide them to all

members, as well as the public, in accordance with the Nation's Open Records and Open Meetings law.

- (1) Any email correspondence to Board members must be sent to the official Oneida Nation email address that was provided to them to conduct business electronically on behalf of the Board ("Official Email").

3-2. *Emergency Meetings.*

- (a) An emergency meeting may be called when there is an imminent issue that needs to be addressed by the Board before its next scheduled meeting. Emergency meetings may be attended in person, by telephone, through videoconferencing, or through other telecommunications so long as presence is demonstrated in accordance with the Boards, Committees and Commissions law.
 - (1) The Board is delegated the authority to represent the parents and the Oneida General Tribal Council in the conducting of System related business. Under certain governmental and other System related agreements, some contractors require periodic meetings that require parent representation. This constitutes an imminent issue for which an emergency meeting may be called when necessary to satisfy the Board's contractual obligations.
 - (A) Meetings to fulfill contractual obligations may be held on the evenings of regular Board meetings or may be separately scheduled. In either case, along with the notice required in subsection (c) of this section if the meeting was called as an emergency or in section 3-1(d) if called as part of a regular meeting, the Secretary or Secretary's designee must provide notice to all groups identified by the contractor as set forth within the contract, or in writing if not set by contract, and to all parents through the school newsletter, as well as the Kalihwisaks.
 - (b) Emergency meetings may be called by the Chairperson and upon request of a Board member or System administrator.
 - (1) Board members or System administrators shall contact the Board's Chairperson or Vice-Chairperson to request an emergency meeting.
 - (A) The Chairperson, or when he or she cannot be reached, the Vice-Chairperson shall determine whether the basis for the Board member's or System administrator's request justifies scheduling an emergency meeting.
 - (c) The Chairperson or Chairperson's designee shall provide notice of emergency meetings to all Board members by telephone call, as well as via their Official Email, and to the System administration at least twenty-four (24) hours in advance of the meeting; and shall further provide notice to all Board members and the rest of the public in accordance with the Nation's Open Records and Open Meetings law.

- (A) The notice shall state the emergency matter or matters to be addressed.
- (B) The agenda for emergency meetings shall consist of only those items of business for which the meeting was called.
 - (i) During the emergency meeting, the Board may engage in discussion of matters other than those specified on the agenda; however, formal action may only be taken on the agenda items for which the emergency meeting was called.
- (d) Within seventy-two (72) hours after an emergency meeting, the Board shall provide the Nation's Secretary with notice of the emergency meeting, the reason for the emergency meeting, and an explanation as to why the matter could not wait until the next regular meeting.

3-3. *Joint Meetings.* Joint meetings with the Oneida Business Committee may be held in the Oneida Business Committee Conference Room of the Norbert Hill Center, at the request of either entity, on an as needed basis, and per the approval of the Oneida Business Committee. Joint meetings may be attended in person, by telephone, through videoconferencing, or through other telecommunications so long as presence is demonstrated in accordance with the Boards, Committees and Commissions law.

- (a) Notice of the joint meeting agenda, documents, and minutes shall be provided, and the joint meeting conducted, in accordance with resolution BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact, as may be amended from time to time hereafter.

3-4. *Quorum.* A quorum of the Board shall consist of a majority of the current members, one of whom must be the Chairperson, Vice-Chairperson or Secretary; provided, the Secretary is presiding over the meeting in accordance with section 2-4(a)(1)(A).

3-5. *Order of Business.* The order of business, as far as applicable, is:

- (a) Call to Order
- (b) Adopt the Agenda
- (c) Approval of Minutes
- (d) Old Business
- (e) New Business
- (f) Reports
- (g) Other Business
- (h) Executive Session
- (i) Adjournment

3-6. *Voting.* Decisions of the Board shall be based on a majority vote of members present at a regular or emergency meeting of an established quorum.

- (a) All members of the Board shall have one equal vote.

- (1) In all matters requiring a vote of the Board, the Chairperson, or in the absence of the Chairperson, the presiding Officer, shall call for a vote of the membership.
 - (A) All members, excluding the presiding Officer, shall vote or enter an abstention.
 - (B) In the event of a deadlock, the Chairperson, or the presiding Officer acting in his or her place, shall vote to break the deadlock.
- (b) E-polls are permissible so long as conducted in accordance with the Boards, Committees and Commissions law.
 - (1) The Chairperson shall appoint either the Vice-Chairperson or Secretary to serve as the designee responsible for conducting e-polls in lieu of the Chairperson.

Article IV. Expectations

4-1. *Behavior of Members.* The Board has a moral duty and responsibility to the System, the community, and the students. In the carrying-out of that responsibility, members of the Board are expected to adhere to the following principles of conduct:

- (a) Individual Board members shall not intervene in the orderly process of System administration and governance. Concerns over policy or personnel matters shall be addressed through the application of the principles set out in the most current version of the MOA and consistent with the Nation's Personnel Policies and Procedures.
- (b) The Board shall act only at duly authorized meetings with at least a quorum present to conduct business and develop policy for the System. All the Board's actions shall be within the charge granted to the Board by the Oneida General Tribal Council, the most current version of the MOA, and any other applicable laws, polices and/or resolutions of the Nation.
 - (1) Members of the Board shall not speak or act on behalf of the Board unless the Board has specifically authorized a member to speak or act on its behalf by majority vote of the members present at a Board meeting of an established quorum.
- (c) In any issues before the Board involving a Board member's immediate family member and potential nepotism, that Board member shall decline comment and abstain from voting.
 - (1) Immediate family member shall be as defined in the Nation's Conflict of Interest law.
- (d) Board members must be apolitical in their charge to the community and the students. Board members shall take no action to endorse or otherwise support any candidate for any Tribal office or position.
- (e) While acting on behalf of the Board, members shall faithfully maintain the principles of due process and assure that all sides have a legitimate hearing in any issue brought before the Board.
- (f) Members of the Board will bargain in good faith with all employees of the System.

- (g) Board members shall strictly adhere to the policies and procedures of the System, the most current version of the MOA, as well as any other applicable the laws, policies and resolutions of the Nation, and shall work in consort for the positive growth of the System and for all of its students.
- (h) Board members shall notify a Board Officer of an absence and reason for absence prior to the start of a meeting.
 - (1) Board members shall not accrue three (3) consecutive unexcused absences from meetings in a one (1) year period.
 - (A) A member who fails to notify a Board Officer, in writing, of his or her pending absence at least thirty (30) minutes before the missed meeting shall be deemed unexcused.
- (i) *Enforcement.* Any member of the Board found to be in violation of this section of the bylaws, another section of these bylaws or any other laws, policies and/or resolutions of the Nation may be subject to the following:
 - (1) Disciplinary action in accordance with any laws or policies of the Nation governing sanctions and/or penalties for elected or appointed officials.
 - (2) If the member was appointed, the Board may make a recommendation to the Oneida Business Committee for termination of his or her appointment in accordance with the Boards, Committees and Commissions law and/or any other law of the Nation governing termination of appointed officials.
 - (3) If the member was elected, the Board may direct the Chairperson to file a petition for his or her removal in accordance with the Removal law and/or any other laws or policies of the Nation governing removal.
 - (4) Enforcement hereunder shall be determined by a majority vote of the members present at a Board meeting of an established quorum.

4-2. *Prohibition of Violence.* Board members are prohibited from engaging in or committing any violent intentional act that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property.

4-3. *Drug and Alcohol Use.* When acting in their official capacity, the use of alcohol and/or prohibited drugs by members of the Board is forbidden.

- (a) Prohibited drugs are defined as marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics, any other substances included in Schedules I through V under Section 812 of Title 21 of the United States Code, and prescription medication or over-the-counter medicine used in an unauthorized or unlawful manner.

4-4. *Social Media.* Social media shall be used in accordance with the Board members' oath of office and any laws or policies of the Nation governing social media.

4-5. *Conflict of Interest.* Conflicts of interest shall be reported and mitigated/removed in accordance with any laws or policies of the Nation governing conflicts of interest.

Article V. Stipends and Compensation

5-1. *Stipends.* Members of the Board shall be eligible to receive the following stipends as set forth in and subject to these bylaws; the Boards, Committees and Commissions law; and resolution BC-08-12-20-C titled, Amended Boards, Committees and Commissions Law Stipends, as may be further amended from time-to-time hereafter:

- (a) No more than twenty-four (24) meeting stipends per fiscal year, provided that:
 - (1) A quorum was established;
 - (2) The meeting of the established quorum lasted for at least one (1) hour; and
 - (3) The member collecting the stipend was present for the entire meeting as defined, as well as demonstrated, in accordance with the Boards, Committees and Commissions law.
- (b) A stipend for attending a duly called joint meeting between the Board and the Oneida Business Committee, provided that:
 - (1) A quorum was established by the Board;
 - (2) The joint meeting lasted for at least one (1) hour; and
 - (3) The member collecting the stipend was present for the entire joint meeting as defined, as well as demonstrated, in accordance with the Boards, Committees and Commissions law.
- (c) A stipend for participating in interviews and/or screens.
- (d) A stipend for conducting an official hearing of the Board.
- (e) A stipend for attending an Oneida Judiciary Hearing so long as the member's attendance is required by official subpoena.
- (f) A stipend for each day of attendance at a conference or training, provided that:
 - (1) The amount of the stipend a member is eligible to receive for attending a conference or training shall be dependent on whether the member attended up to four (4) hours of a conference or training or more than four (4) hours of a conference or training; and
 - (2) The member's attendance at the training or conference was required by law, bylaws or resolution.

5-2. *Compensation.* Besides the travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law, there are no other forms of compensation that members are eligible to receive for the duties/activities they perform on behalf of the Board.

Article VI. Records and Reporting

6-1. *Agenda Items.* Agenda items shall be maintained in a consistent format provided by the Oneida Business Committee Support Office and approved by the Board.

- 6-2. *Minutes.* All meeting minutes shall be typed and in a consistent format designed by the Oneida Business Committee, as approved by the Board, to generate the most informative record.
- (a) Minutes must include a summary of the action taken by the Board.
 - (b) Minutes shall be submitted to the Oneida Business Committee Support Office within five (5) business days of approval by the Board.
- 6-3. *Attachments.* Any handouts, attachments, reports, memoranda, and the like provided at a Board meeting shall be included with their corresponding agenda and minutes and maintained in accordance with the Nation's Open Records and Open Meetings law.
- 6-4. *Oneida Business Committee Liaison.* The Board shall regularly communicate with the Oneida Business Committee member who is its designated liaison.
- (a) The format and frequency of communication shall be as agreed upon by the Board and the liaison through formal action of the Board, but not less than that required in any law or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council.
 - (b) The purpose of the liaison relationship is to uphold the ability of the liaison to act as a support to the Oneida Nation School Board.
- 6-5. *Audio Recordings.* All meetings of the Board shall be audio recorded by either the Oneida Business Committee Support Office or designee of the Officer presiding over the meeting using a device supplied by the Oneida Business Committee Support Office.
- (a) The presiding Officer shall ensure each meeting is audio recorded.
 - (b) Audio recordings shall be maintained by the Oneida Business Committee Support Office in accordance with the Nation's Open Records and Open Meetings law.
 - (1) *Exception.* Audio recordings of executive session portions of a meeting shall not be required.

Article VII. Amendments

- 7-1. *Amendments.* Amendments to these bylaws shall be approved by majority vote of the members present at a regular Board meeting of an established quorum, provided that written notice of the proposed amendments was made at a prior regular meeting.
- (a) Amendments to these bylaws shall conform to the requirements of the Boards, Committees and Commissions law and any other governing policies of the Nation.
 - (b) Amendments must be approved by the Board and the Oneida Business Committee before implementation.
 - (c) The Board shall conduct a review of these bylaws no less than on an annual basis.

These By-laws, as amended and revised, are hereby approved by the Oneida Business Committee at a duly called meeting held on August 26, 2020, by the Secretary of the Oneida Business Committee's signature.



Lisa Summers, Secretary
Oneida Business Committee