

PARDON AND FORGIVENESS SCREENING COMMITTEE BYLAWS

Article I. Authority

- 1-1. *Name.* The name of this entity shall be the Pardon and Forgiveness Screening Committee and may hereinafter be referred to as the “PFSC.”
- 1-2. *Establishment.* The PFSC was originally established by the Oneida Pardon Ordinance through adoption of resolution BC-07-31-02-A, which was repealed by and replaced with the Pardon and Forgiveness law, as adopted by resolution BC-05-25-11-A, subsequently amended by resolution BC-01-22-14-B, and emergency amended by resolution BC-04-28-21-A.
- 1-3. *Authority.*
- (a) *Purpose.* The purpose of the PFSC is to provide a fair, efficient and formal process for considering requests for a pardon or forgiveness by:
 - (1) Promulgating internal standard operating procedures necessary to govern its proceedings;
 - (2) Reviewing and processing applications for a pardon or forgiveness in an orderly and expeditious manner;
 - (3) Reviewing an applicant’s background investigation report received from the Oneida Human Resources Department;
 - (4) Conducting and presiding over hearings to obtain a pardon or forgiveness from the Nation;
 - (5) Providing formal, written recommendations to the Oneida Business Committee to approve or deny a pardon or forgiveness application;
 - (6) Taking other actions reasonably related to the purpose of the PFSC; and
 - (7) Carrying out all other powers and duties delegated by the laws of the Nation, including, but not limited to, the Pardon and Forgiveness law.
 - (b) The PFSC does not:
 - (1) Have authority to enter into contracts; or
 - (2) Have authority to create policy or legislative rules.
- 1-4. *Office.* The Official mailing address of the PFSC shall be:
Pardon and Forgiveness Screening Committee
P.O. Box 365
Oneida, WI 54155
- 1-5. *Membership.*
- (a) *Number of Members.* The PFSC shall consist of four (4) members and four (4) alternates from three (3) representative areas who shall serve a term consistent with that of the Oneida Business Committee’s term of office.
 - (1) Unless otherwise stated herein, the four (4) alternates shall be considered members of the PFSC, with the same responsibilities and

powers as PFSC members, including, but not limited to, the ability to create a quorum and vote under sections 3-5 and 3-7, below.

- (A) For purposes hereof and absent an express statement to the contrary, the term “member(s)” shall refer collectively to PFSC members and alternates.
- (2) The three (3) representative areas shall be made up of:
 - (A) One (1) member and one (1) alternate representative from the Oneida Police Department;
 - (B) One (1) member and one (1) alternate representative from the Oneida Social Services Department; and
 - (C) Two (2) member and two (2) alternate representatives from the community-at-large.
 - (i) One (1) member and one (1) alternate representative of the community-at-large shall be an elder of fifty-five (55) years of age or older; and
 - (ii) One (1) member and one (1) alternate representative of the community-at-large shall be twenty-five (25) years of age or older.
- (b) *Appointment.* PFSC members shall be appointed by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law. Each member shall remain in office as follows:
 - (1) If his or her term has expired, until a successor has been sworn in by the Oneida Business Committee;
 - (2) Until his or her resignation; or
 - (A) A member may resign any time verbally at a meeting or by delivering written notice to the Business Committee Support Office and PFSC Chairperson or the Chairperson’s designee. The resignation is effective upon acceptance by motion of a member’s verbal resignation or upon delivery of the written notices.
 - (3) Until his or her appointment is terminated in accordance with the Boards, Committees and Commissions law.
- (c) *Vacancies.* Vacancies for any reason, whether caused by term expiration, death, termination or resignation, shall be filled in accordance with the Boards, Committees and Commissions law for the remainder of the term.
 - (1) The PFSC Chairperson shall review all application materials and submit a recommendation for appointment to the Oneida Business Committee in accordance with the Boards, Committees and Commissions law.
 - (A) The recommendation of the PFSC Chairperson shall be determined by a majority vote of the members present at a PFSC meeting of an established quorum.
- (d) *Qualifications.* PFSC members shall meet the following qualifications:
 - (1) The PFSC member/alternate representatives from the Oneida Police Department shall:
 - (A) Be enrolled members of the Oneida Nation; and

- (B) Have written recommendations from the Chief of Police for appointment to the PFSC.
- (2) The PFSC member/alternate representatives from the Oneida Social Services Division shall:
 - (A) Be enrolled members of the Oneida Nation; and
 - (B) Have written recommendations from the Division Director for the Governmental Services Division for appointment to the PFSC.
- (3) The PFSC member/alternate representatives from the community-at-large shall:
 - (A) Be enrolled members of the Oneida Nation;
 - (B) Reside in Brown or Outagamie County;
 - (C) For one (1) member and one (1) alternate, be at least twenty-five (25) years of age, and for the other one (1) member and one (1) alternate, be an elder of fifty-five (55) years of age or older; and
 - (D) Pass a background check.

- 1-6. *Termination.* A PFSC member may have his or her appointment terminated in accordance with the Boards, Committees and Commissions law.
- (a) In addition to any of the causes for termination already identified within the laws and policies of the Nation, a violation of these bylaws may result in the PFSC making a recommendation to the Oneida Business Committee for the termination of a member's appointment.
 - (1) Recommendations to the Oneida Business Committee for termination of a PFSC member's appointment must be determined by a majority vote of the members present at a PFSC meeting of an established quorum.

1-7. *Trainings and Conferences.* None required.

Article II. Officers

2-1. *Officers.* The PFSC shall have two (2) Officers: Chairperson and Vice-Chairperson.

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

- (a) Call and preside over all meetings and hearings of the PFSC;
- (b) Along with the Business Committee Support Office, provide notice of regular meetings, emergency meetings, and hearings of the PFSC in accordance with the Boards, Committees and Commissions law, the Pardon and Forgiveness law, and the Open Records and Open Meetings law;
- (c) Forward, or through a designee have forwarded, the notice of meeting locations, agendas, materials and minutes in accordance with these bylaws and the Open Records and Open Meetings law;
- (d) Along with the Business Committee Support Office, submit annual and semi-annual reports to the Oneida General Tribal Council and submit

quarterly reports to the Oneida Business Committee in accordance with the Boards, Committees and Commissions law;

- (e) Attend, or designate a PFSC member to attend, the Oneida Business Committee meeting in which the PFSC's quarterly report appears on the agenda;
- (f) Draft and sign recommendations of the PFSC;
- (g) Submit applicant recommendations to fill vacancies to the Oneida Business Committee for consideration; and
- (h) Perform all other duties as assigned by majority vote of the members present at a PFSC meeting of an established quorum.

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

- (a) In the absence or incapacity of the PFSC Chairperson, the PFSC Vice-Chairperson shall perform the duties of the PFSC Chairperson.

2-4. *Selection of Officers.* The PFSC shall elect Officer positions at the first duly called PFSC meeting.

- (a) The Officer positions shall be chosen by a majority vote of the members present at a PFSC meeting of an established quorum.
- (b) The vote shall be made part of the PFSC record.
- (c) PFSC Officers shall hold no more than one (1) Officer position per Officer term.
- (d) PFSC Officers may be dismissed from their Officer position by majority vote of the members present at a PFSC meeting of an established quorum.

2-5. *Purchases and Travel.* The PFSC shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

- (a) Levels of budgetary sign-off authority for the PFSC shall be as set forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for Area Directors/Enterprise Directors.
 - (1) All PFSC 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 PFSC, the Business Committee Support Office shall have official budgetary sign-off authority for the PFSC.
- (b) The PFSC shall approve a member's request to travel on behalf of the PFSC by majority vote of the members present at a regular or emergency PFSC meeting of an established quorum.

2-6. *Personnel.* The PFSC shall not have authority to hire personnel for the benefit of the PFSC.

- (a) The Business Committee Support Office shall assist the PFSC on behalf of the Nation's Secretary and in accordance with the Pardon and Forgiveness law with fulfilling the following administrative duties consistent with these bylaws and the governing law:

- (1) Keeping minutes of the PFSC meetings;
- (2) Along with the Chairperson, providing notice of regular meetings, emergency meetings and hearings of the PFSC;
- (3) Acting as custodian of the records;
- (4) Attending to all correspondence and presenting to the PFSC all official communications received by the PFSC;
- (5) Along with the Chairperson, submitting annual and semi-annual reports to the Oneida General Tribal Council and submitting quarterly reports to the Oneida Business Committee in accordance with the Boards, Committees and Commissions law; and
- (6) Administering the PFSC budget.

Article III. Meetings

3-1. *Regular Meetings.* Subject to subsections (a) and (b) of this section 3-1, regular meetings of the PFSC shall occur on a quarterly basis and be held on the third Monday of the month each quarter at the Norbert Hill Center located in Oneida, Wisconsin, commencing at 10:00 a.m.

- (a) Meetings of the PFSC may be held/attended in person, by telephone, through video-conferencing or through other telecommunications so long as the presence of each member is demonstrated consistent with the Boards, Committees and Commissions law.
- (b) The regular meeting date, time and/or place may be reviewed by the PFSC from time-to-time and changed as determined necessary by a majority vote of the members present at a PFSC meeting of an established quorum so long as advance notice is provided 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.
- (c) Notice of meeting location, agenda, materials and minutes shall be forwarded by the Chairperson or the Chairperson's designee to all PFSC members in writing and, along with the public, in accordance with the Nation's Open Records and Open Meetings law.
- (d) Meetings shall be run in accordance with Robert's Rules of Order or another method approved by the Oneida Business Committee.

3-2. *Emergency Meetings.* Emergency meetings shall only be called when time sensitive issues require immediate action. Emergency meetings may be held/attended in person, by telephone, through video-conferencing or through other telecommunications so long as the presence of each member is demonstrated consistent with the Boards, Committees and Commissions law.

- (a) Emergency meetings of the PFSC may be called by the Chairperson or upon written request of any two (2) PFSC members.
- (b) Notice of the meeting location, agenda and materials shall be forwarded by the Chairperson or Chairperson's designee to all PFSC members in writing and by telephone call.

- (1) PFSC members, as well as the public, shall further receive notice of emergency meetings per the Nation's Open Records and Open Meetings law.
 - (c) Within seventy-two (72) hours after an emergency meeting, the PFSC 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 between the PFSC and the Oneida Business Committee shall not be held.
- 3-4. *Hearings.* Hearings shall be held in accordance with the Pardon and Forgiveness law.
- 3-5. *Quorum.* A quorum shall consist of at least three (3) PFSC members and shall include the Chairperson or Vice-Chairperson.
 - (a) The alternate will assume the role of the member that he or she is replacing, including the Chairperson and/or Vice-Chairperson.
- 3-6. *Order of Business.* The regular meetings of the PFSC shall follow the order of business as set out herein:
 - (a) Call to Order
 - (b) Adopt the Agenda
 - (c) Approval of Previous Minutes
 - (d) Old Business
 - (e) New Business
 - (f) Executive Session
 - (g) Adjournment
- 3-7. *Voting.* Decisions of the PFSC shall be by majority vote of the members present at a PFSC meeting or hearing of an established quorum.
 - (a) The Chairperson, or Vice-Chairperson when presiding in lieu of the Chairperson, shall not be allowed to vote unless a tie needs to be broken.
 - (b) E-polls are permissible so long as conducted in accordance with the Boards, Committees and Commissions law.
 - (1) The Vice-Chairperson shall serve as the Chairperson's designee for the responsibility of conducting an e-poll in the Chairperson's absence or discretion.

Article IV. Expectations

- 4-1. *Behavior of Members.* PFSC members are expected to treat each other in accordance with the Nation's core values of The Good Mind as expressed by OnΛyote'a'ka, which includes:
 - (a) Kahletsyal&sla. The heart felt encouragement of the best in each of us.
 - (b) Kanolukhwásla. Compassion, caring, identity, and joy of being.
 - (c) Ka?nikuhli·yó. The openness of the good spirit and mind.
 - (d) Ka?tshatstásla. The strength of belief and vision as a People.

- (e) Kalihwi'yó. The use of the good words about ourselves, our Nation, and our future.
- (f) Twahwahtsílawayλ. All of us are family.
- (g) Yukwatsístayλ. Our fire, our spirit within each one of us.
 - (1) A failure by a member to act in accordance with this or any other section of these bylaws and/or any governing laws of the Nation may be cause for:
 - (A) The PFSC to recommend to the Oneida Business Committee that it terminate his or her appointment in accordance with the Boards, Committees and Commissions law; and/or
 - (B) The PFSC taking disciplinary action against him or her in accordance with any law or policy of the Nation providing sanctions and/or penalties for appointed officials.
 - (2) Recommendations for termination of a member's appointment must be determined by a majority vote of the members present at a PFSC meeting of an established quorum.

4-2. *Prohibition of Violence.* Intentionally violent acts committed by a member of the PFSC that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property, during a meeting or when acting in an official capacity are strictly prohibited and grounds for an immediate recommendation for termination of appointment from the PFSC and/or the imposition of sanctions and/or penalties according to the laws of the Nation as determined by majority vote of the members present at a PFSC meeting of an established quorum.

4-3. *Drug and Alcohol Use.* Use of alcohol and prohibited drugs by members of the PFSC when acting in their official capacity is strictly prohibited.

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

4-4. *Social Media.* PFSC members shall use social media in accordance with their Oath of Office and the Nation's Social Media Policy.

- (a) PFSC members shall further refrain from posting, attaching or writing anything relating to PFSC business or activities on any social media outlet.
 - (1) Posting notices of meetings, public hearings, and/or cancellations on social media outlets is acceptable.

4-5. *Conflict of Interest.* PFSC members shall abide by all laws of the Nation that govern conflicts of interest. PFSC members must submit a Conflict of Interest Disclosure form upon Oath of Office and annually.

Article V. Stipends and Compensation

- 5-1. *Stipends.* Stipend eligibility shall be governed by the bylaws; Boards, Committees and Commissions law; resolution BC-08-12-20-C titled, *Amended Boards, Committees and Commissions Law Stipends*, as may be further amended from time-to-time hereafter; and as follows:
- (a) Community-at-large PFSC members and alternates shall be paid no more than twelve (12) meeting stipends per fiscal year; provided:
 - (1) A quorum was established;
 - (2) The meeting of the established quorum lasted for a minimum of one (1) hour; and
 - (3) The community-at-large member and/or alternate collecting the stipend was present for the entire meeting as defined and demonstrated in accordance with the Boards, Committees and Commissions law.
 - (b) Community-at-large PFSC members and alternates shall be paid a stipend for conducting an official hearing of the PFSC.
 - (c) Member and alternate representatives from the Oneida Police Department and the Oneida Social Services Department shall not collect stipends despite their eligibility.
- 5-2. *Compensation.* Besides travel, per diem and business expense reimbursement as authorized by the Boards, Committees and Commissions law, PFSC members are not eligible for any other type of compensation for duties/activities they perform on behalf of the PFSC.

Article VI. Records and Reporting

- 6-1. *Agenda Items.* Agendas shall be maintained in a format approved by the Business Committee Support Office.
- 6-2. *Minutes.* PFSC minutes shall be typed in a format approved by the Business Committee Support Office to generate the most informative record of the meeting, including, but not limited to, showing a summary of the action taken by the PFSC.
- (a) When minutes are not taken by the Business Committee Support Office or if the PFSC requires approval of the minutes in advance thereof, the PFSC shall submit minutes to the Business Committee Support Office within thirty (30) days of the PFSC's meeting or receipt of the minutes for approval.
- 6-3. *Attachments.* Handouts, attachments, memoranda, and the like shall be attached to the corresponding meeting minutes and agenda.
- (a) Agendas, minutes and attachments shall be kept electronically by the Business Committee Support Office.
- 6-4. *Oneida Business Committee Liaison.* The PFSC shall regularly communicate with the Oneida Business Committee member who is its designated liaison.

- (a) The frequency and method of communication shall be as agreed upon by the PFSC and the liaison, but no 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 PFSC.

6-5. *Audio Recordings.* All meetings and hearings of the PFSC shall be audio recorded by the Business Committee Support Office using a device supplied by either the Business Committee Support Office or the PFSC.

- (a) Audio recordings of the PFSC meetings shall be maintained by the Business Committee Support Office.
- (b) *Exception.* Audio recordings of executive session portions of a meeting or hearing shall not be required.

Article VII. Amendments

7-1. *Amendments.* Upon written notice, the PFSC may amend these bylaws by a majority vote of the members present at a PFSC meeting of an established quorum.

- (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 to these bylaws shall be approved by the Oneida Business Committee prior to implementation.
- (c) The PFSC shall review 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 April 28, 2021, by the Secretary of the Oneida Business Committee's signature.



Lisa Liggins, Secretary
Oneida Business Committee