



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA
Business Committee Conference Room - 2nd Floor Norbert Hill Center
March 5, 2025
9:00 a.m.

- I. Call to Order and Approval of the Agenda**

- II. Minutes to be Approved**
 - 1. February 19, 2025 LOC Meeting Minutes (pg. 2)

- III. Current Business**
 - 1. Sanctions and Penalties Law (pg. 4)

- IV. New Submissions**
 - 1. Oneida General Welfare Law Amendments (pg. 48)

- V. Additions**

- VI. Administrative Updates**

- VII. Executive Session**

- VIII. Recess/Adjourn**



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
February 19, 2025
9:00 a.m.

Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Marlon Skenandore

Excused: Jonas Hill

Others Present: Clorissa N. Leeman, Grace Elliott, Carolyn Salutz

Others Present on Microsoft Teams: Debra Powless, Diane Wilson, Eric Boulanger, Kristal Hill, Michelle Braaten, Nicole Rommel, Peggy Helm-Quest, Fawn Billie, Rae Skenandore, Kaylynn Gresham, Barbara Webster, Justin Nishimoto, Tavia James-Charles, Janice Decorah, Fawn Cottrell, Jason Martinez, Rhiannon Metoxen, Lisa Liggins.

I. Call to Order and Approval of the Agenda

Jameson Wilson called the February 19, 2025, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to approve the agenda; seconded by Marlon Skenandore. Motion carried unanimously.

II. Minutes to be Approved

1. February 5, 2025 LOC Meeting Minutes

Motion by Kirby Metoxen to approve the February 5, 2025 LOC meeting minutes and forward to the Oneida Business Committee; seconded by Jennifer Webster. Motion carried unanimously.

III. Current Business

IV. New Submissions

1. Election Law Amendments

Motion by Marlon Skenandore to add the Election law amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

V. Additions



VI. Administrative Updates

1. Certification of Real Property Law Rule No. 3 – Easements

Motion by Jennifer Webster to certify the Real Property Law Rule No. 3 - Easements and forward to the Oneida Business Committee for consideration; seconded by Marlon Skenandore Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Jennifer Webster to adjourn at 9:11 a.m.; seconded by Kirby Metoxen. Motion carried unanimously.



Legislative Operating Committee
March 5, 2025

Sanctions and Penalties Law

Submission Date: 10/15/14	Public Meeting: 10/4/18, 1/7/20
LOC Sponsor: Jennifer Webster	Emergency Enacted: n/a

Summary: *This item has been carried over from the last three (3) terms. The original proposal was to develop a new law which provides a consistent process for how members of the Oneida Business Committee and other boards, committees and commissions face sanctions for misconduct. This law would provide a process for complaints to be filed with the Judiciary against an elected member of a board, committee, or commission of the Nation – including the Oneida Business Committee.*

The development of a Sanctions and Penalties law was also addressed as a referendum. During the Special Election held on July 9, 2016, the Nation's voting membership was asked to consider a referendum question of "Should the BC develop a law which provides for sanctions and due process for elected officials?" This referendum question was approved by a vote of one hundred and seventy-eight (178) to fifty-nine (59), requiring this topic to come before the GTC for consideration and discussion.

On March 17, 2019, the Sanctions and Penalties law was presented to the General Tribal Council for consideration. The General Tribal Council adopted a motion to defer this item for at least sixty (60) days for GTC to have additional time to consider it and have input. As a result of General Tribal Council's directive, the LOC held six (6) additional community outreach events – in various locations around the Reservation as well as in Milwaukee. The LOC intended to include this item on the July 2020 Semi-Annual General Tribal Council meeting agenda before all General Tribal Council meetings were canceled due to COVID-19.

10/15/14 LOC: Motion by Tehassi Hill to add the OBC Sanctions Policy to the Active Files List; seconded by Jennifer Webster. Motion carried unanimously.

11/5/14 LOC: Motion by Jennifer Webster to forward the BC Sanctions and Penalties to an LOC work meeting, with invitations to be sent to the rest of the Oneida Business Committee; seconded by Fawn Billie. Motion carried unanimously.

1/15/15: *Work meeting held.* Attendees include: Candice Skenandore, Danelle Wilson, Tani Thurner, Fawn Billie, Fawn Cottrell, Jennifer Webster, RC Metoxen, Brandon Stevens, Tehassi Hill, Jacob Metoxen, Melinda Danforth.

10/19/16: *Quarterly Sponsor Update Meeting.* Present: Brandon Stevens, Jennifer Falck, Clorissa Santiago, Maureen Perkins, and Tani Thurner. Tehassi wants to meet with LOC Chair to discuss how this item relates to the Code of Ethics. That meeting is scheduled for 11/10/16.

11/10/16: *Work Meeting held.* Present: Tehassi Hill, Tani Thurner, Clorissa Santiago, Brandon Stevens, Jennifer Falck. Group agreed that we need a work meeting to discuss; Sanctions & Penalties, Comprehensive Policy, Removal Law(s), and Code of Ethics.

- 11/29/16:** *Work Meeting held.* Present: Fawn Billie, Brandon Stevens, Clorissa Santiago, Tehassi Hill, Tani Thurner, Jenny Webster, David Jordan, Jo Anne House, Candice Skenandore, Lisa Liggins, Jen Falck. Meeting was facilitated by Jessica Wallenfang. This was a facilitated meeting designed to discuss; Sanctions & Penalties, Removal, Code of Ethics, and Comprehensive Policy simultaneously. The group reviewed each law or draft for similarities, and discussed shared elements. The group asked that 1) the LRO complete that work, 2) then check with Jenny Webster as the sponsor of Comprehensive Policy, and 3) schedule another work meeting.
- 2/15/17 LOC:** Motion by Jennifer Webster to upgrade the Domestic Animals Ordinance Amendments, the Children's Code, Code of Ethics Amendments, and the Sanctions and Penalties Law from medium priority to high priority; seconded by Tehassi Hill. Motion carried unanimously.
- 2/17/17:** *Work meeting held.* Attendees include Fawn Billie, Jennifer Falck, Leyene Orosco, Brandon Stevens, Tani Thurner, Jennifer Webster, Tehassi Hill, Candice Skenandore, Cathy Bachhuber
- 5/2/17:** *Work meeting held.* Attendees include Fawn Billie, Jennifer Falck, Brandon Stevens, Tani Thurner, Jennifer Webster, Tehassi Hill, David P. Jordan, Danelle Wilson, Jo Anne House
- 5/5/17:** *Work meeting held.* Attendees include Jennifer Webster, Jennifer Falck, and Tani Thurner.
- 6/7/17 LOC:** Motion by Fawn Billie to forward the Sanctions and Penalties Law to the Legislative Reference Office for a legislative analysis to be brought back for the July 5, 2017 LOC meeting; seconded by David P. Jordan. Motion carried unanimously.
- 7/7/17:** *Work meeting held.* Present: Steve Webster, Tani Thurner, Jen Falck, Candice Skenandore
- 7/19/17 LOC:** Motion by Jennifer Webster to accept the memo regarding the Sanctions & Penalties Legislative Analysis and direct the LRO to bring the analysis back when it's complete; seconded by David P. Jordan. Motion carried unanimously.
- Note: it is the recommendation of the Legislative Operating Committee that when this item is presented to the Business Committee, that the Business Committee then present this item to General Tribal Council.*
- 7/26/17 OBC:** Motion by Tehassi Hill to accept the legal opinion regarding development of a law which provides for sanctions and due process for elected officials, seconded by Brandon Stevens. Motion carried unanimously.
- 9/6/17 LOC:** Motion by Ernest Stevens III to add Sanctions and Penalties Law to the active files list with Jennifer Webster as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.
- 9/6/17:** *Work Meeting.* Present: David P. Jordan, Jenny Webster Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Candice Skenandore, Maureen Perkins, Tani Thurner. Drafting attorney provided an update on the status of the Sanctions and Penalties law. Next steps will be: 1) pull the current draft back, 2) hold community meetings to understand what sanctions/penalties the community is interested in, 3) meeting with the boards/committees/commissions for input, and 4) holding work meeting with LOC to make policy decisions and choose next steps.
- 11/1/17 LOC:** Motion by Kirby Metoxen to approve the 60 day active files list update and continue development of all the items on the active files list; seconded by Ernie Stevens III. Motion carried unanimously.
- 11/1/17:** *Work Meeting.* Present: Carol Silva, Bonnie Pigman, Ed Delgado, Rachel Hill, Matthew Denny, Reynold Danforth, Kirby Metoxen, Rosa Laster, Clorissa Santiago, Candice Skenandore, Maureen Perkins, Jennifer Falck. Representatives from all the B/C/C's were invited to this meeting to provide input on what a Sanctions & Penalties Law might look like

- 12/6/17:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Daniel Guzman King, Clorissa Santiago, Jennifer Falck. The LOC reviewed and considered comments from the November 1, 2017, work meeting with boards, committees, and commissions. LOC began making policy decisions. Drafter will work on draft, and policy options, and bring materials back to LOC when ready.
- 3/9/18:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Clorissa Santiago, Brandon Wisneski, Rosa Laster, Laura Laitinen-Warren. LOC reviewed the first draft of the law, and directed that the LRO schedule a community meeting, with a special invitation to members of boards, committees, and commissions, to discuss the proposed law.
- 3/16/18:** *Work Meeting:* Present: David P. Jordan, Jennifer Webster, Daniel Guzman, Ernest Stevens III, Clorissa Santiago, Brandon Wisneski, Cathy Bachhuber, Rosa Laster. The LOC reviewed the potential date for the community meeting, and directed the drafting attorney to schedule the community meeting for May 3, 2018, and to ensure the notice is published in the Kalihwisaks twice, an appointment is sent to all members of the LOC and boards, committees, and commissions, and that the Communications Department is included in the appointment so they can make efforts to communicate notice of the event.
- 4/2/18 LOC:** Motion by Jennifer Webster to accept the draft of the Sanctions and Penalties law and direct that a community meeting/potluck be held on May 3, 2018; seconded by Daniel Guzman King. Motion carried unanimously.
- 4/26/18:** *Work Meeting:* Present: Clorissa Santiago, Brandon Wisneski, Jennifer Falck. This was an LRO prep meeting to prepare a plan for the upcoming community meeting.
- 4/27/18:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Rosa Laster, Cathy Bachhuber, Tani Thurner. The purpose of this work meeting was to prepare for the upcoming community meeting.
- 5/2/18:** *Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Jennifer Falck, David P. Jordan, Jennifer Webster. The LOC continued to prepare and discuss the upcoming community meeting.
- 5/3/18:** *Community Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Maureen Perkins, Carol Silva, Chad Wilson, Janice McLester, Gina Buenrostro, Winnifred Thomas, Brooke Doxtator, Ed Delgado, Oyanolu Adams, Michelle Braaten, Mark Powless, Cathy L. Metoxen, Carole Liggins, Madelyn Genskow. The purpose of this community meeting was to gain input on the proposed Sanctions and Penalties law.
- 5/11/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Daniel Guzman, Clorissa Santiago, Brandon Wisneski, Jennifer Falck. The purpose of this work meeting was to review the comments received during the community meeting, and to determine if any revisions should be made to the law. The drafting attorney will update the draft of the law based on this discussion.
- 5/16/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman King, Kirby Metoxen, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Laura Laitinen-Warren. The purpose of this work meeting was to review and discuss the revisions to the draft made based on comments collected from the community meeting. Drafting attorney will update the draft.
- 6/6/18/ LOC:** Motion by Jennifer Webster to accept the draft of the Sanctions and Penalties law and direct that a legislative analysis be completed; seconded by Ernest Stevens III. Motion carried unanimously.

- 7/9/18:** *Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Brooke Doxtator. The purpose of this work meeting was to review the BCSO's involvement in the Sanctions and Penalties law to ensure their role can be implemented as required by law.
- 7/18/18 LOC:** Motion by Kirby Metoxen to accept the legislative analysis for the Sanctions and Penalties Law and defer to a work meeting; seconded by Daniel Guzman King. Motion carried unanimously.
- 8/1/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Kristen Hooker. The purpose of this work meeting was to review and consider the legislative analysis.
- 8/15/18 LOC:** Motion by Jennifer Webster to approve the public meeting packet and forward the Sanctions and Penalties Law to a public meeting to be held on September 20, 2018; seconded by Kirby Metoxen. Motion carried unanimously.
- Subsequent Motion by Jennifer Webster to forward the Sanctions & Penalties Law to the Finance Office for a fiscal analysis to be completed; seconded by Kirby Metoxen. Motion carried unanimously.
- 9/10/18:** *Work Meeting.* Present: David P. Jordan, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Kristen Hooker, Cathy Bachhuber, Maureen Perkins. The purpose of this work meeting was to discuss the fact that the September 20, 2018 public meeting on the proposed law will have to be canceled due to the Kalihwisaks failing to publish the public meeting notice in the September 6, 2018, edition. The LOC determined the next steps for moving the public meeting forward – an e-poll of an updated public meeting notice will be completed and the appointment that was sent out changed to reflect the new date.
- E-poll conducted.
- 9/19/18 LOC:** Motion by Daniel Guzman King to enter the e-poll results into the record; seconded by Jennifer Webster. Motion carried unanimously.
- 10/4/18:** Public Meeting Held.
- 10/17/18 LOC:** Motion by Jennifer Webster to accept the public meeting memo comments and public meeting comment review memorandum and defer to a work meeting; seconded by Daniel Guzman King. Motion carried unanimously.
- 10/17/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker, Rosa Laster. The purpose of this work meeting was for the LOC to begin reviewing and considering the public comments that were received, and to make determinations on what revisions to the Law are necessary.
- 10/25/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker. The purpose of this work meeting was for the LOC to continue reviewing and considering the public comments that were received, and to make determinations on what revisions to the Law are necessary. LRO will update the draft for the next LOC packet so a fiscal analysis can be requested.
- 11/7/18 LOC:** Motion by Jennifer Webster to accept the public comment review memorandum and the updated draft; seconded by Daniel Guzman King. Motion carried unanimously.
- 11/30/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review and approve the fiscal impact statement request memorandum to the Finance Department, and begin discussing a plan for the completion of this item.

12/5/18 LOC: Motion by Jennifer Webster to accept the updated legislative analysis, including the replacement of page 159 in the packet; seconded by Kirby Metoxen. Motion carried unanimously.

Motion by Kirby Metoxen to approve the fiscal impact statement memorandum and forward to the Finance Department directing that a fiscal impact statement of the proposed Sanctions and Penalties law be prepared for inclusion on the January 2, 2019 Legislative Operating Committee meeting agenda; seconded by Daniel Guzman King. Motion carried unanimously.

12/20/18: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Randall Cornelius. The purpose of this work meeting was to discuss traditional ways Oneida has sanctioned its leaders.

1/2/19: *Work Meeting.* Present: Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Daniel Guzman, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review the adoption packet and discuss any changes that should be made. LRO will update all adoption materials.

1/7/19 LOC: Motion by Kirby Metoxen to approve the adoption packet for the proposed Sanctions and Penalties Law and forward to the Oneida Business Committee for inclusion on the tentatively scheduled February 24, 2019 General Tribal Council meeting agenda for the General Tribal Council's consideration of adoption; seconded by Ernest Stevens III. Motion carried unanimously.

1/24/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker, Maureen Perkins. The purpose of this work meeting was to review and discuss an article to be included in the 2/7 Kalihwisaks edition.

1/29/19: E-Poll conducted.

2/4/19: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Jennifer Falck, Nathan Wisneski, Xavier Horkman. The purpose of this work meeting was to discuss the creation of a promotional video for the Sanctions and Penalties law.

Work Meeting. Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review and discuss the script for the Sanctions and Penalties law PowerPoint presentation. The LOC also discussed filming a promotional video for the Sanctions and Penalties law.

2/6/19 LOC: Motion by Jennifer Webster to enter the results of the January 29, 2019 e-poll entitled "E-poll Request: Sanctions and Penalties Law February 7, 2019 Kalihwisaks Article" into the record; seconded by Kirby Metoxen. Motion carried unanimously.

2/6/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker, Maureen Perkins. The purpose of this work meeting was to practice the PowerPoint presentation for the upcoming GTC meeting, as well as review and approve the script for the promotional video.

2/8/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Jennifer Falck, Clorissa N. Santiago, Phil Wisneski. The purpose of this work meeting was to film the promotional video for the Sanctions and Penalties law.

2/14/19: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Cathy Bachhuber. The purpose of this work meeting was to practice the PowerPoint presentation for the upcoming GTC meeting, as well as review the "FAQ" sheet.

- 2/20/19:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Daniel Guzman, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker. The purpose of this work meeting was to practice the PowerPoint presentation for the upcoming GTC meeting, practice responding to potential questions, and review and approve the Sanctions and Penalties law promotional video.
- 3/1/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review and discuss the engagement with the informational video, practice the LOC's PowerPoint presentation, and prepare to answer potential questions that may be asked at the upcoming GTC meeting.
- 3/15/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Maureen Perkins. The purpose of this work meeting was to practice the LOC's PowerPoint presentation and prepare to answer potential questions that may be asked at the upcoming GTC meeting.
- 3/17/19 GTC:** Motion by Cathy L. Metoxen to table this item for sixty (60) days. Motion ruled out of order by Vice-Chairman Brandon Stevens; all the materials are available today in order to make a decision
- Motion by Becky Webster to adopt the resolution entitled Sanctions and Penalties Law on pages 5 and 6 of the meeting packet; with the amendment to the law to limit those who have standing to file a complaint to Tribal Members only. Seconded by Jamie Willis. Motion not voted on; item deferred, see amendment.
- Amendment to the main motion by Mike Debraska to defer item IV.A. for at least sixty (60) days for GTC to have additional time to consider it and have input. Seconded by Tina Danforth. Motion carried by show of hands.
- 3/20/19:** *Work Meeting.* Present: David P. Jordan, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to debrief on the 3/17 GTC meeting, and begin discussing a plan for how to move this law forward, and the additional outreach we will conduct.
- 3/28/19:** *Work Meeting.* Present: David P. Jordan, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Rosa Laster. The purpose of this work meeting was to briefly discuss potential ideas for additional outreach videos that can be made before this item is presented to the GTC again for consideration. Ernie expressed interest in taking a larger role in the creation of development of these videos.
- 5/1/19:** *Work Meeting.* Present: David P. Jordan, Ernest Stevens III, Kirby Metoxen, Jennifer Webster, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to discuss a plan for outreach events the LOC can hold, and a plan for when this item might be presented to GTC again. The LRO was directed to move forward with developing a Kalihwisaks article that discusses outreach and provides a schedule of the new outreach dates.
- 6/13/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Destiny Prendiville, Laura Laitinen-Warren. The purpose of this work meeting was to review the community outreach notice that will be published in the Kalihwisaks and discuss the outreach plan.
- 6/19/19 LOC:** Motion by Jennifer Webster to approve the community outreach notice for the Sanctions & Penalties law with one noted change, and forward to the Kalihwisaks for publication in the July 3, 2019 Kalihwisaks edition; seconded by Ernest Stevens III. Motion carried unanimously.

- 7/11/19:** *Community Outreach Event.* The Legislative Operating Committee held a community outreach event at the Radisson Hotel and Conference Center. The LOC had a booth set up with a poster of information as well as a flyer, copy of the law, and FAQs. LRO staff members Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Destiny Prendiville and Maureen Perkins were available to answer questions and take comments. Although flyers and the provided information were taken from the booth or passed out to people, no input as to the law was collected.
- 7/17/19:** *Community Outreach Event.* The Legislative Operating Committee held a community outreach event at the Norbert Hill Center's Business Committee Conference room. The LOC had a booth set up with a poster of information as well as a flyer, copy of the law, and FAQs. LOC member David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, and Daniel Guzman King, as well as LRO staff members Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, and Destiny Prendiville were available to answer questions and take comments. No one attended this community outreach event.
- 8/9/19:** *Community Outreach Event.* The Legislative Operating Committee held a community outreach event at the Veteran's Breakfast. Staff in attendance included David P. Jordan, Kirby Metoxen, Clorissa N. Santiago, Brandon Wisneski, Maureen Perkins. Kirby gave an introduction and then held discussion with the community members in attendance at the Veteran's Breakfast.
- 8/15/19:** *Community Outreach Event.* The Legislative Operating Committee held a community outreach event at the Oneida Farmer's Market. Staff in attendance included David P. Jordan, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The LOC had a booth at the farmer's market with a poster of information as well as a flyer, copy of the law, and FAQs.
- 8/21/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Jennifer Webster, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to discuss the outreach efforts that have occurred, and determine whether the LOC is interested in holding more outreach events. The LOC determined that two more outreach events will be held.
- 9/4/19 LOC:** Motion by Jennifer Webster to approve the community outreach notice and article for the Sanctions and Penalties Law, and forward to the Kalihwisaks for publication in the September 19, 2019, edition; seconded by Ernest Stevens III. Motion carried unanimously.
- 9/19/19:** Article and community outreach event notice published in the Kalihwisaks.
- 10/7/19:** *Community Outreach Event.* The Legislative Operating Committee held a community outreach event at the Elder Services Congregate Meal Site over the lunch hour. Staff in attendance included: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski. Kirby gave an introduction and then opened up for discussion of any questions the community members in attendance had.
- 10/16/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to discuss the 10/18/19 outreach event in Milwaukee and begin planning for how the LOC wants to present this item to GTC again. All materials will have to be submitted to the OBC by November 18, 2019, for inclusion on the annual GTC meeting agenda.
- 10/18/19:** *Community Outreach Event.* The Legislative Operating Committee held a community outreach event at the SEOTS building in Milwaukee. Those in attendance included: David P. Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman King, Clorissa N. Santiago,

Brandon Wisneski, Mike Debraska. Kirby gave an introduction, and then the LOC and Mike Debraska reviewed the law line by line stopping for questions and discussion.

10/31/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to strategize how the LOC would like to present this law again to the GTC, and review and discuss the first draft of a memo that can be included in the GTC materials.

11/6/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski, Jameson Wilson. The purpose of this work meeting was to provide a brief update that the LRO will be holding a work meeting with the Communications Department on Thursday, November 7, 2019, to discuss the development of the multi-media presentation for the January 2020 GTC meeting.

11/15/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to finalize the memo that would be presented to the GTC on January 20, 2020. LRO will conduct an e-poll of the memo today so that the materials can be forwarded to the OBC.

11/15/19: *E-Poll Conducted.* E-Poll was titled “Approval of the Sanctions and Penalties Law Materials for the January 20, 2020, GTC Meeting.” The requested action of this e-poll was to approve the Sanctions and Penalties law materials and forward to the Oneida Business Committee for inclusion in the January 20, 2020, General Tribal Council meeting packet materials. The e-poll was approved by David P. Jordan, Jennifer Webster, Ernest Stevens III, and Daniel Guzman King. Kirby Metoxen did not provide a response to the e-poll during the e-poll time frame.

11/19/19: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Xavier Horkman. The purpose of this work meeting was to begin collaborations between the LOC and the Communications Department on the development of a multimedia presentation for the January 2020 GTC meeting.

11/20/19 LOC: Motion by Kirby Metoxen to enter the November 15, 2019, Sanction and Penalties Law material for the January 20, 2020, GTC Meeting E-Poll results into record; seconded by Daniel Guzman King. Motion carried unanimously.

11/20/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Daniel Guzman King, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to update the LOC on the collaboration with the Communications Department on the development of a multimedia presentation for the January 20, 2020, annual GTC meeting. LOC also discussed potential ideas for a Sanctions and Penalties law promotional video.

11/26/19 OBC: Motion by Lisa Summers to approve back to the Legislative Operating Committee, for General Tribal Council consideration, number one (1) as identified in the request [on page 90 of the meeting packet], seconded by David P. Jordan. Motion withdrawn.

Motion by Daniel Guzman King to defer the Sanctions and Penalties law materials back to the Legislative Operating Committee for consideration of today's discussion and reformatting of the request to General Tribal Council, seconded by Ernie Stevens III. Motion carried

11/26/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Daniel Guzman King, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski, JoAnne House. The purpose of this work meeting was to consider the discussion that occurred at the OBC meeting and determine a new strategy for moving this item forward. The LOC directed that an updated memo, draft, legislative analysis, resolution, and statement of effect be developed for inclusion on the December 4, 2019, special OBC meeting.

A good mind. A good heart. A strong fire.



- 12/2/19:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski, Jennifer Falck. The purpose of this work meeting was to review the updated draft and memo and determine if there were any other considerations that needed to be made by the LOC before this item moves forward.
- 12/4/19 LOC:** Motion by Jennifer Webster to approve the January 20, 2020 General Tribal Council Meeting materials with one change and forward to the Oneida Business Committee; seconded by Ernest Stevens III. Motion carried unanimously.
- 12/4/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski, Jennifer Falck. The purpose of this work meeting was to discuss the community comments that were made during today's LOC meeting, and discuss a strategy for moving this item forward. LOC directed that an e-poll be conducted to rescind the earlier Sanctions and Penalties law motion, so that the materials are not sent to the December 4, 2019, special OBC meeting for inclusion in the January 20, 2020, General Tribal Council meeting. Instead, the LOC wants to bring the proposed changes to a public meeting, finalize a draft, and request an updated fiscal impact statement, and bring an updated packet to the tentative March 2020 special GTC meeting.
- 12/4/19:** *E-Poll Conducted.* E-Poll was titled "Rescission of the December 4, 2019, LOC Motion Regarding the Sanctions and Penalties Law." The requested action of this e-poll was to Rescind the December 4, 2019, Legislative Operating Committee motion to "Approve the January 20, 2020, General Tribal Council meeting materials and forward to the Oneida Business Committee." The e-poll was approved by Ernest Stevens III, Kirby Metoxen, Jennifer Webster, David P. Jordan. Daniel Guzman King did not provide a response to the e-poll during the e-poll time frame.
- 12/4/19 OBC:** Motion by David P. Jordan to adopt with two (2) changes [1) delete item IV.A.1. Accept the Sanctions and Penalties law materials and add to the tentatively scheduled 2020 annual General Tribal Council meeting agenda; and 2) under New Business header, item A. Cancel the December 26 and 27, 2019, Oneida Business Committee meetings), seconded by Jennifer Webster. Motion carried.
- 12/9/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Clorissa N. Santiago, Brandon Wisneski, Jennifer Falck. The purpose of this work meeting was to confirm what the LOC wants to see in the proposed Sanctions and Penalties for Elected Officials law draft that will be sent to a public meeting. LRO will prepare an e-poll for the PM materials to be completed before December 12, 2019.
- 12/10/19:** *E-Poll Conducted.* E-Poll was titled "Approval of January 7, 2020, Public Meeting for the Sanctions and Penalties for Elected Officials Law." The requested action of this e-poll was to approve the public meeting packet and forward the Sanctions and Penalties for Elected Officials law to a public meeting to be held on January 7, 2020. The e-poll was approved by Kirby Metoxen, Jennifer Webster, David P. Jordan, and Daniel Guzman King. Ernest Stevens III did not provide a response.
- 12/18/19 LOC:** Motion by Jennifer Webster to enter into the record the December 4, 2019, E-poll results for the Sanctions and Penalties law – rescission of the December 4, 2019, LOC action; seconded by Kirby Metoxen. Motion carried unanimously.
- Motion by Ernest Stevens III to enter into the record the December 10, 2019, E-poll results for the Sanctions and Penalties law – approval of a public meeting; seconded by Jennifer Webster. Motion carried unanimously.
- 1/7/20:** *Public Meeting Held.* Present: David P. Jordan, Jennifer Webster, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker, Maureen Perkins, Lee Cornelius, Bonnie Pigman, Ralinda Ninham-Lamberies, Kermit Valentino, Debra Valentino. One (1) person provided oral comments during the public meeting.

- 1/8/20:** *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Xavier Horkman. The purpose of this work meeting was to discuss and plan for the development of the Sanctions and Penalties Law for Elected Officials law video presentation for the March 16, 2020, General Tribal Council meeting.
- 1/14/20:** *OBC Work Session.* The purpose of attending this Oneida Business Committee work session was to provide the Oneida Business Committee an update on why the Sanctions and Penalties law materials would be a handout at the January 22, 2020, Oneida Business Committee meeting.
- 1/14/20:** *Public Comment Period Closed.* Two (2) submissions of written comments were received during the public comment period.
- 1/14/20:** *OBC Work Meeting.* Present: David P. Jordan, Daniel Guzman King, Jennifer Webster, Ernest Stevens III, Brandon Stevens, Patricia King, Lisa Liggins, JoAnne House, Jennifer Falck, Clorissa N. Santiago, Laura Laitinen-Warren. The purpose of this work meeting was to provide the Oneida Business Committee an update on why the Sanctions and Penalties law materials would be a handout at the January 22, 2020, Oneida Business Committee meeting.
- 1/15/20 LOC:** Motion by Ernest Stevens III to accept the public comments and public comment review memorandum and defer to a work meeting for further consideration; seconded by Daniel Guzman King. Motion carried unanimously.
- 1/15/20:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review and consider all the public comments that were received. The LOC also discussed the plan for e-polls and approving the materials.
- 1/15/20:** *E-Poll Conducted.* E-Poll was titled “Approval of the Sanctions and Penalties for Elected Officials Law Updated Materials and Fiscal Impact Statement Request Memorandum.” The requested action of this e-poll was to Approve the updated public comment review memorandum, draft, legislative analysis, and fiscal impact statement request memorandum, and forward the fiscal impact statement request memorandum, with accompanying draft and legislative analysis, to the Finance Department directing that a fiscal impact statement of the proposed Sanctions and Penalties for Elected Officials law be prepared and submitted to the Legislative Operating Committee by January 20, 2020.. The e-poll was approved by David P. Jordan, Jennifer Webster, Ernest Stevens III, Kirby Metoxen. Daniel Guzman King did not provide a response.
- 1/20/20:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Daniel Guzman King, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review the adoption memo, resolution, and statement of effect for the Sanctions and Penalties for Elected Officials law.
- 1/21/20:** *E-Poll Conducted.* E-Poll was titled “Approval of the Sanctions and Penalties for Elected Officials Law Adoption Packet.” The requested action of this e-poll was to “Approve the adoption packet for the Sanctions and Penalties for Elected Officials law and forward to the Oneida Business Committee for inclusion on the tentative March 2020 Special General Tribal Council meeting agenda.” The e-poll was approved by David P. Jordan, Jennifer Webster, Ernest Stevens III, Kirby Metoxen, and Daniel Guzman King.
- 1/21/20:** *E-Poll Conducted.* E-Poll was titled “Rescission of the January 21, 2020, LOC Motion Approving the Sanctions and Penalties for Elected Officials Law Adoption Packet.” The requested action of this e-poll was to “Rescind the January 21, 2020, Legislative Operating Committee motion to ‘Approve the adoption packet for the Sanctions and Penalties for Elected Officials law and forward to the Oneida Business Committee for inclusion on the tentative March 2020 Special General Tribal Council meeting agenda.’” The e-poll was

approved by David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Daniel Guzman King.

1/22/20 OBC: Motion by Ernie Stevens III to adopt the agenda with two (2) changes [1] add item IV.C. Adopt resolution entitled Energy Infrastructure Deployment on Tribal Lands – 2020 Grant Proposal # DEFOA-0002168; and 2) delete item VIII.B.2. Accept the Sanctions and Penalties for Elected Officials law materials and add to the tentatively scheduled March 16, 2020, special General Tribal Council meeting agenda], seconded by Jennifer Webster. Motion carried.

2/5/20 LOC: Motion by Jennifer Webster to enter into record the e-poll results: Sanctions and Penalties for Elected Officials Law – Approve Updated Materials and Fiscal Impact Statement Request; seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Jennifer Webster to Ratify the January 21, 2020, e-poll results into record; seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Jennifer Webster to enter into the record the January 21, 2020, e-poll results for the rescission of the January 21, 2020, LOC motion approving the Sanctions and Penalties for elected Officials Law adoption packet and forward to the OBC for inclusion on the tentative March 2020 GTC meeting agenda; seconded Daniel Guzman King. Motion carried unanimously.

10/4/23 LOC: Motion by Marlon Skenandore to add the Sanctions and Penalties Law to the Active Files List with Jennifer Webster as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

12/6/23: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Grace Elliott, Maureen Perkins, Fawn Cottrell, Kristal Hill. The purpose of this work meeting was to review the draft of the Sanctions and Penalties law.

1/29/24: *E-Poll Conducted.* This e-poll was titled, *Approval of the March 6, 2024 LOC Community Meeting Notice.* The requested action of this e-poll was to Approve the Legislative Operating Committee community meeting notice and schedule the community meeting to take place on March 6, 2024. This e-poll was unanimously approved by Jennifer Webster, Marlon Skenandore, Jonas Hill, Jameson Wilson, and Kirby Metoxen.

2/7/24 LOC: Motion by Jennifer Webster to enter into the record the results of the January 29, 2024, e-poll titled, Approval of the March 6, 2024 LOC Community Meeting Notice; seconded by Jonas Hill. Motion carried unanimously.

3/6/24: *Work Meeting.* Jameson Wilson, Kirby Metoxen, Jonas Hill, Marlon Skenandore, Jennifer Webster, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work session was for the LOC to practice the PowerPoint presentation for the March 6, 2024, community meeting for the Oneida Personnel Policies and Procedures Amendments, Sanctions and Penalties Law, and the Eviction and Termination law amendments.

3/6/24: *Community Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins, Francine Valentino, Melanie Burkhart, Gina Buenrostro, Peggy Helm-Quest, Michelle Sawyer, Nadine Escamea, Bonnie Pigman, Olivia Pigman, Julie Denny, Michelle Hill, Vicky Matson, Greg Matson, Julie Behnke, Lynn Metoxen, Jake Doxtator, Kay Keshena, Connie Vandehei, Jen Falck, Lillian Wheelock, Dale Wheelock, Stephanie Smith, Patricia Hoefft, Scott Denny, Dana McLester, Wendy Alvarez, Dana Thyssen, Todd Vanden Heuvel, Larry Barton, Merissa Bloedorn, Lois Stevens, Mark Powless, Linda Dallas, Jake, Peggy Van Gheem, Mary Loeffler, Matthew J. Denny, Nancy Barton, Brittany Kulow, Mary Adams, Cathy Metoxen, William Gollnick, The Legislative Operating

Committee held a community meeting in the NHC's cafeteria from 5:30 p.m. through 7:30 p.m. regarding the Oneida Personnel Policies and Procedures Amendments, the Sanctions and Penalties law, and the Eviction and Termination law amendments.

3/20/24: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work session was for the LOC to debrief the March 6, 2024, community meeting and determine the next steps to move these legislative items forward.

1/10/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Kirby Metoxen, Clorissa Leeman, Lisa Liggins, Lawrence Barton, Tehassi Hill, Fawn Cottrell, Fawn Billie, Maureen Perkins. The purpose of this work meeting was to review the draft of the Law and determine next steps for moving this item forward.

2/19/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Clorissa Leeman, Fawn Cottrell, Kristal Hill, Grace Elliott, Carolyn Salutz. The purpose of this work meeting was to review the updated draft of the Law and finalize next steps for moving this item forward.

Next Steps:

- Approve the updated draft and legislative analysis;
- Approve the Legislative Operating Committee Sanctions and Penalties law community work session notice, and schedule a community work session to occur on April 2, 2025.

Title 1. Government and Finances - Chapter 120
Kalihwahníla:tú: Okhale? Atatlihwá?thlewáhtu Kayanlása
Giving strength to the issues and Forgiving oneself for the issue at hand Laws
SANCTIONS AND PENALTIES FOR ELECTED OFFICIALS

~~120.1. Purpose and Policy~~
~~120.2. Adoption, Amendment, Repeal~~
~~120.3. Definitions~~
~~120.4. Misconduct~~
~~120.5. Filing of a Complaint~~

~~120.6. Complaint Procedure~~
~~120.7. Sanctions and Penalties~~
~~120.8. Effect of Resignation by an Official~~
~~120.9. Record of Conduct in Office~~
~~120.1. Purpose and Policy~~
~~120.2. Adoption, Amendment, Repeal~~

~~120.3. Definitions~~
~~120.4. Misconduct~~
~~120.5. Filing of a Complaint~~

~~120.6. Complaint Procedure~~
~~120.7. Sanctions and Penalties~~
~~120.8. Effect of Resignation by an Official~~
~~120.9. Record of Conduct~~

120.1. Purpose and Policy

120.1-1. *Purpose.* The purpose of this law is to establish a consistent set of sanctions and penalties that may be imposed upon elected officials of the Nation for misconduct in office ~~for the purpose of providing in order to provide~~ an opportunity for the official to take corrective action to address the misconduct and promote accountability and improved performance of the official.

(a) ~~This law applies to members of the Oneida Business Committee.~~

~~(b) Exclusion.~~ This law does not apply to judges of the Oneida Nation Judiciary.

~~(c) This law does not apply to or~~ members of corporate entities of the Nation.

120.1-2. *Policy.* It is the policy of the Nation to ensure that elected officials who commit misconduct while in office be subject to appropriate sanctions and penalties; and to ensure that there is a fair process in place that enables officials to fairly respond to allegations of misconduct.

120.1-3. It is the intent of the Nation that all elected officials strive to exhibit and uphold the Nation's core values of The Good Mind as expressed by Onáyote?á·ka, which includes:

(a) Kahletsyalúsla. 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) Twahwahtsílawayá. All of us are family.

(g) Yukwatsístayá. Our fire, our spirit within each one of us.

120.2. Adoption, Amendment, Repeal

120.2-1. This law was adopted by the General Tribal Council by resolution GTC-__-__-__-__.

120.2-2. This law may be amended or repealed by the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

120.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

120.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

120.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

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120.3. Definitions

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

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

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

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

~~(d)~~ “Complainant” means an individual who has made a complaint.

~~(e)~~ “Constitution” means the Constitution and By-Laws of the Oneida Nation.

~~(f)~~ “Court of Appeals” means the Court of Appeals of the Oneida Nation Judiciary.

~~(g)~~ “Entity” means a board, committee, commission, office, or other group of the Nation an individual may be elected to serve a position on, including the Oneida Business Committee.

(g) “Government Administrative Office” means the office that provides administrative support for the Oneida Business Committee and various other governmental operations.

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

(i) “Nation” means the Oneida Nation.

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

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

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

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

(n) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later authorized to administer the judicial authorities and responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

120.4. Misconduct

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

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

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

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

(c) a conviction of a felony, or any crime in any jurisdiction that would be classified as a felony under federal law or Wisconsin law; and.

~~(d) any other activity that is incompatible with the high moral and ethical standards that are expected of the Nation's officials.~~

120.5. Filing of a Complaint

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

120.5-2. *When to File.* A complaint may be filed as long as the alleged misconduct has occurred, or was discovered to have occurred, within the previous ~~ninety (90)~~sixty (60) days.

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

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

120.5-4. *Where to File.* Complaints against an official shall be filed with the Nation's Trial Court pursuant to the Nation's Rules of Civil Procedure.

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

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

120.6. Complaint Procedure

120.6-1. *Jurisdiction of the Trial Court.* The Trial Court shall have jurisdiction to hear complaints of alleged misconduct of officials.

120.6-2. Any official who is the subject of a complaint has the right to be represented by an attorney or advocate, at ~~his or her~~their own expense, for any actions or proceedings related to the complaint.

120.6-3. *Burden of Proof.* In a civil action against an official for misconduct, the complainant has the burden of proving by clear and convincing evidence that the official engaged in misconduct.

120.6-4. *Confidentiality.* All complaints alleged against an official of the Nation shall be handled in a confidential manner.

126 (a) All hearings and/or proceedings related to a complaint shall be closed to the general
127 public.

128 (b) All records of hearings and/or proceedings shall not be subject to public review or
129 inspection. ~~An official's record of conduct shall only be made available for review by the~~
130 ~~Trial Court.~~

131 ~~(c) Exception. A~~ **except that a** decision of the ~~Trial Court~~ **Judiciary** regarding a complaint
132 alleged against an official, and any sanctions and/or penalties that are imposed against an
133 official, shall be public information.

134 120.6-5. *Determination of the Trial Court.* In making a final determination, the Trial Court shall
135 determine if there is enough evidence to substantiate the allegations of misconduct by the official
136 by clear and convincing evidence.

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

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

142 120.6-6. *Appeal.* The complainant and the official who is the subject of the complaint shall both
143 have the right to appeal the Trial Court's decision to the Court of Appeals pursuant to the Nation's
144 Rules of Appellate Procedure. The appeal shall be limited to review of the record, and the Trial
145 Court's decision may only be overturned if the Court of Appeals determines that:

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

148 or

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

150 ~~120.6-7. The Trial Court shall provide the Business Committee Support Office a copy of the~~
151 ~~complaint and the determination of the Trial Court for the official's record of conduct in office.~~

152 120.7. Sanctions and Penalties

154 120.7-1. A sanction or penalty, or any combination of sanctions and/or penalties, may be imposed
155 upon the Nation's officials for misconduct in office, in accordance with this law.

156 120.7-2. Sanctions and penalties may include:

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

158 (1) The Trial Court shall submit written notices to both the official and to the
159 ~~Business Committee Support~~ **Government Administrative** Office of the specific
160 date, time, and location of the verbal reprimand. The verbal reprimand shall occur
161 at an Oneida Business Committee meeting and/or a General Tribal Council
162 meeting.

163 (2) To impose the verbal reprimand, the presiding Oneida Business Committee
164 Chairperson, or another Oneida Business Committee member if the verbal
165 reprimand is imposed against the presiding Oneida Business Committee
166 Chairperson, shall read **the following** statement ~~that identifies:~~

167 ~~(A) The Trial Court's findings regarding the specific actions or inaction~~
168 ~~taken by the official that were found to be misconduct;~~

169 ~~(B) The reasons why the official's actions or inactions amounted to~~
170 ~~misconduct;~~

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

~~(D) A direction to the official to refrain from engaging in future misconduct.~~
(A) [Insert name of official] who serves on [Insert name of entity] is receiving this reprimand because they have been found by the Nation's Judiciary to have engaged in misconduct. High standards of conduct amongst officials of the Nation are essential to the conduct of government. [Insert name of official's] behavior did not rise to the high standards of conduct that is expected of the Nation's elected officials. The following are the findings from the Trial Court regarding [Insert name of official's] misconduct: [identify the judicial findings regarding the misconduct.] Any future misconduct may result in the imposition of additional sanctions or penalties.

(b) *Public Apology.* The official may be ordered to make a public apology.

(1) The Trial Court shall submit written notices to both the official and to the ~~Business Committee Support~~Government Administrative Office of the specific date, time, and location of the public apology. The public apology shall occur at an Oneida Business Committee meeting and/or a General Tribal Council meeting. ~~The public apology shall:~~

(1) identify the specific misconduct committed; ~~(2) The public apology made by the official;~~

(2) recognize that shall identify the judicial findings regarding the official's actions or inactions were wrong;

(3) identify the effects of the official's misconduct; and

(4) include a clear and unambiguous apology from the official for the misconduct.

(c) *Written Reprimand.* A written reprimand may be imposed on the official by publication on the Nation's official media outlets, as determined by the Oneida Business Committee. ~~The Trial Court may publish a written reprimand which includes the information required for the verbal reprimand as stated in section 120.7-2(a)(2)(A)-(D).~~

(1) The Trial Court may publish a written reprimand which includes the same statement as required for the verbal reprimand as stated in section 120.7-2(a)(2)(A).

(d) *Suspension.* An official may be suspended from performing ~~his or her~~their duties as an official for a period of time not to exceed two (2) regular meetings, or fifteen (15) business days if the official serves in a full-time capacity.

(1) During a suspension, the official shall not:

(A) attend meetings, trainings or any other event as part of the entity;

(B) attend conferences or other events on behalf of, or as a representative of, the entity;

(C) vote or participate in any activities of the entity;

(D) perform work on behalf of the entity; or

(E) be eligible for any compensation, including regular pay, stipends, or mileage reimbursement.

(2) When an official is suspended, the Trial Court shall submit written notices to ~~both the official and to,~~ the ~~Business Committee Support~~Government Administrative Office, Finance Administration, and the Human Resources Department, when applicable, of the specific start and end date of the suspension.

(3) If a suspension is imposed on multiple officials of the same entity at one time, the Trial Court ~~shall~~may impose the suspensions of the officials on a staggered basis to avoid an interruption of the official business and function of the entity.

220 (e) *Restitution*. An official may be ordered to pay restitution, which may include the
221 repayment of any improperly received benefit, or any other payment which is intended to
222 make another individual or entity whole after suffering losses as a result of the official's
223 misconduct.

224 (f) *Fines*. An official may be ordered to pay a fine not to exceed two thousand and five
225 hundred dollars (\$2,500).

226 (1) Fines shall be paid to the Trial Court.

227 ~~(2) Community service may be substituted for part or all of any fine at the~~
228 ~~minimum wage rate of the Nation for each hour of community service. The use of~~
229 ~~community service as a substitution for a fine shall be approved and monitored by~~
230 ~~the Trial Court.~~

231 (3) Fines shall be paid within ninety (90) days after the order is issued or upheld
232 on final appeal, whichever is later. If the fine is not paid by this deadline, the Trial
233 Court may seek to collect the money owed through garnishment either through the
234 procedures provided in the Nation's Garnishment law or through garnishment
235 procedures of other jurisdictions, and/or per capita attachment ~~process~~in
236 accordance with the Per Capita law.

237 ~~(3) Money received from fines shall be deposited into the General Fund.~~

238 ~~(4) Community service may be substituted for part or all of any fine at the minimum~~
239 ~~wage rate of the Nation for each hour of community service.~~

240 (g) *Loss of Stipend*. An official may be ordered to forfeit a stipend for ~~his or her~~their
241 service on an entity not to exceed two (2) meetings.

242 (1) When an official is ordered to forfeit a stipend, the Trial Court shall submit
243 written notices to the official and the Government Administrative Office.

244 (h) *Mandatory Participation in Training*. An official may be ordered to participate in and
245 complete a training class or program at their own expense that will assist the official in
246 addressing and improving ~~his or her~~their behaviors and/or actions.

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

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

252 120.7-3. *Factors in Determining an Appropriate Sanction and/or Penalty*. When determining the
253 appropriate sanction or sanctions to impose, the Trial Court may consider all factors it deems
254 relevant, including but not limited to:

255 (a) the seriousness or severity of the misconduct;

256 (b) whether the conduct was intentional or not;

257 (c) the likelihood of repetition;

258 (d) the extent of probable damage to the finances or reputation of the Nation, the
259 complainant, the entity, or to any other person or organization;

260 (e) whether the official or ~~his or her~~their family personally profited, financially or
261 otherwise, from the prohibited conduct;

262 (f) the official's remorse, or

263 (g) the official's willingness and ability to take steps to mitigate the harm caused by the
264 violation, and

265 ~~(h) any prior complaints filed, including any previous sanctions and penalties imposed~~
266 ~~upon the official while serving on an entity.~~ (h) the record of conduct of an official.

267 120.7-4. The Trial Court may impose a sanction and/or penalty on a conditional basis, whereas
268 compliance with a specific sanction and/or penalty shall prevent the imposition of a more stringent
269 or burdensome sanction and/or penalty.

270 120.7-5. The imposition of sanctions and/or penalties in accordance with this law does not exempt
271 an official from individual liability for the underlying misconduct, and does not limit any penalties
272 that may be imposed in accordance with other applicable laws. In addition to any sanctions and
273 penalties that may be imposed in accordance with this law, officials who commit misconduct in
274 office may be subject to other consequences; including but not limited to:

- 275 (a) removal in accordance with the Nation’s laws and/or policies governing removal;
- 276 (b) criminal prosecution, for misconduct that also violates applicable criminal law;
- 277 (c) civil liability, in accordance with the applicable law of any jurisdiction; and/or
- 278 (d) penalties for specific misconduct as authorized by any other law of the Nation.

279 120.7-6. An official who does not comply with a sanction and/or penalty that has been imposed
280 against him or her by the Trial Court may be subject to the following:

- 281 (a) additional sanctions and/or penalties that result from a complaint of misconduct filed
282 in accordance with this Law based on the non-compliance;
- 283 (b) removal in accordance with the Nation’s laws and policies governing removal.

284

285 **120.8. Effect of Resignation by an Official**

286 120.8-1. The resignation of an official after a complaint has been filed against the official shall
287 not affect the status of the hearing and determination by the Trial Court.

288 120.8-2. An official who resigns may still be subject to sanctions and/or penalties at the discretion
289 of the Trial Court.

290

291 **120.9. Record of Conduct ~~in Office~~**

292 120.9-1. The ~~Business Committee Support Office~~Judiciary shall maintain a record of conduct ~~in~~
293 ~~office~~for each official. An official’s record of conduct shall only be made available for review by
294 the Judiciary.

295 120.9-2. The record of conduct ~~in-office~~ maintained for each official shall include, at a minimum:

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

300 120.9-3. The record of conduct ~~in-office~~ for each official shall be maintained for a period of no
301 less than seven (7) years.

302

303 *End.*

304

305 Adopted – GTC-__-__-__-__

306

Title 1. Government and Finances - Chapter 120
Kalihwahníla:tú: Okhale? Atatihwa?thlewáhtu Kayanlása
Giving strength to the issues and Forgiving oneself for the issue at hand Laws
SANCTIONS AND PENALTIES

120.1. Purpose and Policy
120.2. Adoption, Amendment, Repeal
120.3. Definitions
120.4. Misconduct
120.5. Filing of a Complaint

120.6. Complaint Procedure
120.7. Sanctions and Penalties
120.8. Effect of Resignation by an Official
120.9. Record of Conduct

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
4 penalties that may be imposed upon elected officials of the Nation for misconduct in office in
5 order to provide 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) *Exclusion.* This law does not apply to judges of the Oneida Nation Judiciary or
8 members of corporate entities of the Nation.

9 120.1-2. *Policy.* It is the policy of the Nation to ensure that elected officials who commit
10 misconduct while in office be subject to appropriate sanctions and penalties; and to ensure that
11 there is a fair process in place that enables officials to fairly respond to allegations of
12 misconduct.

13 120.1-3. It is the intent of the Nation that all elected officials strive to exhibit and uphold the
14 Nation's core values of The Good Mind as expressed by Onlayote?a'ka, which includes:

- 15 (a) Kahletsyalúsíla. The heart felt encouragement of the best in each of us.
16 (b) Kanolukhwásíla. Compassion, caring, identity, and joy of being.
17 (c) Ka?nikuhlí'yó. The openness of the good spirit and mind.
18 (d) Ka?tshatstásíla. The strength of belief and vision as a People.
19 (e) Kalihwi'yó. The use of the good words about ourselves, our Nation, and our future.
20 (f) Twahwahtsíláyá. All of us are family.
21 (g) Yukwatsístáyá. Our fire, our spirit within each one of us.
22

23 **120.2. Adoption, Amendment, Repeal**

24 120.2-1. This law was adopted by the General Tribal Council by resolution GTC-__-__-__-__.

25 120.2-2. This law may be amended or repealed by the General Tribal Council pursuant to the
26 procedures set out in the Legislative Procedures Act.

27 120.2-3. Should a provision of this law or the application thereof to any person or circumstances
28 be held as invalid, such invalidity shall not affect other provisions of this law which are
29 considered to have legal force without the invalid portions.

30 120.2-4. In the event of a conflict between a provision of this law and a provision of another law,
31 the provisions of this law shall control.

32 120.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.
33

34 **120.3. Definitions**

35 120.3-1. This section shall govern the definitions of words and phrases used within this law. All
36 words not defined herein shall be used in their ordinary and everyday sense.

- 37 (a) “Business day” means Monday through Friday 8:00 a.m. – 4:30 p.m., excluding
38 holidays recognized by the Nation.
- 39 (b) “Clear and convincing evidence” means evidence that demonstrates it is substantially
40 more likely than not that the facts presented are true.
- 41 (c) “Complainant” means an individual who has made a complaint.
- 42 (d) “Constitution” means the Constitution and By-Laws of the Oneida Nation.
- 43 (e) “Court of Appeals” means the Court of Appeals of the Oneida Nation Judiciary.
- 44 (f) “Entity” means a board, committee, commission, office, or other group of the Nation
45 an individual may be elected to serve a position on, including the Oneida Business
46 Committee.
- 47 (g) “Government Administrative Office” means the office that provides administrative
48 support for the Oneida Business Committee and various other governmental operations.
- 49 (h) “Misconduct” means wrongful, improper, or unlawful conduct or behavior.
- 50 (i) “Nation” means the Oneida Nation.
- 51 (j) “Official” means any person who is elected to serve a position for the Nation,
52 including, but not limited to, a position on a board, committee, commission, or office of
53 the Nation, including the Oneida Business Committee.
- 54 (k) “Restitution” means compensation to an individual or entity for an injury, damage, or
55 loss.
- 56 (l) “Stipend” means the amount paid by the Oneida Nation to elected individuals serving
57 on boards, committees and commissions of the Nation to offset the expenses of being a
58 member on the board, committee or commission.
- 59 (m) “Substantiate” means to find that the complaint or allegation in the complaint is
60 valid because there is clear and convincing evidence.
- 61 (n) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the
62 judicial system that was established by Oneida General Tribal Council resolution GTC-
63 01-07-13-B, and then later authorized to administer the judicial authorities and
64 responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-
65 17-A.

66 **120.4. Misconduct**

68 120.4-1. It shall be the obligation of every official to behave in a manner that promotes high
69 standards of conduct. High standards of conduct amongst officials of the Nation are essential to
70 the conduct of government.

71 120.4-2. An official may be subject to sanctions and penalties for behaving in a manner which
72 constitutes misconduct. Misconduct includes:

- 73 (a) a violation of the Constitution or any of the Nation’s laws, policies, or rules;
74 (b) a violation of the bylaws, standard operating procedures, or other internal operating
75 documents that govern the entity upon which the official serves; and
76 (c) a conviction of a felony, or any crime in any jurisdiction that would be classified as a
77 felony under federal law or Wisconsin law.

78 **120.5. Filing of a Complaint**

79 120.5-1. *Who May File.* Any individual at least eighteen (18) years of age or older who is an
80 enrolled member of the Nation or an employee of the Nation, or an entity, who in good faith, has
81 knowledge or reason to believe that an official has committed misconduct, may file a written
82 complaint.
83

84 120.5-2. *When to File.* A complaint may be filed as long as the alleged misconduct has
85 occurred, or was discovered to have occurred, within the previous sixty (60) days.

86 120.5-3. *Contents of the Complaint.* The complaint alleging misconduct by an official shall
87 include the following information:

88 (a) The name(s) of the official alleged to have committed the misconduct;

89 (b) The entity or entities upon which the official serves;

90 (c) The specific date(s), time(s), and location(s) of the alleged misconduct;

91 (d) The specific details of the official's misconduct;

92 (e) The specific provision of law, policy, rule, or bylaw of the Nation allegedly violated
93 by the official;

94 (f) Names of any witnesses of the alleged misconduct, or individuals who may have
95 knowledge pertinent to the alleged misconduct;

96 (g) The contact information for the person filing the complaint, which at minimum shall
97 include the person's name, address, and telephone number;

98 (h) A notarized sworn statement attesting that the information provided in and with the
99 complaint is true, accurate, and complete to the best of the complainant's knowledge;

100 (i) Any supporting documentation; and

101 (j) Any other information required by the Nation's Rules of Civil Procedure.

102 120.5-4. *Where to File.* Complaints against an official shall be filed with the Nation's Trial
103 Court pursuant to the Nation's Rules of Civil Procedure.

104 120.5-5. *Retaliation Prohibited.* Retaliation against any individual who makes a complaint or
105 party or witness to a complaint is prohibited. This protection shall also be afforded to any person
106 offering testimony or evidence or complying with directives authorized under this law.
107 Retaliation shall include any form of adverse or punitive action by, or caused by, any official.

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

112

113 **120.6. Complaint Procedure**

114 120.6-1. *Jurisdiction of the Trial Court.* The Trial Court shall have jurisdiction to hear
115 complaints of alleged misconduct of officials.

116 120.6-2. Any official who is the subject of a complaint has the right to be represented by an
117 attorney or advocate, at their own expense, for any actions or proceedings related to the
118 complaint.

119 120.6-3. *Burden of Proof.* In a civil action against an official for misconduct, the complainant
120 has the burden of proving by clear and convincing evidence that the official engaged in
121 misconduct.

122 120.6-4. *Confidentiality.* All complaints alleged against an official of the Nation shall be
123 handled in a confidential manner.

124 (a) All hearings and/or proceedings related to a complaint shall be closed to the general
125 public.

126 (b) All records of hearings and/or proceedings shall not be subject to public review or
127 inspection except that a decision of the Judiciary regarding a complaint alleged against an
128 official, and any sanctions and/or penalties that are imposed against an official, shall be
129 public information.

130 120.6-5. *Determination of the Trial Court.* In making a final determination, the Trial Court shall
131 determine if there is enough evidence to substantiate the allegations of misconduct by the official
132 by clear and convincing evidence.

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

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

138 120.6-6. *Appeal.* The complainant and the official who is the subject of the complaint shall both
139 have the right to appeal the Trial Court's decision to the Court of Appeals pursuant to the
140 Nation's Rules of Appellate Procedure. The appeal shall be limited to review of the record, and
141 the Trial Court's decision may only be overturned if the Court of Appeals determines that:

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

144 or

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

146

147 **120.7. Sanctions and Penalties**

148 120.7-1. A sanction or penalty, or any combination of sanctions and/or penalties, may be
149 imposed upon the Nation's officials for misconduct in office, in accordance with this law.

150 120.7-2. Sanctions and penalties may include:

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

152 (1) The Trial Court shall submit written notices to both the official and to the
153 Government Administrative Office of the specific date, time, and location of the
154 verbal reprimand. The verbal reprimand shall occur at an Oneida Business
155 Committee meeting and/or a General Tribal Council meeting.

156 (2) To impose the verbal reprimand, the presiding Oneida Business Committee
157 Chairperson, or another Oneida Business Committee member if the verbal
158 reprimand is imposed against the presiding Oneida Business Committee
159 Chairperson, shall read the following statement:

160 (A) *[Insert name of official] who serves on [Insert name of entity] is*
161 *receiving this reprimand because they have been found by the Nation's*
162 *Judiciary to have engaged in misconduct. High standards of conduct*
163 *amongst officials of the Nation are essential to the conduct of government.*
164 *[Insert name of official's] behavior did not rise to the high standards of*
165 *conduct that is expected of the Nation's elected officials. The following are*
166 *the findings from the Trial Court regarding [Insert name of official's]*
167 *misconduct: [identify the judicial findings regarding the misconduct.] Any*
168 *future misconduct may result in the imposition of additional sanctions or*
169 *penalties.*

170 (b) *Public Apology.* The official may be ordered to make a public apology.

171 (1) The Trial Court shall submit written notices to both the official and to the
172 Government Administrative Office of the specific date, time, and location of the
173 public apology. The public apology shall occur at an Oneida Business Committee
174 meeting and/or a General Tribal Council meeting.

175 (2) The public apology made by the official shall identify the judicial findings
176 regarding the official's misconduct and include a clear and unambiguous apology
177 from the official for the misconduct.

178 (c) *Written Reprimand.* A written reprimand may be imposed on the official by
179 publication on the Nation's official media outlets, as determined by the Oneida Business
180 Committee.

181 (1) The Trial Court may publish a written reprimand which includes the same
182 statement as required for the verbal reprimand as stated in section 120.7-
183 2(a)(2)(A).

184 (d) *Suspension.* An official may be suspended from performing their duties as an official
185 for a period of time not to exceed two (2) regular meetings, or fifteen (15) business days
186 if the official serves in a full-time capacity.

187 (1) During a suspension, the official shall not:

188 (A) attend meetings, trainings or any other event as part of the entity;

189 (B) attend conferences or other events on behalf of, or as a representative
190 of, the entity;

191 (C) vote or participate in any activities of the entity;

192 (D) perform work on behalf of the entity; or

193 (E) be eligible for any compensation, including regular pay, stipends, or
194 mileage reimbursement.

195 (2) When an official is suspended, the Trial Court shall submit written notices to
196 the official, the Government Administrative Office, Finance Administration, and
197 the Human Resources Department, when applicable, of the specific start and end
198 date of the suspension.

199 (3) If a suspension is imposed on multiple officials of the same entity at one time,
200 the Trial Court may impose the suspensions of the officials on a staggered basis to
201 avoid an interruption of the official business and function of the entity.

202 (e) *Restitution.* An official may be ordered to pay restitution, which may include the
203 repayment of any improperly received benefit, or any other payment which is intended to
204 make another individual or entity whole after suffering losses as a result of the official's
205 misconduct.

206 (f) *Fines.* An official may be ordered to pay a fine not to exceed two thousand and five
207 hundred dollars (\$2,500).

208 (1) Fines shall be paid to the Trial Court.

209 (2) Community service may be substituted for part or all of any fine at the
210 minimum wage rate of the Nation for each hour of community service. The use of
211 community service as a substitution for a fine shall be approved and monitored by
212 the Trial Court.

213 (3) Fines shall be paid within ninety (90) days after the order is issued or upheld
214 on final appeal, whichever is later. If the fine is not paid by this deadline, the Trial
215 Court may seek to collect the money owed through garnishment either through the
216 procedures provided in the Nation's Garnishment law or through garnishment
217 procedures of other jurisdictions, and/or per capita attachment in accordance with
218 the Per Capita law.

219 (g) *Loss of Stipend.* An official may be ordered to forfeit a stipend for their service on an
220 entity not to exceed two (2) meetings.

221 (1) When an official is ordered to forfeit a stipend, the Trial Court shall submit
222 written notices to the official and the Government Administrative Office.

223 (h) *Mandatory Participation in Training.* An official may be ordered to participate in
224 and complete a training class or program at their own expense that will assist the official
225 in addressing and improving their behaviors and/or actions.

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

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

231 120.7-3. *Factors in Determining an Appropriate Sanction and/or Penalty.* When determining
232 the appropriate sanction or sanctions to impose, the Trial Court may consider all factors it deems
233 relevant, including but not limited to:

- 234 (a) the seriousness or severity of the misconduct;
- 235 (b) whether the conduct was intentional or not;
- 236 (c) the likelihood of repetition;
- 237 (d) the extent of probable damage to the finances or reputation of the Nation, the
238 complainant, the entity, or to any other person or organization;
- 239 (e) whether the official or their family personally profited, financially or otherwise, from
240 the prohibited conduct;
- 241 (f) the official’s remorse, or
- 242 (g) the official’s willingness and ability to take steps to mitigate the harm caused by the
243 violation, and
- 244 (h) the record of conduct of an official.

245 120.7-4. The Trial Court may impose a sanction and/or penalty on a conditional basis, whereas
246 compliance with a specific sanction and/or penalty shall prevent the imposition of a more
247 stringent or burdensome sanction and/or penalty.

248 120.7-5. The imposition of sanctions and/or penalties in accordance with this law does not
249 exempt an official from individual liability for the underlying misconduct, and does not limit any
250 penalties that may be imposed in accordance with other applicable laws. In addition to any
251 sanctions and penalties that may be imposed in accordance with this law, officials who commit
252 misconduct in office may be subject to other consequences; including but not limited to:

- 253 (a) removal in accordance with the Nation’s laws and/or policies governing removal;
- 254 (b) criminal prosecution, for misconduct that also violates applicable criminal law;
- 255 (c) civil liability, in accordance with the applicable law of any jurisdiction; and/or
- 256 (d) penalties for specific misconduct as authorized by any other law of the Nation.

257 120.7-6. An official who does not comply with a sanction and/or penalty that has been imposed
258 against him or her by the Trial Court may be subject to the following:

- 259 (a) additional sanctions and/or penalties that result from a complaint of misconduct filed
260 in accordance with this Law based on the non-compliance;
 - 261 (b) removal in accordance with the Nation’s laws and policies governing removal.
- 262

263 **120.8. Effect of Resignation by an Official**

264 120.8-1. The resignation of an official after a complaint has been filed against the official shall
265 not affect the status of the hearing and determination by the Trial Court.

266 120.8-2. An official who resigns may still be subject to sanctions and/or penalties at the
267 discretion of the Trial Court.

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120.9. Record of Conduct

120.9-1. The Judiciary shall maintain a record of conduct for each official. An official’s record of conduct shall only be made available for review by the Judiciary.

120.9-2. The record of conduct 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.

120.9-3. The record of conduct for each official shall be maintained for a period of no less than seven (7) years.

End.

Adopted – GTC- __ - __ - __ - __



Kalihwahníla·tú· Okhale? Atatlihwa?thlewáhtu Kayanlásla
Giving strength to the issues and Forgiving oneself for the issue at hand Laws

**SANCTIONS AND PENALTIES LAW
 LEGISLATIVE ANALYSIS**

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Law	<ul style="list-style-type: none"> ▪ Increase accountability among elected officials of the Nation. ▪ Create a formal complaint process that allows for corrective actions against elected officials who engage in misconduct.
Purpose	The purpose of this law is to establish a consistent set of sanctions and penalties that may be imposed upon elected officials of the Nation for misconduct in office in order to provide an opportunity for the official to take corrective action to address the misconduct and promote accountability and improved performance of the official [1 O.C. 120.1-1].
Affected Entities	All elected officials of the Nation; Any enrolled member of the Nation or employee age eighteen (18) years and older who has knowledge that an official committed misconduct; Oneida Business Committee; Judiciary Trial Court; Judiciary Court of Appeals; Government Administrative Office.
Related Legislation	Oneida Judiciary Rules of Civil Procedure; Rules of Appellate Procedure; Code of Ethics; Boards, Committees and Commissions law; Garnishment law; Per Capita law; and any of the Nation’s laws and bylaws that may be violated by an official.
Enforcement/Due Process	Sanctions and penalties against elected officials will be imposed by the Trial Court. Officials accused of misconduct have the right to be represented by an attorney or advocate. Officials also have the right to submit a written response to the complaint, and an opportunity to appear at the hearing to answer the allegations and provide evidence on their behalf. Complaints against officials must be proven by clear and convincing evidence.
Public Meeting	A public meeting for an earlier draft of this law was held on October 4, 2018. A 2 nd public meeting for an updated draft was held on January 7, 2020.
Fiscal Impact	A fiscal impact statement for an earlier draft of this law was prepared by the Finance Department on December 27, 2018. An updated fiscal analysis was prepared on January 20, 2020.

SECTION 2. LEGISLATIVE DEVELOPMENT

1
 2 **A. Request for Amendments.** The request to develop a sanctions and penalties law was originally added
 3 to the Legislative Operating Committee’s Active Files List in October of 2014, and has been carried
 4 over for the last three legislative terms. When an elected official of the Nation commits misconduct
 5 while in office, there are few remedies available for the Nation to discipline that official. Currently,
 6 elected officials may be removed in accordance with the Removal Law. However, there may be
 7 instances of misconduct that do not rise to the level of removal. In these cases, other remedies such as
 8 verbal reprimands, fines, or suspensions may be more appropriate. This Law creates a formal complaint
 9 process that gives members of the Nation, employees and entities an opportunity to file complaints
 10 against elected officials while ensuring that due process rights for those accused are protected. This

11 Law also creates a range of potential sanctions and penalties for officials who violate the laws of the
12 Nation or commit other forms of misconduct.

13 **B. 2016 Special Election Referendum.** During the Special Election held on July 9, 2016, the following
14 referendum question was approved by a vote of 178 to 59: “*Should the BC develop a law which provides*
15 *for sanctions and due process for elected officials?*” The Election Law requires the Oneida Business
16 Committee to present referendum questions that receive a majority vote to the General Tribal Council
17 (GTC) for discussion and action [1 O.C. 102.12-9(c)].

18 **C. Presentation to General Tribal Council.** On March 17, 2019, this Law was presented to the General
19 Tribal Council for consideration. The General Tribal Council adopted a motion to defer this item for at
20 least sixty (60) days for GTC to have additional time to consider it and have input. As a result of General
21 Tribal Council’s directive, the LOC held six (6) additional community outreach events – in various
22 locations around the Reservation as well as in Milwaukee. Based on input received from community
23 members during the various outreach efforts, as well as the discussion during the March 17, 2019, GTC
24 Meeting, the LOC determined that the draft should be revised. The LOC intended to include this revised
25 Law on the July 2020 Semi-Annual General Tribal Council meeting agenda before all General Tribal
26 Council meetings were canceled due to COVID-19.

27 **D. Elected Officials.** This Law will apply to elected officials of the Nation, including members of the
28 following entities:

29 **Chart 1. Elected Boards, Committees, and Commissions**

ELECTED BOARDS, COMMITTEES, AND COMMISSIONS
<ul style="list-style-type: none">▪ Oneida Business Committee▪ Oneida Election Board▪ Oneida Gaming Commission▪ Oneida Land Claims Commission▪ Oneida Land Commission▪ Oneida Nation Commission on Aging (ONCOA)▪ Oneida Nation School Board▪ Oneida Trust Enrollment Committee▪ GTC Legal Resource Center Advocates and Attorney

30 **This law does not apply to members of appointed boards, members of the Judiciary or corporate*
31 *entities of the Nation.*

32

33 **SECTION 3. CONSULTATION AND OUTREACH**

34 **A.** Representatives from the following departments or entities participated in the development of this Law
35 and this legislative analysis:

- 36 ▪ Oneida Business Committee;
- 37 ▪ Government Administrative Office;
- 38 ▪ Records Management Department;
- 39 ▪ Human Resources Department;
- 40 ▪ Intergovernmental Affairs and Communications Department;
- 41 ▪ Cultural Heritage Department;
- 42 ▪ Anna John Resident Centered Care Community Board (AJRCCC);
- 43 ▪ Oneida Election Board;

- 44 ▪ Oneida Environmental Resource Board (ERB);
- 45 ▪ Oneida Gaming Commission;
- 46 ▪ Oneida Land Commission;
- 47 ▪ Oneida Police Commission;
- 48 ▪ Oneida Pow-wow Committee;
- 49 ▪ Oneida Trust Enrollment Committee, and
- 50 ▪ Oneida Nation Veterans Affairs Committee (ONVAC).

51 **B.** The following laws of the Nation were reviewed in the drafting of this legislative analysis:

- 52 ▪ Oneida Judiciary law;
- 53 ▪ Oneida Tribal Judiciary Canons of Judicial Conduct;
- 54 ▪ Oneida Judiciary Rules of Civil Procedure;
- 55 ▪ Oneida Judiciary Rules of Appellate Procedure;
- 56 ▪ Removal law;
- 57 ▪ Code of Ethics;
- 58 ▪ Legal Resource Center law;
- 59 ▪ Open Meetings and Open Records law;
- 60 ▪ Boards, Committees and Commissions law;
- 61 ▪ Garnishment law; and
- 62 ▪ Per Capita law.

63 **C.** In addition, the following other laws were reviewed in drafting this analysis:

- 64 ▪ Ho Chunk Nation Code of Ethics 2 HCC 1;
- 65 ▪ Oglala Sioux Tribe Code of Ethics Ordinance No. 08-11;
- 66 ▪ Pokagon Band of Potawatomi Indians Ethics Code;
- 67 ▪ Rosebud Sioux Tribal Code of Ethics Ordinance 86-04;
- 68 ▪ Siletz Tribal Council Ethics Ordinance –Siletz Tribal Code 2.200;
- 69 ▪ Skokomish Code of Ethics S.T.C. 1.05; and
- 70 ▪ Pit River Tribal Government Code of Conduct Section 80.

71 **D.** *Community Outreach Events.* In addition to the public meeting(s) required by the Legislative
72 Procedures Act held on October 4, 2018, and January 7, 2020, the LOC held the following outreach
73 events on this legislation:

- 74 ▪ May 3, 2018: Community pot-luck meeting at Norbert Hill Center to gather community input.
- 75 ▪ July 11, 2019: Community outreach event held prior to GTC meeting at Radisson Conference
76 Center.
- 77 ▪ July 17, 2019: Community outreach held at Norbert Hill Center in Oneida.
- 78 ▪ August 9, 2019: Community outreach held at Veteran’s Breakfast in Oneida.
- 79 ▪ August 15, 2019: Community outreach held at Farmer’s Market in Oneida.
- 80 ▪ October 7, 2019: Community outreach held at Elder Congregate Meal site in Oneida.
- 81 ▪ October 16, 2019: Community outreach held at SEOTS Building in Milwaukee.
- 82 ▪ March 6, 2024: Community pot-luck meeting at the Norbert Hill Center to gather community
83 input.

84
85
86

87 **SECTION 4. PROCESS**

- 88 A. *Compliance with LPA.* The development of the proposed Law complies with the process set forth in
89 the Legislative Procedures Act (LPA).
- 90 ▪ The law was originally added to the Active Files List on October 15, 2014.
 - 91 ▪ On September 6, 2017, this Law was readded to the Active Files List for the 2017-2020 legislative
92 term.
 - 93 ▪ On April 2, 2018, the Legislative Operating Committee accepted the draft of this Law and direct
94 that a community meeting/potluck be held on May 3, 2018.
 - 95 ▪ On June 6, 2018, the Legislative Operating Committee accepted the draft of this Law and directed
96 that a legislative analysis be completed.
 - 97 ▪ On July 18, 2018, the Legislative Operating Committee accepted the legislative analysis for this
98 Law and deferred this item to a work meeting.
 - 99 ▪ On August 15, 2018, the Legislative Operating Committee approved the public meeting packet and
100 forwarded this Law to a public meeting to be held on September 20, 2018; and forwarded this Law
101 to the Finance Office for a fiscal analysis to be completed.
 - 102 ▪ On September 10, 2018, the Legislative Operating Committee conducted an e-poll entitled,
103 *Approval of the Sanctions and Penalties Law Public Meeting Packet.* The requested action of this
104 e-poll was to approve the public meeting packet and forward the proposed Sanctions and Penalties
105 law to a public meeting to be held on October 4, 2018 – since the September 20, 2018, public
106 meeting on the proposed Law needed to be canceled due to the Kalihwisaks failing to publish the
107 public meeting notice in the September 6, 2018, edition. The e-poll was approved by David P.
108 Jordan, Jennifer Webster, Kirby Metoxen, and Ernest Stevens III. Daniel Guzman King did not
109 provide a response to the e-poll.
 - 110 ▪ On September 19, 2018, the Legislative Operating Committee entered the e-poll results into the
111 record.
 - 112 ▪ On October 4, 2018, a public meeting on the proposed law was held. Six (6) members of the
113 community attended the public meeting with three (3) people providing oral comments.
 - 114 ▪ The public comment period was then held open until October 11, 2018. Four (4) submissions of
115 written comments were received during the public comment period.
 - 116 ▪ On October 17, 2018, the Legislative Operating Committee accepted the public meeting comments
117 and public meeting comment review memorandum and deferred this item to a work meeting.
 - 118 ▪ On November 7, 2018, the Legislative Operating Committee accepted the public comment review
119 memorandum and the updated draft.
 - 120 ▪ On December 5, 2018, the Legislative Operating Committee accepted the updated legislative
121 analysis, including the replacement of page 159 in the packet; and approved the fiscal impact
122 statement memorandum and forwarded the items to the Finance Department directing that a fiscal
123 impact statement of the proposed Law be prepared for inclusion on the January 2, 2019 Legislative
124 Operating Committee meeting agenda.
 - 125 ▪ On January 7, 2019, the Legislative Operating Committee approved the adoption packet for the
126 proposed Law and forwarded to the Oneida Business Committee for inclusion on the tentatively
127 scheduled February 24, 2019, General Tribal Council meeting agenda for the General Tribal
128 Council’s consideration of adoption.
 - 129 ▪ On January 18, 2019, the Oneida Business Committee approved the adoption packet for the Law
130 for consideration at the February 24, 2019, special GTC meeting.

- 131 ▪ On January 29, 2019, the Legislative Operating Committee conducted an e-poll entitled, *Approval*
132 of the *Sanctions and Penalties Law Kalihwisaks Article*. The requested action of this e-poll was to
133 approve the article titled, “*Sanctions and Penalties Law: GTC to Consider in February*” and
134 forward the article to the Kalihwisaks for inclusion in the February 7, 2019, Kalihwisaks edition.
135 The e-poll was approved by David P. Jordan, Jennifer Webster, Daniel Guzman King and Kirby
136 Metoxen. Ernest Stevens III did not provide a response to the e-poll.
- 137 ▪ On February 6, 2019, the Legislative Operating Committee entered the results of the January 29,
138 2019, e-poll into the record.
- 139 ▪ On March 17, 2019, the proposed Law was presented to the General Tribal Council, and the General
140 Tribal Council decided to defer this Law for consideration for at least sixty (60) days for GTC to
141 have additional time to consider it and have input.
- 142 ▪ On June 19, 19, the Legislative Operating Committee approved the community outreach notice for
143 this Law with one noted change, and forwarded to the Kalihwisaks for publication in the July 3,
144 2019 Kalihwisaks edition.
- 145 ▪ On September 4, 2019, the Legislative Operating Committee approved the community outreach
146 notice and article for this Law, and forwarded to the Kalihwisaks for publication in the September
147 19, 2019, edition.
- 148 ▪ On November 15, 2019, the Legislative Operating Committee conducted an e-poll entitled,
149 *Approval of the Sanctions and Penalties Law Materials for the January 20, 2020, GTC Meeting*.
150 The requested action of this e-poll was to approve the Sanctions and Penalties law materials and
151 forward to the Oneida Business Committee for inclusion in the January 20, 2020, General Tribal
152 Council meeting packet materials. The e-poll was approved by David P. Jordan, Jennifer Webster,
153 Ernest Stevens III, and Daniel Guzman King. Kirby Metoxen did not provide a response to the e-
154 poll during the e-poll time frame.
- 155 ▪ On November 20, 2019, the Legislative Operating Committee entered the November 15, 2019,
156 *Sanction and Penalties Law material for the January 20, 2020, GTC Meeting E-Poll* results into
157 record.
- 158 ▪ On November 26, 2019, the Oneida Business Committee deferred the Sanctions and Penalties law
159 materials back to the Legislative Operating Committee for consideration of today's discussion and
160 reformatting of the request to General Tribal Council.
- 161 ▪ On December 4, 2019, the Legislative Operating Committee approved the January 20, 2020
162 General Tribal Council Meeting materials with one change and forwarded to the Oneida Business
163 Committee.
- 164 ▪ On December 4, 2019, the Legislative Operating Committee conducted an e-poll entitled,
165 *Rescission of the December 4, 2019, LOC Motion Regarding the Sanctions and Penalties Law*. The
166 requested action of this e-poll was to Rescind the December 4, 2019, Legislative Operating
167 Committee motion to “Approve the January 20, 2020, General Tribal Council meeting materials
168 and forward to the Oneida Business Committee.” The e-poll was approved by Ernest Stevens III,
169 Kirby Metoxen, Jennifer Webster, David P. Jordan. Daniel Guzman King did not provide a
170 response to the e-poll during the e-poll time frame.
- 171 ▪ On December 4, 2019, the Oneida Business Committee adopted the agenda with two (2) changes
172 [1] delete item IV.A.1. Accept the Sanctions and Penalties law materials and add to the tentatively
173 scheduled 2020 annual General Tribal Council meeting agenda; and 2) under New Business header,
174 item A. Cancel the December 26 and 27, 2019, Oneida Business Committee meetings).

- 175 ▪ On December 10, 2019, the Legislative Operating Committee conducted an e-poll entitled,
176 *Approval of January 7, 2020, Public Meeting for the Sanctions and Penalties for Elected Officials*
177 *Law*. The requested action of this e-poll was to approve the public meeting packet and forward the
178 Sanctions and Penalties for Elected Officials law to a public meeting to be held on January 7, 2020.
179 The e-poll was approved by Kirby Metoxen, Jennifer Webster, David P. Jordan, and Daniel
180 Guzman King. Ernest Stevens III did not provide a response.
- 181 ▪ On December 18, 2019, the Legislative Operating Committee entered into the record the December
182 4, 2019, E-poll results for the Sanctions and Penalties law – rescission of the December 4, 2019,
183 LOC action; and entered into the record the December 10, 2019, E-poll results for the Sanctions
184 and Penalties law – approval of a public meeting.
- 185 ▪ On January 7, 2020, the Legislative Operating Committee held a public meeting on the proposed
186 Law. One (1) person provided oral comments during the public meeting.
- 187 ▪ The public comment period was held open until January 14, 2020. Two (2) submissions of written
188 comments were received during the public comment period.
- 189 ▪ On January 15, 2020, the Legislative Operating Committee accepted the public comments and
190 public comment review memorandum and deferred these items to a work meeting for further
191 consideration.
- 192 ▪ On January 15, 2020, the Legislative Operating Committee also conducted an e-poll entitled,
193 *Approval of the Sanctions and Penalties for Elected Officials Law Updated Materials and Fiscal*
194 *Impact Statement Request Memorandum*. The requested action of this e-poll was to Approve the
195 updated public comment review memorandum, draft, legislative analysis, and fiscal impact
196 statement request memorandum, and forward the fiscal impact statement request memorandum,
197 with accompanying draft and legislative analysis, to the Finance Department directing that a fiscal
198 impact statement of the proposed Sanctions and Penalties for Elected Officials law be prepared and
199 submitted to the Legislative Operating Committee by January 20, 2020. The e-poll was approved
200 by David P. Jordan, Jennifer Webster, Ernest Stevens III, Kirby Metoxen. Daniel Guzman King
201 did not provide a response.
- 202 ▪ On January 21, 2020, the Legislative Operating Committee conducted an e-poll entitled, *Approval*
203 *of the Sanctions and Penalties for Elected Officials Law Adoption Packet*. The requested action of
204 this e-poll was to “Approve the adoption packet for the Sanctions and Penalties for Elected Officials
205 law and forward to the Oneida Business Committee for inclusion on the tentative March 2020
206 Special General Tribal Council meeting agenda.” The e-poll was approved by David P. Jordan,
207 Jennifer Webster, Ernest Stevens III, Kirby Metoxen, and Daniel Guzman King.
- 208 ▪ On January 21, 2020, the Legislative Operating Committee conducted an additional e-poll entitled,
209 *Rescission of the January 21, 2020, LOC Motion Approving the Sanctions and Penalties for Elected*
210 *Officials Law Adoption Packet*. The requested action of this e-poll was to “Rescind the January 21,
211 2020, Legislative Operating Committee motion to ‘Approve the adoption packet for the Sanctions
212 and Penalties for Elected Officials law and forward to the Oneida Business Committee for inclusion
213 on the tentative March 2020 Special General Tribal Council meeting agenda.’” The e-poll was
214 approved by David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Daniel Guzman
215 King.
- 216 ▪ On January 22, 2020, the Oneida Business Committee adopted the agenda with two (2) changes [1]
217 add item IV.C. Adopt resolution entitled Energy Infrastructure Deployment on Tribal Lands – 2020
218 Grant Proposal # DEFOA-0002168; and 2) delete item VIII.B.2. Accept the Sanctions and Penalties

- 219 for Elected Officials law materials and add to the tentatively scheduled March 16, 2020, special
220 General Tribal Council meeting agenda].
- 221 ■ On February 5, 2020, the Legislative Operating Committee entered into record the e-poll results:
222 Sanctions and Penalties for Elected Officials Law – Approve Updated Materials and Fiscal Impact
223 Statement Request; ratified the January 21, 2020, e-poll results into record; and enter into the record
224 the January 21, 2020, e-poll results for the rescission of the January 21, 2020, LOC motion
225 approving the Sanctions and Penalties for elected Officials Law adoption packet and forward to the
226 OBC for inclusion on the tentative March 2020 GTC meeting agenda.
 - 227 ■ On October 7, 2020, this Law was readed to the Active Files List for the 2020-2023 legislative
228 term.
 - 229 ■ On October 4, 2023, the Legislative Operating Committee added this Law its Active Files List for
230 the 2023-2026 legislative term.
 - 231 ■ On January 29, 2024, the Legislative Operating Committee conducted an e-poll titled, *Approval of*
232 *the March 6, 2024 LOC Community Meeting Notice*. The requested action of this e-poll was to
233 Approve the Legislative Operating Committee community meeting notice and schedule the
234 community meeting to take place on March 6, 2024. The Sanctions and Penalties law was a topic
235 for discussion included on this e-poll. This e-poll was unanimously approved.
 - 236 ■ On February 7, 2024, the Legislative Operating Committee to entered into the record the results of
237 the January 29, 2024, e-poll titled, *Approval of the March 6, 2024, LOC Community Meeting*
238 *Notice*.

239 **B. *Work Meetings.*** At the time this legislative analysis was developed, the following work meetings had
240 been held regarding the development of this Law and legislative analysis:

- 241 ■ September 6, 2017: LOC work meeting.
- 242 ■ November 1, 2017: LOC work meeting with representatives from the following boards, committees
243 and commissions: Police Commission, Trust Enrollment Committee, Election Board, Land
244 Commission, Oneida Gaming Commission, Pow-wow Committee. All boards, committees and
245 committees were invited to attend this work meeting.
- 246 ■ December 6, 2017: LOC work meeting.
- 247 ■ March 9, 2018: LOC work meeting.
- 248 ■ March 16, 2018: LOC work meeting.
- 249 ■ May 2, 2018: LRO work meeting.
- 250 ■ May 3, 2018: Community pot-luck meeting with LOC, Oneida community members, Government
251 Administrative Office, and representatives from the following boards, committees and
252 commissions: Oneida Police Commission, Oneida Nation Veterans Affair Committee,
253 Environmental Resource Board, Anna John Resident Centered Care Community Board, and
254 Gaming Commission. All boards, committees and commissions were invited to attend this meeting.
- 255 ■ May 11, 2018: LOC work meeting.
- 256 ■ May 16, 2018: LOC work meeting.
- 257 ■ July 9, 2018: Work meeting with Government Administrative Office.
- 258 ■ August 1, 2018: LOC work meeting.
- 259 ■ September 10, 2018: LOC work meeting.
- 260 ■ October 17, 2018: LOC work meeting.
- 261 ■ October 25, 2018: LOC work meeting.
- 262 ■ November 30, 2018: LOC work meeting.

- 263 ▪ December 20, 2018: Work meeting with Cultural Heritage.
- 264 ▪ January 2, 2019: LOC Work meeting.
- 265 ▪ January 24, 2019: LOC Work meeting.
- 266 ▪ February 4, 2019: LOC Work meeting.
- 267 ▪ February 6, 2019: LOC work meeting.
- 268 ▪ February 8, 2019: LOC work meeting.
- 269 ▪ February 14, 2019: LOC work meeting.
- 270 ▪ February 20, 2019: LOC work meeting.
- 271 ▪ March 1, 2019: LOC work meeting.
- 272 ▪ March 15, 2019: LOC work meeting.
- 273 ▪ March 20, 2019: LOC work meeting.
- 274 ▪ March 28, 2019: LOC work meeting.
- 275 ▪ May 1, 2019: LOC work meeting.
- 276 ▪ June 13, 2019: LOC work meeting.
- 277 ▪ July 11, 2019: LOC community outreach event at the Radisson Hotel and Conference Center prior
278 to a GTC meeting.
- 279 ▪ July 17, 2019: LOC community outreach event at the Norbert Hill Center’s Business Committee
280 Conference room.
- 281 ▪ August 9, 2019: LOC community outreach event at the Veteran’s Breakfast.
- 282 ▪ August 15, 2019: LOC community outreach event at the Oneida Farmer’s Market.
- 283 ▪ August 21, 2019: LOC work meeting.
- 284 ▪ October 7, 2019: LOC community outreach event at the Elder Services Congregate Meal Site.
- 285 ▪ October 16, 2019: LOC work meeting.
- 286 ▪ October 18, 2019: LOC community outreach event at the SEOTS building in Milwaukee.
- 287 ▪ October 31, 2019: LOC work meeting.
- 288 ▪ November 6, 2019: LOC work meeting.
- 289 ▪ November 15, 2019: LOC work meeting.
- 290 ▪ November 19, 2019: LOC work meeting.
- 291 ▪ November 20, 2019: LOC work meeting.
- 292 ▪ November 26, 2019: LOC work meeting.
- 293 ▪ December 2, 2019: LOC work meeting.
- 294 ▪ December 4, 2019: LOC work meeting.
- 295 ▪ December 9, 2019: LOC work meeting.
- 296 ▪ January 8, 2020: LOC work meeting with the Communications Department.
- 297 ▪ January 14, 2020: OBC work meeting.
- 298 ▪ January 15, 2020: LOC work meeting.
- 299 ▪ January 20, 2020: LOC work meeting.
- 300 ▪ December 6, 2023: LOC work meeting.
- 301 ▪ March 6, 2024: LOC work meeting.
- 302 ▪ March 6, 2024: LOC community outreach event at the Norbert Hill Center’s cafeteria.
- 303 ▪ March 20, 2024: LOC work session.
- 304 ▪ January 10, 2025: LOC work session with Oneida Business Committee.
- 305 ▪ February 19, 2025: LOC work session.
- 306

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

308 A. **What Qualifies as Misconduct.** The Oneida Nation expects elected officials to uphold high standards
309 of conduct. [1 O.C. 120.4-1]. Officials who engage in misconduct may be subject to sanctions and
310 penalties. [1 O.C. 120.4-2]. Under this Law, the definition of misconduct is very broad and includes
311 any of the following:

- 312 ▪ Violating the Oneida Constitution or any law, policy or rule of the Oneida Nation. [1 O.C. 120.4-
313 2(a)].
 - 314 ▪ Examples include the Code of Ethics and Conflict of Interest law.
- 315 ▪ Violating the bylaws or standard operating procedures of the entity the official serves on. [1 O.C.
316 120.4-2(b)].
- 317 ▪ Being convicted of a felony under federal or Wisconsin law, or being convicted of a crime
318 elsewhere that would be considered a felony in the state of Wisconsin or the United States. [1 O.C.
319 120.4-2(c)].

320 B. **Filing a Complaint.**

- 321 ▪ **Who Can File a Complaint?** Under this Law, any enrolled member of the Nation or employee of
322 the Nation age eighteen (18) years or older can file a complaint, so long as they have knowledge or
323 reason to believe that an official has committed misconduct. [1 O.C. 120.5-1]. Entities of the
324 Nation, such as a board, committee or commission, can also file complaints against elected
325 officials. *Id.*
- 326 ▪ **When to File Complaint?** The complaint must be filed within sixty (60) days of when the alleged
327 misconduct occurred or was discovered [1 O.C. 120.5-2].
- 328 ▪ **Contents of the Complaint.** Complaints must include the following information [1 O.C. 120.5-3]:
 - 329 ▪ Information about the official, including the official’s name and the entity they serve on.
 - 330 ▪ Information about the alleged misconduct, including date, time, location and specific
331 details.
 - 332 ▪ The specific law, policy, rule or bylaw that the official violated.
 - 333 ▪ Information about any witnesses or others with knowledge of the violation.
 - 334 ▪ Contact information of the individual filing the complaint.
 - 335 ▪ Supporting documents and any other information required by the Oneida Judiciary Rules
336 of Civil Procedure. [8 O.C. 803.5-1].
- 337 ▪ **Where to File Complaints?** Complaints against elected officials are filed with the Trial Court, with
338 is located within the Oneida Judiciary. [1 O.C. 120.5-4].
- 339 ▪ **Retaliation.** Retaliation against someone who files a complaint or cooperates with a misconduct
340 investigation is not allowed. [1 O.C. 120.5-5].

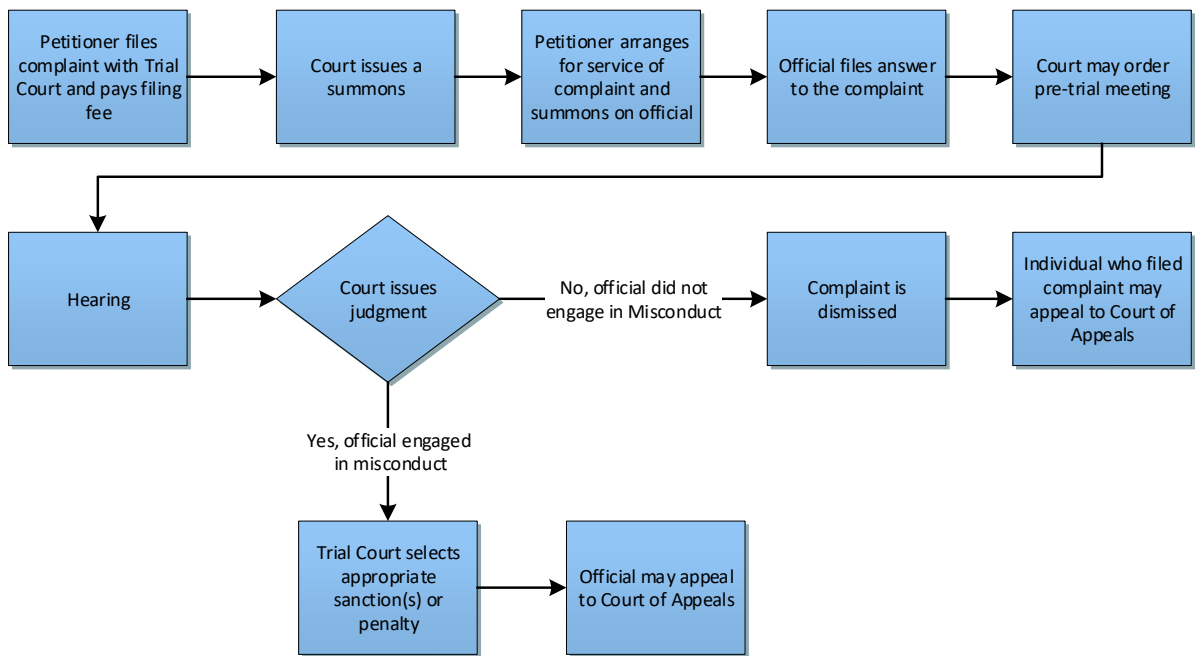
341 C. **Complaint Procedure.** Complaints against elected officials will be heard by the Nation’s Trial Court.
342 [1 O.C. 120.6-1]. The law outlines the process for how the Judiciary will hear the complaint:

- 343 ▪ **Right to an Attorney or Advocate.** Any official who has been accused of misconduct has the right
344 to be represented by an attorney or an advocate, at their own expense. [1 O.C. 120.6-2].
 - 345 ▪ **Legal Resource Center.** The Legal Resource Center law established an office, the Legal
346 Resource Center, to provide legal advice and representation to Tribal members and
347 employees in cases before the Judiciary. [8 O.C. 811.1-1].
- 348 ▪ **Burden of Proof.** The burden of proof for allegations made under this law is “clear and convincing
349 evidence.” [1 O.C. 120.6-3]. This is the same standard the Nation uses in misconduct cases against
350 judges in the Oneida Judiciary. [8 O.C. 801.12-6(c)].

- 351 ▪ This means that the person filing the complaint must provide evidence “indicating that the
352 [allegation] to be proved is highly probably or reasonably certain” [*Black’s Law*
353 *Dictionary*]. This is a greater burden than “preponderance of the evidence,” the standard
354 in most civil trials, but less than evidence “beyond a reasonable doubt,” which is used for
355 criminal trials.
- 356 ▪ *Confidentiality*. All complaints against officials of the nation will be handled confidentially, with
357 hearings and proceedings regarding the complaint closed to the public. [*1 O.C. 120.6-4*]. Records
358 of the hearings will be kept confidential. [*120.6-4(b)*]. However, the final decision of the Judiciary
359 and any sanctions and penalties imposed against an official will be public information. *Id.*
- 360 ▪ *Judiciary Law*. The Judiciary law states that proceedings of the court are open to the public
361 except for peacemaking, mediation, proceedings where the judge has safety or
362 confidentiality concerns, or “if expressly prohibited by law.” [*8 O.C. 801.4-4*].
- 363 **D. *Hearings Under Oneida Judiciary Rules of Civil Procedure***. All hearings under this law must follow
364 the Oneida Judiciary Rules of Civil Procedure. [*8 O.C. 803*]. The following is a brief overview of how
365 a civil case is processed by the Trial Court using the Oneida Judiciary Rules of Civil Procedure. For
366 more detailed information regarding the trial court process, see the Oneida Judiciary Rules of Civil
367 Procedure in the Nation’s Code of Laws.
- 368 ▪ *Petitioner Files a Complaint with the Trial Court and Pays Filing Fee*. The Trial Court has a
369 standard complaint form with instructions to fill out the complaint.
- 370 ▪ *Complaint*. At the time this analysis was drafted, the Oneida Judiciary Rules of Civil
371 Procedure require the complaint to include the full name and address of the plaintiff and
372 defendant, why the defendant is being sued, facts supporting each claim, why the trial court
373 has jurisdiction, specifically what relief is sought from the defendant, and a summons. [*8*
374 *O.C. 803.5-1*].
- 375 ▪ *Filing Fee*. The Oneida Judiciary Trial Court currently charges a fifty dollar (\$50) filing
376 fee to file a general civil case. However, individuals may request a fee waiver from the
377 court for the following reasons: unemployed, health/medical, or below poverty level.
- 378 ▪ *Summons*: A summons is a document ordering a defendant to appear before a judge. The
379 Trial Court has a standard summons form. [*8 O.C. 803.3-1(oo), 803.5-2*].
- 380 ▪ *Complaint and Summons are served on Official*. The complaint and summons must be delivered to
381 the elected official within thirty (30) days after the complaint is filed. [*8 O.C. 803.5-3*]. In addition,
382 for complaints against officials, notice must also be served to the Secretary’s office. *Id.* The
383 petitioner must provide proof to the Court that the complaint and summons were delivered to the
384 defendant within ten (10) days of delivery. [*8 O.C. 803.5-3(b)*]. If proof of service is not completed,
385 then the case will be dismissed. [*8 O.C. 803.5-3(c)*].
- 386 ▪ *Official Files an Answer*. The official responds to the complaint by filing an answer. [*8 O.C. 803.7-*
387 *2(b)*]. The official can either admit to or deny the allegations made in the complaint and provide
388 defenses to each claim made in the complaint [*8 O.C. 803.7*].
- 389 ▪ *Pre-Trial Meeting*. A pre-trial meeting may be scheduled between the judge, petitioner and
390 defendant. [*8 O.C. 803.12-1*]. The purpose for this meeting could include preparing for the trial,
391 creating a plan regarding discovery, or facilitating a settlement, such as peacemaking [*8 O.C.*
392 *803.12*].

- 393 ▪ *Hearing.* Hearings are conducted in accordance with the Oneida Judiciary Rules of Civil Procedure,
 394 which may include opening statements, presentation of the parties’ cases, rebuttals and closing
 395 statements [8 O.C. 803.38].
- 396 ▪ *Judgment.* If the Trial Court determines, by clear and convincing evidence, that there is enough
 397 evidence to substantiate the allegations of misconduct by the official, then the Trial Court will
 398 impose any sanctions and penalties that they deem appropriate. [1 O.C. 120.6-5]. If the Trial Court
 399 does not find there is clear and convincing evidence to support the allegations, the complaint will
 400 be dismissed. *Id.*
- 401 ▪ *Appeals.* Both the official accused of misconduct and the individual who filed the complaint have
 402 the right to appeal the decision of the Trial Court to the Court of Appeals. [1 O.C. 120.6-6; 8 O.C.
 403 803.39-1]. The appeal must be filed with the Court of Appeals in accordance with the Oneida
 404 Judiciary Rules of Appellate Procedure. *Id.*
 - 405 ▪ *Timeline for Appeal.* Appeals of judgments of the Trial Court must be filed with the Court
 406 of Appeals within thirty (30) days after the judgment was rendered. [8 O.C 805.5-2(a)].

409 **Chart 2. Complaint Process Against Elected Officials – Overview of Oneida Judiciary Rules of Civil**
 410 **Procedure.**



- 412
- 413
- 414 **E. Sanctions and Penalties.** This Law includes a list of sanctions and penalties that may be imposed on
 415 an official for misconduct in office. [1 O.C. 120.4-1, 120.7-2]. The Trial Court is responsible for
 416 imposing sanctions and penalties on an elected official. [1 O.C. 120.7-3].
- 417 ▪ *Conditional Penalties.* Sanctions and penalties may be imposed on a conditional basis. [1
 418 O.C.120.7-4]. For example, an official could be ordered to make a public apology and attend
 419 mandatory training, or otherwise face suspension.

- 420 ■ *Failure to Comply.* If an official fails to comply with a sanction or penalty imposed against them,
421 that official can face additional sanctions as a result of additional misconduct complaints under this
422 Law. [1 O.C. 120.7-6]. An example would be an official failing to pay a fine, failing to attend
423 mandatory training or violating the terms of their suspension .
424

425 **Chart 3. List of Potential Sanctions and Penalties for Elected Officials.**

Potential Sanctions and Penalties:
<ul style="list-style-type: none">■ Verbal Reprimand■ Public Apology■ Written Reprimand■ Suspension■ Restitution■ Fines■ Loss of Stipend■ Mandatory Training■ Removal, in accordance with Removal Law

- 426
- 427
- 428 ■ **Verbal Reprimand.** During an Oneida Business Committee or General Tribal Council meeting,
429 the Nation’s chairperson will read the following statement: [Insert name of official] who serves on
430 [Insert name of entity] is receiving this reprimand because they have been found by the Nation’s
431 Judiciary to have engaged in misconduct. High standards of conduct amongst officials of the Nation
432 are essential to the conduct of government. [Insert name of official’s] behavior did not rise to the
433 high standards of conduct that is expected of the Nation’s elected officials. The following are the
434 findings from the Trial Court regarding [Insert name of official’s] misconduct: [identify the
435 judicial findings regarding the misconduct.] Any future misconduct may result in the imposition of
436 additional sanctions or penalties. [1 O.C. 120.7-2(a)].
- 437 ■ **Public Apology.** An official may be ordered to make a public apology at an Oneida Business
438 Committee or General Tribal Council meeting. [1 O.C. 120.7-2(b)]. The apology is required to
439 identify the judicial findings regarding the official’s misconduct and include a “clear and
440 unambiguous” apology. *Id.*
- 441 ■ **Written Reprimand.** The Judiciary Trial Court may publish a written reprimand in the Nation’s
442 official media outlets. [1 O.C. 120.7-2(c)]. Resolution BC-02-22-17-B, *Identifying Official Oneida*
443 *Media Outlets*, identifies the Nation’s official media outlets as the Oneida Nation website and the
444 Kalihwisaks newspaper. The written reprimand will include the same information as a verbal
445 reprimand. [1 O.C. 120.7-2(c)(1)].
- 446 ■ **Suspension.** The Trial Court may suspend part-time officials for up to two (2) meetings. [1 O.C.
447 120.7-2(d)]. Full-time officials, such as members of the Oneida Business Committee or Oneida
448 Gaming Commission, may be suspended for up to fifteen (15) business days. *Id.* During a
449 suspension, the official cannot attend meetings, trainings, or conferences. [1 O.C. 120.7-2(d)(1)(A)-
450 (B)]. The official also cannot vote or perform work for the entity. [1 O.C. 120.7-2(d)(1)(C)-(D)].
451 In addition, the official cannot earn any stipends, salary, or mileage during the suspension. [1 O.C.
452 120.7-2(d)(1)(E)].
 - 453 ■ **Multiple Suspensions on One Entity.** If multiple officials on the same entity are suspended
454 at the same time, the suspensions may be imposed on a staggered basis so that the business

455 of the Nation is not interrupted. [1 O.C. 120.7-2(d)(3)]. For example, if multiple members
456 of the Oneida Business Committee are suspended, each member could be suspended one
457 at a time on a staggered basis.

458 ■ **Restitution.** An official can be ordered to pay restitution, which means paying back any improperly
459 received benefit, such as returning funds or paying to replace damaged property. [1 O.C. 120.7-
460 2(e)]. The point of restitution is to make someone whole.

461 ■ **Fines.** An official can be ordered to pay a fine for each act of misconduct. [1 O.C. 120.7-2(f)].
462 Unlike restitution, a fine is a punishment. The maximum amount of each fine is two thousand five
463 hundred dollars (\$2,500). *Id.*

464 ■ **Fine Process.** All fines are paid to the Trial Court and deposited into the Nation's General
465 Fund. [120.7-2(f)(1)]. Officials must pay their fine within ninety (90) days after the fine is
466 issued or upheld on final appeal. [1 O.C. 120.7-2(f)(3)]. If the fine is not paid on time, the
467 Nation may collect the money through garnishment or attachment of the official's per
468 capita payment. *Id.*

469 ■ **Community Service Alternative.** An official can complete community service to make up
470 all or part of their fine. [1 O.C. 120.7-2(f)(2)]. The rate earned for community service is
471 the Nation's minimum wage rate. The Nation currently allows community service for fines
472 issued in the Hunting, Fishing and Trapping law and Curfew law for examples. [4 O.C.
473 406.10-5(a), 3 O.C. 308.7-1(b)].

474 ■ **Loss of Stipend.** An official may lose their stipend for up to two (2) meetings. [1 O.C. 120.7-2(g)].
475 Members of elected boards may receive up to twenty-four (24) meeting stipends per year, so this
476 could amount to the loss of approximately one (1) month's stipends for a member of a board that
477 meets twice monthly [1 O.C. 105.13-3(b)].

478 ■ **Mandatory Training.** An official can be ordered to complete a mandatory training program to
479 address their behavior. [1 O.C. 120.7-2(h)]. Examples include anger management or sexual
480 harassment training.

481 ■ **Removal.** The Trial Court can recommend that the removal process be initiated for an official in
482 accordance with the Removal Law. [1 O.C. 120.7-2(i)]. However, this would only be a
483 recommendation and identification that the standards for removal have been met. The Removal
484 Law provides a strict process that must be followed to remove elected officials. [1 O.C. 104].

485 ■ **Removal Law Process.** In order to remove an elected official, an eligible voter must file a
486 petition with the Secretary signed by at least fifty eligible voters or thirty percent (30%) of
487 the vote cast in the previous general election, whichever is greater. [1 O.C. 104.5-1]. For
488 example, the number of votes cast in the 2017 general election was one thousand six
489 hundred and twelve (1,612), so the number of signatures needed to initiate removal is
490 approximately four hundred and eighty-four (484). Then, the Judiciary conducts a
491 preliminary review to determine whether there are sufficient grounds for removal. [1 O.C.
492 104.6-1]. If sufficient grounds exist, the Judiciary holds a hearing. [1 O.C. 104.7]. If the
493 Judiciary determines that sufficient grounds for removal has been proven by clear and
494 convincing evidence, the findings are forwarded to the Nation's Chairperson, who
495 schedules a General Tribal Council meeting. [1 O.C. 104.7-3, 104.8-1]. At the General
496 Tribal Council meeting, an elected official may be removed from office after a two-thirds
497 (2/3) majority vote. [1 O.C. 104.8-3].

- 498 **F. *Factors in Determining Appropriate Sanction and/or Penalty.*** The Trial Court may consider the
499 following when deciding which sanction or penalty to impose:
- 500 ▪ How severe the misconduct was, whether it was intentional, and how likely the official is to repeat
501 the misconduct.
 - 502 ▪ The damage to the finances or reputation of the Nation, the entity, or any person or organization.
 - 503 ▪ Whether the official has expressed remorse and is willing to take steps to correct the harm done.
 - 504 ▪ Whether any prior complaints have been filed against the official. For example, whether this is the
505 first complaint against the official or represents a pattern of behavior. [1 O.C. 120.7-3].
- 506 **G. *Civil Liability and Criminal Prosecution.*** In addition to the sanctions and penalties in this law, an
507 official who commits misconduct may also experience other consequences. [1 O.C. 120.7-5]. These
508 include:
- 509 ▪ Removal from office in accordance with the Removal law. [1 O.C. 120.7-5(a)].
 - 510 ▪ Criminal prosecution, if the official violated a criminal law. [1 O.C. 120.7-5(b)]. For example,
511 criminal charges for theft or violent acts.
 - 512 ▪ Civil liability, in accordance with any applicable law of any jurisdiction. [1 O.C. 120.7-5(c)]. For
513 example, a lawsuit for damages.
 - 514 ▪ Any other penalties listed in another law of the Oneida Nation. [1 O.C. 120.7-5(d)].
 - 515 ▪ For example, a violation of the Technology Resources law may result in loss of access to
516 the Nation’s computer resources. [2 O.C. 215.10-1].
- 517 **H. *Effect of Resignation by an Official.*** If an official resigns from office after a complaint has been filed,
518 that complaint will still be investigated, and sanctions and penalties may still be pursued. [1 O.C.120.8].
519 Resigning from office does not end or prevent an investigation.
- 520 **I. *Record of Conduct.*** A record of conduct for each official will be maintained by the Judiciary. [1 O.C.
521 120.9-1]. The record of conduct maintained for each official will include copies of complaints filed
522 against the official, recordings and transcripts from any hearings or proceedings, outcomes of the
523 complaints, and any sanctions and penalties the official received. [1 O.C. 120.9-2]. This record is
524 required to be maintained for at least seven (7) years. [1 O.C. 120.9-3].
- 525 ▪ *Public Access to Record of Conduct.* The record of conduct maintained by the Judiciary will only
526 be made available for review to the Judiciary. [1 O.C. 120.9-1]. The purpose of the record of
527 conduct is so that the Trial Court can review previous complaints against the official when
528 determining a potential sanction or penalty. [1 O.C. 120.7-3(h)].
 - 529 ▪ *Public Access to Judiciary Decisions.* However, the decisions of the Judiciary regarding a
530 complaint against an elected official and any sanctions and penalties imposed against an official
531 will be public information. [1 O.C. 120.6-4(b)].

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

- 534 **A. *References to the Other Laws of the Nation:*** The following laws of the Nation are referenced in this
535 law. This law does not conflict with any of the referenced laws.
- 536 ▪ *Oneida Judiciary Rules of Civil Procedure.* The Oneida Judiciary Rules of Civil Procedure governs
537 all civil actions that fall under the jurisdiction of the Nation. [8 O.C. 803.1-1]. The Oneida Judiciary
538 Rules of Civil Procedure provides a consistent set of rules governing the process for civil claims,
539 in order to ensure equal and fair treatment to all persons who come before the Trial Court to have
540 their disputes resolved. [8 O.C. 803.1-2].

- 541 ▪ Complaints against an official shall be filed with the Nation’s Trial Court in accordance with
542 the Oneida Judiciary Rules of Civil Procedure. [1 O.C. 120.5-4].
- 543 ▪ *Rules of Appellate Procedure.* The Rules of Appellate Procedure govern the procedure in all actions
544 and proceedings in the divisions that make up the Court of Appeals within the Judiciary that fall
545 under the jurisdiction of the Nation. [8 O.C. 805.1-1]. The Rules of Appellate Procedure are to be
546 liberally construed to ensure a speedy, fair., and inexpensive determination of every appeal. [8 O.C.
547 805.1-2].
- 548 ▪ Appeals of the Trial Court’s decision shall be filed pursuant to the Nation’s Rules of Appellate
549 Procedure. [1 O.C. 120.6-6].
- 550 ▪ *Garnishment Law.* The Garnishment law exercises the authority of the Nation to provide an
551 effective mechanism for creditors to access an employee’s income for reduction of personal debt.
552 [2 O.C. 2010.1-1]. It is the policy of the Garnishment law to afford all individuals due process. [2
553 O.C. 2010.1-2].
- 554 ▪ If an official is ordered to pay a fine in accordance with this law and does not pay according to
555 the deadline, the Trial Court may seek to collect that fine through the Nation’s garnishment
556 process [120.7-2(f)(3)].
- 557 ▪ *Per Capita Law.* The purpose of the Per Capita law is to specify the procedure to be followed in
558 the event that per capita payments are distributed by the Nation; and to clearly state the
559 responsibilities of the various Oneida entities in the distribution or maintenance of any such per
560 capita payment. [1 O.C. 123.1-1].
- 561 ▪ If an official is ordered to pay a fine in accordance with this law and does not pay according to
562 the deadline, the Trial Court may seek to collect that fine through the Nation’s per capita
563 attachment process [1 O.C. 120.7-2(f)(3)].
- 564 ▪ *Removal Law.* The purpose of the Removal law is to govern the removal of persons elected to
565 serve on boards, committees and commissions of the Nation. [1 O.C. 104.1-1]. It is the policy of
566 the Removal law to provide an orderly and fair process for the removal of persons elected to serve
567 on boards, committees and commissions. [1 O.C. 104.1-2].
- 568 ▪ The Trial Court may recommend that the process for removing an elected official as contained
569 in the Nation’s laws and/or policies governing removal be initiated as a sanction for
570 misconduct. [1 O.C. 120.7-2(i)].
- 571 ▪ The imposition of sanctions and/or penalties in accordance with this law does not exempt an
572 official from individual liability for the underlying misconduct, and does not limit any penalties
573 that may be imposed in accordance with other applicable laws, such as removal in accordance
574 with the Nation’s laws and/or policies governing removal. [1 O.C. 120.7-5].

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

577 **A. Due Process.** Officials accused of misconduct have the right to be represented by an attorney or
578 advocate. [1 O.C. 120.6-2]. Officials also have the right to submit a written response to the complaint, and
579 an opportunity to appear at the investigatory hearing to answer the allegations, provide witness testimony,
580 documents and evidence on their behalf. [8 O.C. 803]. Complaints against officials must be proven by clear
581 and convincing evidence. [1 O.C. 120.6-3].

582
583

584 **SECTION 8. OTHER CONSIDERATIONS**

- 585 **A. *Complaints against Judiciary.*** The Judiciary law already contains a process for the reprimand,
 586 suspension, and removal of judges for willful misconduct in office, including a hearing and complaint
 587 procedure. [8 O.C. 801.12]. Therefore, this law does not apply to members of the Judiciary. [1 O.C.
 588 120.1-1(a)].
- 589 **B. *Judiciary Conflicts of Interest.*** The Oneida Tribal Judiciary Canons of Judicial Conduct requires a
 590 Judge to withdraw from any matter where the Judge has or could be perceived to have a conflict of
 591 interest. [8 O.C. 802.2-2]. Violating the Oneida Tribal Judiciary Canons of Judicial Conduct would be
 592 grounds for reprimand under the Nation’s Judiciary law
- 593 **C. *Complaints Against Appointed Officials.*** This law applies to elected officials only. Appointed officials
 594 are appointed by the Oneida Business Committee in accordance with the Boards, Committees and
 595 Commissions law and serve at the Oneida Business Committee’s discretion. [1 O.C. 105.7]. If an
 596 appointed official commits misconduct in office, termination of appointment may be recommended by
 597 a member of the Oneida Business Committee, or by the entity the official serves on. [1 O.C. 105.7-4].
 598 An appointed official may have their appointment terminated by a two-thirds (2/3) majority vote of the
 599 Oneida Business Committee [1 O.C. 105.7-4(a)].
- 600 **D. *Code of Ethics.*** Most other tribal, municipal, and state governments place sanctions and penalties
 601 within their Code of Ethics law. This makes sense, as the Code of Ethics and Sanctions and Penalties
 602 are closely related. The Code of Ethics is currently on the LOC’s Active Files List for potential
 603 amendments. Updating the Code of Ethics would provide additional guidance to elected officials,
 604 individuals filing complaints, and the Judiciary when they begin hearing complaints under this law.
- 605 **E. *Comparison to Other Nations.*** Research of other tribal nations indicate that there are many different
 606 processes for sanctions and penalties of public officials. There is no uniform standard used by all tribal
 607 governments. Examples of other sanctions and penalties processes are provided for information:

608 **Chart 4. Sanctions and Penalties Process of other Tribal Nations**

Tribe	Where Complaints Are Filed	Who Investigates or Hears the Complaint	Who Decides the Sanction or Penalty
Oneida Nation (proposed)	Judiciary	Judiciary	Judiciary
Siletz	Tribal Council*	Ad Hoc Committee or Special Advisor appointed by Tribal Council*	Tribal Council*
Ho Chunk	Judiciary	Judiciary	President
Rosebud Sioux	Ethics Commission, appointed by Tribal Council*	Ethics Commission, appointed by Tribal Council*	Tribal Council*
Skokomish	Ethics Officer, appointed by Tribal Council*	Ethics Officer, appointed by Tribal Council*	Chairman

609 *Note that “Tribal Council” refers to an elected body similar to the Oneida Business Committee.
 610

- 611 **F. *Number of Potential Complaints.*** Since the Nation currently has no formal sanctions and penalties
 612 process, it is not possible to predict the number of complaints that may be filed against elected officials.

613 ▪ *Conclusion:* Given the uncertainty regarding the number of potential complaints, the Judiciary
614 should be prepared to possibly process a large number of complaints upon passage of this law.

615 **G. *Impact of Suspension on Full-Time Officials.*** Members of the Oneida Business Committee and
616 Oneida Gaming Commission are full-time elected officials. Therefore, suspension of these officials
617 would impact salaries, benefits such as health insurance, and access to workplaces. The Human
618 Resources Department reports that they have a suspension procedure in place for employees of the
619 Nation, and that this procedure could be applied or modified for suspension of full-time officials.

620 ▪ *Conclusion:* Since notifications of suspension go to the Human Resources Department, it is
621 suggested that the Human Resources Department develop a process should suspensions of full-
622 time Oneida Business Committee members or Oneida Gaming Commissioners occur.

623 **H. *Fiscal Impact.*** Under the Legislative Procedures Act, a fiscal impact statement is required for all
624 legislation except emergency legislation [*1 O.C. 109.6-1*]. Oneida Business Committee resolution BC-
625 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*
626 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete
627 a fiscal impact statement at various stages of the legislative process, as well as timeframes for
628 completing the fiscal impact statement.

629 ▪ *Conclusion.* A fiscal impact statement for an earlier draft of this law was prepared by the Finance
630 Department on December 27, 2018. An updated fiscal analysis was prepared on January 20, 2020.
631 Please see the fiscal impact statements for further information.

632



LEGISLATIVE OPERATING COMMITTEE

COMMUNITY WORK SESSION

WEDNESDAY, APRIL 2
12:00PM - 1:30PM
NORBERT HILL CENTER
BC CONFERENCE ROOM
N7210 Seminary Rd, Oneida, WI 54155



Please join the Legislative Operating Committee (LOC) for a community work session to review the following proposed law and gather input regarding this new law for the Nation:

SANCTIONS AND PENALTIES LAW

The purpose of the Sanctions and Penalties law is to establish a consistent set of sanctions and penalties that may be imposed upon elected officials of the Nation for misconduct in office in order to provide an opportunity for the official to take corrective action to address the misconduct and promote accountability and improved performance of the official.

A copy of the proposed Sanctions and Penalties law can be found at <https://oneida-nsn.gov/government/register/public-meetings/> Register at LOC@oneidanation.org for a Microsoft Teams invite. The LOC encourages everyone to come participate in the legislative process by providing comments, suggestions, and questions that the LOC can consider and utilize in the development of this new law for the Nation.

Food from the Oneida Cannery will be provided during this community event.



LEGISLATIVE OPERATING COMMITTEE MEMBERS

Kirby Metoxen
LOC Vice Chairman



Jameson Wilson
LOC Chairman



Jennifer Webster
LOC Member



Marlon Skenandore
LOC Member



Jonas Hill
LOC Member



Memo

To: Mark Powless, General Manager

From: Trina Schuyler, Child Support Director

cc: Tina Jorgensen, GSD Director

Date: 1-14-25

Re: GWE Law Amendment Needed

The General Welfare Exclusion Law currently prohibits the garnishment or assignment of tribal member's general welfare assistance payments for child support arrears. Previous to the Covid-19 pandemic tribal per capita was garnished for child support arrears, until the General Welfare Exclusion law was adopted through emergency on 8-12-20 and then fully adopted on 12-8-21. According to 1001.1-2, it is the policy of the Nation to provide assistance to members through approved programs that promote the general welfare of the Nation. This law provides a framework for approved programs to follow to ensure compliance with the General Welfare Exclusion, 26 U.S.C. §139E, and applicable Internal Revenue Service regulations or revenue procedures including I.R.S. Rev. Proc. 2014-35.

The Oneida Nation Child Support law 704.1-1(a) was created to: (a) Establish the legal responsibility of parents to provide financially for their children's **general well-being**.

The following shows the amount paid to families from per capita attachment for the past five years before the General Welfare Law was adopted.

2015-\$712,319

2016-\$511,842

2017-\$652,370

2018-\$628,274

2019-\$642,202

Totaling **\$3,147,007** that went directly to care for Oneida Nation children.

Since the General Welfare Law was established that prohibited attachment for child support arrears, the result has been **\$0** for payments paid to families for child support arrears from the General Welfare distribution payments. Without withholding the General Welfare payment for these children, families are finding it much harder to provide for these children. This has proven detrimental to these families as often; this was the only payment received all year.

As of September 30, 2024, Oneida Nation Child Support has 2,815 cases with 54% having arrears owed totaling \$14,204,903.

Of these 1,526 (54%) cases, each have at least one child. Exact number of children per case is being gathered at this time, however projections suggest at least 2,000 children are negatively affected each year from not being able to intercept the General Welfare payments.

The agency is not requesting to include the GWE payment as income for child support calculation, only to re-direct distributions to care-givers whom arrears are owed for the general welfare of our Nation's children.

March 2025

March 2025

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April 2025

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MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<p>Mar 3</p> <p>11:00am Vendor Licensing - work meeting (Microsoft Teams Meeting; BC_Exec_Conf_Room) - Carolyn A. Salutz</p>	<p>4</p> <p>9:00am Higher Education Grant Law/Rule (BC_Exec_Conf_Room) - Grace L. Elliott</p>	<p>5</p> <p>8:30am LOC Prep Meeting (Microsoft Teams Meeting) - Clorissa N.</p> <p>9:00am Legislative Operating Committee Meeting (Microsoft</p> <p>5:30pm LOC COMMUNITY</p>	<p>6</p>	<p>7</p>
<p>10</p>	<p>11</p>	<p>12</p>	<p>13</p>	<p>14</p> <p>12:15pm PUBLIC MEETING: Oneida Nation Law Enforcement Ordinance Amendments and Landlord Tenant Amendments</p>
<p>17</p>	<p>18</p>	<p>19</p> <p>8:30am LOC Prep Meeting (Microsoft Teams</p> <p>9:00am Legislative Operating Committee</p> <p>1:30pm Public Use of Tribal Land Law</p> <p>3:00pm LOC Work Session</p>	<p>20</p> <p>3:00pm Indian Preference in Contracting Law Amendments (Microsoft Teams Meeting) - Clorissa N. Leeman</p>	<p>21</p>
<p>24</p>	<p>25</p>	<p>26</p>	<p>27</p>	<p>28</p>
<p>31</p> <p>10:00am Recycling and Solid Waste - work meeting (Microsoft Teams Meeting) - Carolyn A. Salutz</p>	<p>Apr 1</p>	<p>2</p>	<p>3</p>	<p>4</p>