

ONEIDA NATION PUBLIC MEETING NOTICE

THURSDAY May 14, 2026, 12:15 pm

Norbert Hill Center-Business Committee Conference Room
N7210 Seminary Rd., Oneida, Wisconsin

Find Public Meeting Materials at

[Oneida-nsn.gov/government/register/public meetings](http://Oneida-nsn.gov/government/register/public%20meetings)

Send Public Comments to

LOC@oneidanation.org

Ask Questions here

LOC@oneidanation.org

920-869-4417



PARDON AND FORGIVENESS LAW AMENDMENTS

The purpose of the Pardon and Forgiveness law is to establish a fair, efficient, and formal process through which individuals may seek relief from certain barriers created by past actions.

The Pardon and Forgiveness law amendments will:

- ◆ Create an exception allowing applicants with outstanding penalties or fines to proceed when the application is for employment purposes and the applicant meets the requirements for a conditional waiver.
- ◆ Align the Law's policy with the principals of the Good Mind.
- ◆ Establish the full conditional waiver framework, including:
 - ◆ Waiver applies only to employment eligibility;
 - ◆ Outstanding penalties/fines remain fully enforceable;
 - ◆ Mandatory payment agreement (18 months or extended to 3 years if >\$5,000);
 - ◆ Requirements for Pardon and Forgiveness Committee recommendation;
 - ◆ Good-cause exception for missed payments;
 - ◆ Grounds for rescission for non-payment.
- ◆ Allow an applicant proceeding under the conditional waiver (employment-only) to submit proof of a Pardon and Forgiveness Committee approved payment agreement instead of proof of full payment.
- ◆ Clarify that a pardon or forgiveness does not affect restriction imposed under Oneida's Safe Neighborhood's law, in addition to existing sex-offender requirements.
- ◆ Authorize the OBC to rescind a pardon/forgiveness when a person fails to meet a payment condition, with notice and a 30 day cure period;
- ◆ Clarify that rescission is an eligibility action, not an employment action.



Individuals may attend the public meeting for the proposed amendments to the Pardon and Forgiveness law in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact LOC@oneidanation.org.

PUBLIC COMMENT PERIOD CLOSSES THURSDAY MAY 21, 2026

During the public comment period, anyone may submit written comments, questions or input. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.

For more information on the proposed amendments to the Pardon and Forgiveness law please review the public meeting packet at [oneida-nsn.gov/government/register/public meetings](http://oneida-nsn.gov/government/register/public%20meetings).



PARDON AND FORGIVENESS LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Legislation or Amendments	<ul style="list-style-type: none"> ▪ Create an exception allowing applicants with outstanding penalties/fines to proceed only if the application is for employment purposes and the applicant meets the requirements for a conditional waiver under 126.6-3. [1 O.C. 126.6-2(d)]. ▪ Establish the full conditional waiver framework, including: <ul style="list-style-type: none"> ▪ waiver applies only to employment eligibility; ▪ outstanding penalties/fines remain fully enforceable; ▪ mandatory payment agreement (18 months or extended to 3 years if >\$5,000); ▪ requirements for Pardon and Forgiveness Committee recommendation; ▪ good-cause exception for missed payments; ▪ grounds for rescission for non-payment. [1 O.C. 126.6-3]. ▪ Allow an applicant proceeding under the conditional waiver (employment-only) to submit proof of a Pardon and Forgiveness Committee-approved payment agreement instead of proof of full payment. [1 O.C. 126.6-4(a)(12; 126.6-4(b)(11)]. ▪ Clarify that a pardon or forgiveness does not affect restrictions imposed under the Nation’s Safe Neighborhoods law, in addition to existing sex-offender requirements. [1 O.C. 126.9-1(c)]. ▪ Require the Oneida Secretary’s Office to monitor payment-related conditions and provide quarterly reports to the Pardon and Forgiveness Committee; and clarify that monitoring is solely for eligibility enforcement, not decision-making. [1 O.C. 126.9-4]. ▪ Authorize the OBC to rescind a pardon/forgiveness when a person fails to meet a payment condition under 126.6-3, with notice and a 30-day cure period; reinstates all prior ineligibilities. Includes subsections specifying: <ul style="list-style-type: none"> ▪ rescission is an eligibility action, not an employment action; ▪ notice must be issued per 126.10-4. [1 O.C. 126.10-7].
Purpose	<p>The purpose of this law is to establish a fair, efficient, and formal process through which individuals may seek relief from certain barriers created by past actions. Specifically, the Law provides a process for:</p> <ul style="list-style-type: none"> ▪ Tribal members to receive pardons for criminal convictions; ▪ Tribal members to receive forgiveness for acts that make them ineligible for Tribal housing or other Tribal benefits; and ▪ Tribal and non-Tribal individuals to receive forgiveness for acts that make them ineligible for Tribal employment, occupational licenses, certifications, permits, housing, or other Tribal benefits [1 O.C. 126.1-1(a)].

	<p>The Law further aims to ensure that decisions on pardons and forgiveness are made based on demonstrated rehabilitation, trustworthiness, and commitment to lawful behavior. It clarifies that a pardon or forgiveness does not override obligations imposed by other jurisdictions and does not permit employment in occupations where individuals are legally disqualified [1 O.C. 126.1-2].</p>
<p>Affected Entities</p>	<p>Oneida Business Committee; Office of the Oneida Secretary (records); Pardon and Forgiveness Committee, Oneida community members.</p>
<p>Related Legislation</p>	<p>Personnel, Policies, and Procedures; Safe Neighborhoods.</p>
<p>Enforcement</p>	<ul style="list-style-type: none"> ▪ Individuals may be automatically ineligible if they are under investigation, appealing a termination, incarcerated, or have outstanding penalties/fines, unless they qualify for the employment-only conditional waiver under 126.6-3 [1 O.C. 126.6-2]. ▪ Applications may be denied, returned, or removed if incomplete, and misrepresentation can result in denial or later rescission of a granted pardon or forgiveness [1 O.C. 126.6-5–6]. ▪ Failure to appear at a hearing allows the Committee to postpone action or recommend denial if documentation is not provided within ten (10) days [1 O.C. 126.8-3]. ▪ After relief is granted, the OBC or Committee may impose conditions (e.g., restitution, community service) and restrictions on employment or other benefits, and applicants must comply to retain restored eligibilities [1 O.C. 126.9-2–3]. ▪ The Secretary’s Office must monitor compliance with payment conditions and submit quarterly reports under the new monitoring requirement [1 O.C. 126.9-4]. ▪ The OBC may rescind a pardon, forgiveness, or conditional waiver for failure to meet payment obligations, reinstating all prior ineligibilities after notice and a 30-day cure period [1 O.C. 126.10-7].
<p>Due Process</p>	<p>The Pardon and Forgiveness Law provides several due process protections to ensure that applicants receive fair treatment throughout the pardon or forgiveness process. Applicants have the right to a public hearing with at least thirty (30) days’ notice sent by certified mail and posted in prominent locations, giving them adequate time to prepare [1 O.C. 126.8-1]. They also have the ability to request alternate arrangements, such as appearing by video conference, when residing outside Wisconsin or when attendance is otherwise impractical—thus ensuring access to participation even when physical presence is difficult [1 O.C. 126.8-2]. During the hearing, applicants may provide oral testimony, submit documents, and respond to questions; victims and witnesses may also participate directly or through notarized statements, supporting transparency and full consideration of relevant information [1 O.C. 126.8-4]. Due process is also reinforced by allowing applicants ten (10) days to provide documentation if they miss a hearing for legitimate reasons, preventing automatic denial without an opportunity to be heard [1 O.C. 126.8-3]. After the hearing, due process continues through structured, accountable decision-making requirements. The Committee must deliberate in executive session and issue a formal written recommendation explaining the reasons for approval or denial, which is forwarded to the Oneida Business Committee (OBC) with all supporting materials [1 O.C. 126.8-5]. The OBC must then make the final decision by resolution in open session, including the reasons for the decision and a listing of the specific crimes pardoned or acts forgiven, ensuring a clear and reviewable record [1 O.C. 126.10-3]. Applicants must receive written notice of the final</p>

	decision within ten (10) business days [1 O.C. 126.10-4]. Even in rescission proceedings—added through these proposed amendments—individuals are entitled to notice and thirty (30) days to provide proof of compliance before the OBC may revoke a pardon, forgiveness, or conditional waiver, preserving fundamental fairness before any loss of eligibility occurs [1 O.C. 126.10-7]. Collectively, these provisions embed procedural fairness at each stage and ensure that decisions affecting rights and opportunities are made transparently, with meaningful opportunities for participation.
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement prepared in accordance with the Legislative Procedures Act has not yet been requested.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. **Background.** The Pardon and Forgiveness law was previously adopted and amended as follows: Resolution BC-05-25-11- A and amended by Resolution BC-01-22-14-B.
- B. **Request for Amendments.** The Pardon and Forgiveness law was added to the Active Files List on February 18, 2026 at the request of the Oneida Business Committee.

SECTION 3. CONSULTATION AND OUTREACH

- Representatives from the following departments or entities participated in the development of the amendments to this Law and legislative analysis:
 - Pardon and Forgiveness Committee and
 - Oneida Law Office;
- The following laws of the Nation were reviewed in the drafting of this analysis:
 - Personnel, Policies, and Procedures, and
 - Safe Neighborhoods.

SECTION 4. PROCESS

- A. The amendments to this Law comply with the process set forth in the Legislative Procedures Act.
- On February 18, 2026, the Legislative Operating Committee added this Law to its Active Files List for amendments.
- B. At the time this legislative analysis was developed the following work meetings had been held regarding the development of the amendments to this law:
- February 25, 2026: LRO work session with Oneida Law Office.
 - February 27, 2026: LRO work session with Oneida Law Office.
 - March 4, 2026: LOC work session.
 - Additionally, several email communications with the Pardon and Forgiveness Committee occurred between February 23, 2026 and February 26, 2026.

SECTION 5. CONTENTS OF THE LEGISLATION

- **Definitions.** The proposed amendments add and expand several definitions to support the new conditional-waiver and rescission procedures. Definitions are added or amended for the following

terms: Conditional Waiver [1 O.C. 126.3-1(d)], Employment Purposes [1 O.C. 126.3-1(j)], Outstanding Penalties, Fines, or Other Debts (expanded) [1 O.C. 126.3-1(o)] and Rescind [1 O.C. 126.3-1(r)].

- *Effect.* Updating and expanding these definitions clarifies key concepts governing eligibility, outstanding debts, employment-only applications, and rescission. These changes enhance clarity in the Law, reduce ambiguity, and ensure consistent interpretation. They also support the new conditional-waiver process by clearly defining the terms used to determine when an applicant may be considered despite outstanding financial obligations. Definitions strengthen procedural transparency and ensure parties understand the meaning and implications of new mechanisms introduced in later sections.
- **Good mind and Sacred Trust Framework.** The proposed amendments incorporate the Good Mind teachings directly into the ethical foundation of the law. These teachings — including Kahletsyaállésła (encouraging the best in each other), Kanolukhwát[^]sla (compassion and identity), Kaʔnikuhli.yo (openness of spirit), Kaʔtshatst[^]sla (strength of vision), Kalihwi.yo (good words), Twahwahtsilayá (we are all family), and Yukwatsistayá (the fire within) — are identified as core expectations for OBC members. [1 O.C. 126.1-2].
 - *Effect.* This change re-roots the Code in Oneida cultural teachings, reinforcing that ethical leadership is not merely procedural but spiritual, relational, and reflective of ancestral values. It supports community understanding that leaders are called to uphold balance, compassion, truth, and unity when carrying out their responsibilities.
- **Eligibility Exception for Employment-Only Applications.** The proposed amendments create a narrow eligibility exception allowing applicants with outstanding penalties or fines to proceed when the application is made solely for employment purposes and the individual qualifies for a conditional waiver. [1 O.C. 126.6-2(d)].
 - *Effect.* This amendment allows individuals whose only barrier to employment eligibility is unpaid financial obligations to have their applications considered, provided they enter an approved payment plan under Section 126.6-3. This improves fairness by recognizing that individuals may be employable even if they have outstanding debts, while still requiring accountability for repayment. The effect is not to forgive any fines but to allow the employment review to proceed under structured conditions.
- **Creation of Conditional Waiver Framework.** The proposed amendments to the Law create A new section—Conditional Waiver—is created to establish detailed requirements for when the Committee may recommend an exception to ineligibility. This section includes: criteria for eligibility; required written payment agreements; standard and extended repayment timelines; mandatory conditions under Section 126.9-3; a good-cause exception for missed payments; and provisions linking non-payment to rescission under Section 126.10-7.[1 O.C. 126.6-3].
 - *Effect.* The new Conditional Waiver provides an avenue for employment eligibility without altering or forgiving unpaid penalties or fines. It creates a structured, accountability-focused mechanism to allow hiring while requiring applicants to demonstrate good-faith repayment efforts. The framework strengthens the Law by promoting economic stability and rehabilitation, while maintaining the integrity of outstanding obligations. The effect is to balance individual opportunity with responsibility through a regulated and enforceable process.

- ***Application Documentation Modified.*** The proposed amendments to the Law allow applicants proceeding under the Conditional Waiver to submit proof of a Committee-approved payment agreement in place of proof of full payment of penalties or fines. [1 O.C. 126.6-4(a)(12)], [1 O.C. 126.6-4(b)(11)].
 - *Effect.* These amendments align application requirements with the new Conditional Waiver process, ensuring applicants are not excluded solely because they have not yet completed repayment. This supports accessibility and ensures consistency in how employment-only applications are processed under the amended eligibility structure.
- ***Sex-Offender Restrictions Clarified.*** The proposed amendments to the Law specify that a Tribal pardon does not affect registration, tracking, or other restrictions, including those imposed under the Nation’s Safe Neighborhoods law. [1 O.C. 126.9-1(c)].
 - *Effect.* This change reinforces public-safety protections by ensuring that pardons do not override legal obligations associated with sex-offender status. It clarifies the continuing applicability of safety-related restrictions and prevents misinterpretation regarding the impact of a Tribal pardon.
- ***Monitoring Requirements Added.*** The proposed amendments to the Law require the Tribal Secretary’s Office to monitor compliance with payment-related conditions and provide quarterly reports to the Committee. [1 O.C. 126.9-4].
 - *Effect.* This amendment institutionalizes oversight of repayment obligations associated with conditional waivers. By assigning an office to track compliance, the Law ensures consistent enforcement, enhances accountability, and supports the OBC’s ability to determine when rescission is warranted.
- ***Rescission for Non-Payment Codified.*** The proposed amendments to the Law authorizes the OBC to rescind a pardon or forgiveness when an individual fails to meet payment conditions imposed under 126.6-3, after notice and a 30-day opportunity to cure. [1 O.C. 126.10-7].
 - *Effect.* This amendment establishes a clear legal mechanism for restoring prior ineligibilities when an individual does not comply with repayment requirements. It ensures the Conditional Waiver system is enforceable, protects the integrity of eligibility standards, and prevents misuse of the waiver process. It also clarifies that rescission is an eligibility action, not an employment disciplinary action.

SECTION 6. EXISTING LEGISLATION

A. ***Related legislation.*** The following laws of the Nation are related to the proposed amendments to this Law:

- ***Personnel, Policies and Procedures.*** The purpose of the Personnel, Policies and Procedures law is to provide employees with a ready source of information about employee related Oneida Nation policies and procedures. The law addresses recruiting, selection policy, compensation and benefits, employee relations, safety and health, program/enterprise rules and regulations, recordkeeping, and privacy and confidentiality of employee records.
 - The proposed amendments to the Pardon and Forgiveness law establish a narrow eligibility exception for applications made solely for employment purposes, allowing individuals with outstanding fines or penalties to proceed if they qualify for a conditional waiver under [1 O.C. 126.6(2)(d)]. This change applies only where unpaid financial obligations are the individual’s sole barrier to employment and requires participation in

an approved payment plan pursuant to [1 O.C. 126.6(3)]. The amendments do not forgive or eliminate any fines or penalties; rather, they allow employment-related applications to move forward under structured conditions that maintain accountability while preventing financial barriers from permanently excluding otherwise qualified individuals from employment.

- **Safe Neighborhoods law.** The purpose of the Safe Neighborhoods law is not to impose a criminal penalty but rather to serve the Nation’s compelling interest to promote, protect, and improve the health, safety, and welfare of the reservation population by prohibiting sex offenders from loitering or residing in specified areas around locations where vulnerable populations, including children, regularly congregate. This law recognizes the right of sex offenders to reenter the community. Therefore, through this law the Nation balances its responsibility to sex offenders with its responsibility to protect the surrounding community by promoting regulatory measures which provide protections for the community that do not wholly prohibit sex offenders from being part of this community. [3 O.C. 310.1-1]. It is the underlying policy of the law that due to the high rate of recidivism for sex offenders, the Nation declares that sex offenders are a serious threat to the public safety of vulnerable populations, including children, if regulatory measures are not in place that protect the community by reducing opportunity and temptation by prohibiting sex offenders from being present on or residing in specified areas designated as places where vulnerable populations commonly congregate. [3 O.C. 310.1-2].
 - The proposed amendments to the Pardon and Forgiveness law are narrowly tailored and apply solely to employment-related purposes. These amendments do not alter, limit, or affect the Safe Neighborhoods law in any way. All protections and provisions of the Safe Neighborhoods law remain fully in effect.

SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- The Pardon and Forgiveness Law enforces compliance through a combination of eligibility controls, application requirements, hearing enforcement, and post-relief oversight. Individuals may be deemed automatically ineligible if they are under investigation, appealing a termination, incarcerated, or have outstanding penalties or fines, unless they qualify for the employment-only conditional waiver under 126.6-3 [1 O.C. 126.6-2]. Applicants who fail to provide complete information or who misrepresent facts may have their applications denied, returned, or removed from consideration, and misrepresentation discovered after a pardon is granted may result in rescission [1 O.C. 126.6-5–6]. Hearing attendance is enforced by authorizing the Committee to postpone a determination or recommend denial if the applicant does not appear and does not provide valid documentation within ten days [1 O.C. 126.8-3].
- Once a pardon, forgiveness, or conditional waiver is granted, the Law enforces continued compliance through conditions, restrictions, monitoring, and rescission. The Oneida Business Committee or the Screening Committee may impose restrictions on employment or other Tribal benefits, or conditions such as restitution or community service, and applicants must comply with these terms to retain their restored eligibilities [1 O.C. 126.9-2–3]. Under the newly added monitoring requirement, the Tribal Secretary’s Office must track compliance with payment-related conditions and provide quarterly reports to the Committee [1 O.C. 126.9-4]. The Law’s strongest enforcement

tool is the rescission authority, which allows the OBC to revoke a conditional waiver, pardon, or forgiveness if an individual fails to meet payment conditions, reinstating all prior ineligibilities after proper notice and opportunity to cure [1 O.C. 126.10-7].

SECTION 8. OTHER CONSIDERATIONS

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

- *Conclusion.* The Legislative Operating Committee has not yet directed that a fiscal impact be completed.

Title 1. Government and Finances - Chapter 126
PARDON AND FORGIVENESS
Tsi?náhte ʌhutawani·yóne Olihwá·ke
of what they will be free of matter

126.1. Purpose and Policy	126.6. Pardon and Forgiveness Eligibility and Application
126.2. Adoption, Amendment, Conflicts	126.7. Fees
126.3. Definitions	126.8. Hearings
126.4. Pardon and Forgiveness Screening Committee Responsibilities	126.9. Conditions and Restrictions
126.5. Tribal Secretary's Office Responsibilities	126.10. Oneida Business Committee

126.1. Purpose and Policy

126.1-1. *Purpose.*

(a) The purpose of this Law is to provide a fair, efficient and formal process by which:

(1) a Tribal member may receive a pardon for the conviction of a crime(s); or

(2) a Tribal member may receive forgiveness for acts that render him or her ineligible for housing with the Tribe or other Tribal benefits.

(3) a Tribal member or non-Tribal member may receive forgiveness for acts that render him or her ineligible for Tribal employment; an occupational license, certification or permit issued by the Tribe; housing through the Tribe; or other Tribal benefit.

(b) This Law defines the duties and responsibilities of the Oneida Pardon and Forgiveness Screening Committee, Oneida Business Committee, Oneida Tribal Secretary's Office, and other persons involved in the granting or denial of pardons and forgiveness.

126.1-2. *Policy.* It is the policy of the Oneida Tribe of Indians of Wisconsin to grant pardons or forgiveness to individuals upon demonstration of full rehabilitation, trustworthiness and/or commitment to lawful behavior. Nothing contained herein shall be construed as permitting the employment of individuals who are otherwise disqualified for employment from certain occupations under Tribal, State or Federal Law. Receipt of a pardon or forgiveness does not affect obligations imposed as part of a sentence or conviction in another jurisdiction.

In carrying out this policy, the Nation upholds and reflects the core values of The Good Mind as expressed by Onʌyote?á·ka, which includes:

(a) Kahletsyalúsla. The heartfelt 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) Twahwahtsílayaʌ. All of us are family.

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

126.2. Adoption, Amendment, Conflicts

126.2-1. This Law was adopted by the Oneida Business Committee by Resolution BC-05-25-11-A and amended by ~~Resolution~~ Resolutions BC-01-22-14-B, and BC-XX-XX-XX-X.

126.2-2. This Law may be amended pursuant to the procedures set out in Tribal law by the Oneida

35 Business Committee or the Oneida General Tribal Council.
36 126.2-3. Should a provision of this Law or the application thereof to any person or circumstances
37 be held as invalid, such invalidity shall not affect other provisions of this Law which are considered
38 to have legal force without the invalid portions.
39 126.2-4. In the event of a conflict between a provision of this Law and a provision of another law,
40 ordinance, policy, regulation, rule, resolution, or motion, the provisions of this Law shall control.
41 Provided that, this Law repeals Resolution BC-7-31-02-A: Resolution Adopting a New Oneida
42 Pardon Ordinance.
43 126.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians
44 of Wisconsin.

45 46 **126.3. Definitions**

47 126.3-1. This section shall govern the definitions of words and phrases used within this Law. All
48 words not defined herein shall be used in their ordinary and everyday sense.

- 49 (a) “Applicant” ~~shall mean~~ means an individual who is applying for a pardon or forgiveness
50 from the Tribe.
51 (b) “Certified mail” ~~shall mean~~ means mail sent through either the United States Postal
52 Service or the Tribal Inter-Office Certified system that provides proof of delivery and
53 receipt.
54 (c) “Committee” ~~shall mean~~ means the Pardon and Forgiveness Screening Committee.
55 (d) “Conditional Waiver” means a temporary exception to the ineligibility criteria under
56 section 126.6-2(d) for employment-related application; it does not constitute a pardon or
57 forgiveness and does not alter, waive, or satisfy any outstanding monetary obligation.
58 (e) “Conditions” ~~shall mean~~ means a requirement or prerequisite event or activity.
59 (f) “Conflict of interest” ~~shall mean~~ means a conflict between the private interests and the
60 official responsibilities of the committee member.
61 (g) “Conviction” ~~shall mean~~ means an individual was either found guilty or entered a plea
62 of guilty or no contest to charges of a crime in any court of competent jurisdiction.
63 (h) “Court of competent jurisdiction” ~~shall mean~~ means any court or forum that has the
64 power and authority to properly exercise jurisdiction over a dispute or interpret and/or
65 enforce laws.
66 (i) “Crime” ~~shall mean~~ means any act, default, or conduct punishable as a felony or a
67 misdemeanor.
68 (j) “Employment purposes” means seeking eligibility for employment with the Nation
69 or to remove a bar to continued employment with the Nation, including positions subject
70 to background eligibility determinations.
71 (k) “Forgiveness” ~~shall mean~~ means the formal and public act of acknowledging or
72 excusing an individual’s actions or behavior that makes him or her ineligible for Tribal
73 employment, an occupational license, certification or permit issued by the Tribe, housing
74 through the Tribe or other Tribal benefit
75 (l) “Hearing” ~~shall mean~~ means a public hearing, a noticed public forum in which an
76 applicant has an opportunity to present a case for obtaining a pardon or forgiveness from
77 the Tribe.
78 (m) “Individual” ~~shall mean~~ means a Tribal member seeking a pardon for a conviction of
79 a crime, a Tribal member seeking forgiveness for an act(s) that makes him or her ineligible
80 for housing with the Tribe or other Tribal benefit(s) or anyone seeking forgiveness for an
81 act(s) that renders him or her ineligible for employment, an occupational license,
82 certification or permit issued by the Tribe.

83 (~~h~~) “Family member” ~~shall mean~~ means a spouse, child sibling, parent, grandparent,
84 grandchild, step-parent, step-child, in-law or legal guardian.

85 (~~m~~) ~~“Pardon” shall mean~~ (o) “Outstanding penalties, fines, or other debts” means any
86 unpaid monetary obligations owed to the Nation or arising from any Tribal, State, Federal,
87 or Municipal court order, judgement, stipulation, or payment requirement, including but
88 not limited to penalties, fines, fees, repayment obligations, or court-ordered financial
89 conditions that are due and payable.

90 (~~p~~) “Pardon” means the formal and public act of acknowledging or excusing a Tribal
91 member’s criminal conviction that makes him or her ineligible for Tribal employment, an
92 occupational license, a certification or permit issued by the Tribe, housing through the
93 Tribe, or other Tribal benefit.

94 (~~q~~) “Prominent locations” shall include, but not be limited to, the following: the Tribal
95 newspaper; at least one (1) local newspaper with regular distribution within the Reservation
96 boundaries; one (1) regional Indian newspaper; and the Tribe’s official website.

97 (~~r~~) “Rescind” means to formally revoke, cancel, or withdraw a previously granted pardon
98 or forgiveness through Oneida Business Committee resolution, thereby restoring all prior
99 ineligibilities and returning the applicant to the status that existed before the pardon or
100 forgiveness was granted.

101 (~~s~~) “Restriction” ~~shall mean~~ means a limitation or constraint imposed.

102 (~~t~~) “Tribal” or “Tribe” ~~shall mean~~ means the Oneida Tribe of Indians of Wisconsin.

103 (~~u~~) “Victim” ~~shall mean~~ means a person or entity against whom an offense, either civil or
104 criminal, has been committed.

105 106 **126.4. Pardon and Forgiveness Screening Committee Responsibilities**

107 126.4-1. A Committee is hereby created for the purpose of carrying out the provisions of this Law.

108 126.4-2. *Authority.* The Committee shall:

- 109 (a) promulgate internal standard operating procedures necessary to govern its proceedings;
- 110 (b) review and process applications for a pardon or forgiveness in an orderly and
111 expeditious manner;
- 112 (c) review an applicant’s background investigation report received from the Oneida
113 Human Resources Department;
- 114 (d) conduct and preside over hearings;
- 115 (e) provide formal, written recommendations to the Oneida Business Committee to
116 approve or deny a pardon or forgiveness application; and
- 117 (f) take other actions reasonably related to the purpose of the Committee.

118 119 **126.5. Tribal Secretary’s Office Responsibilities**

120 126.5-1. The Tribal Secretary’s Office shall assist the Committee with carrying out the provisions
121 of this Law and assist individuals in applying for a pardon or forgiveness. The Tribal Secretary’s
122 Office shall:

- 123 (a) create and implement procedures necessary to process pardon and forgiveness
124 applications.
- 125 (b) accept pardon and forgiveness applications.
- 126 (c) submit and track requests for a background investigation.
- 127 (d) forward pardon and forgiveness applications to the Committee when the background
128 investigations are complete.
- 129 (e) maintain a record of all pardon and forgiveness applications filed, every pardon and
130 forgiveness request granted or denied, and the reasons for each action.

131 (f) maintain a complete and accurate record of all proceedings, including all
132 correspondence, transcripts, documents, evidence, and appearances made in connection
133 with the applications.

134 (g) perform other duties in connection with matters under this Law as may be requested
135 by the Committee.
136

137 **126.6. Pardon and Forgiveness Eligibility and Application**

138 126.6-1. *Eligibility.* A Tribal member may receive a pardon for any criminal conviction(s), or a
139 forgiveness for an act(s) that renders the Tribal member ineligible for housing with the Tribe or
140 other Tribal benefit(s); and any individual may receive forgiveness for an act(s) that renders the
141 individual ineligible for Tribal employment, an occupational license, certification or permit issued
142 by the Tribe.

143 (a) Upon completion of incarceration, parole, probation and/or deferred prosecution,
144 Tribal members shall be eligible to apply for a pardon.

145 (b) One (1) year after an act is committed, or affirmed through the conclusion of any appeal
146 process, an individual shall be eligible to apply for pardon or forgiveness.

147 126.6-2. *Ineligibility.* An individual is ineligible for a pardon or forgiveness if he or she is:

148 (a) being investigated for an act and if found to have committed such act, would be
149 ineligible for the benefit he or she is seeking; or

150 (b) appealing a termination and the termination makes him or her ineligible for the benefit
151 he or she is seeking; or

152 (c) currently incarcerated, on parole, probation, and/or under a deferred prosecution
153 agreement; or

154 (d) has any outstanding penalties or fines; however, this paragraph does not apply to
155 an application made solely for employment purposes under Section 126.1-1(a)(3) when
156 outstanding penalties or fines are the only unmet eligibility requirement and the applicant
157 qualifies for a conditional waiver under Section 126.6-3.

158 126.6-3. *Conditional Waiver.* A conditional waiver is not a pardon or forgiveness and does not
159 wave or reduce any penalties, fines, or debts owed to the Nation or any other government. It
160 temporarily lifts the employment-related ineligibility under Section 126.6-2(d) solely for the
161 purpose of allowing an applicant to be considered for employment with the Nation. The conditional
162 waiver exists only within the Committee's authority to recommend an exception to eligibility
163 requirements; it does not authorize the Nation to negotiate, modify, or forgive financial obligations
164 imposed by any court or governmental body.

165 (a) The Committee may recommend approval despite Section 126.6-2(d) only when:

166 (i) the application is solely for employment purposes as defined in Section 126.3-
167 1(j);

168 (ii) outstanding penalties or fines are the sole basis for ineligibility; and

169 (iii) the applicant enters a written payment agreement with the Pardon and
170 Forgiveness Committee requiring full payment within eighteen (18) months from
171 the OBC resolution date. A payment agreement under this section may consist of
172 any documentation demonstrating how the applicant will satisfy the outstanding
173 obligation and does not require negotiation, approval, or participation from any
174 Tribal, State, Federal, or Municipal government. The payment agreement functions
175 solely as evidence that the applicant is actively addressing the eligibility condition
176 and is not an agreement between the Nation and any outside jurisdiction.

177 (b) Any recommendation under this section shall include a mandatory condition under
178 Section 126.9-3(a) requiring full payment within eighteen (18) months and compliance

179 with an approved installment plan.

180 (c) Failure to comply with the payment agreement constitutes grounds for rescission under
181 Section 126.10-7 and immediate reinstatement of prior ineligibility.

182 (d) Nothing in this section authorizes the Committee to forgive, modify, reduce, or
183 negotiate penalties or fines imposed by any government; the waiver pertains only to
184 employment eligibility with the Nation.

185 (e) *Exception for Larger Outstanding Obligations.* Notwithstanding Section 126.6-3(a)(iii)
186 and 126.6-3(b), the Committee may recommend a conditional waiver under the following
187 extended timeframes, based on the total amount of outstanding penalties or fines:

188 i. *Obligations of five thousand dollars (\$5,000) or less.* The applicant may be
189 granted up to eighteen (18) months from the OBC resolution date to satisfy the
190 outstanding obligation, provided all other requirements of this section are met.

191 ii. *Obligations greater than five thousand dollars (\$5,000).* The applicant may be
192 granted up to three (3) years from the OBC resolution date to satisfy the
193 outstanding obligation provided:

194 (A) the applicant submits a written payment plan demonstrating the ability
195 to complete payment within the extended period;

196 (B) the Committee determines that the extended timeframe is necessary to
197 prevent unreasonable hardship; and

198 (C) the applicant remains in full compliance with the approved installment
199 plan.

200 (f) *Good-Cause Exception for Missed Payment.* A missed payment under an approved
201 repayment plan may be excused upon a finding of good cause, provided that:

202 i. The applicant submits a written explanation within thirty (30) days of the missed
203 payment;

204 ii. The Committee determines that the missed payment resulted from good cause,
205 which may include but is not limited to unforeseen medical emergencies, loss of
206 income, or other significant and verifiable circumstances; and

207 iii. The applicant resumes payment under a revised schedule approved by the
208 Committee within thirty (30) days of the good-cause determination.

209 126.6-3. *Initiating an Application.* Applications for a pardon or forgiveness may be obtained from
210 the Tribal Secretary's Office or on the Tribal website. Completed applications shall be filed with
211 the Tribal Secretary's Office in person, during normal Tribal business hours, or sent by certified
212 mail to the Tribal Secretary at P.O. Box 365, Oneida, WI 54155.

213 126.6-4. *Required Application Information.* Each applicant is responsible for submitting all
214 required materials and authorizations.

215 (a) A completed pardon application shall include the following:

216 (1) a copy of the applicant's Tribal enrollment card.

217 (2) a copy or copies of any discharge papers from incarceration or jail.

218 (3) official verification of any successful completion date of the probation, parole
219 or deferred prosecution.

220 (4) any necessary releases for investigations and/or background checks.

221 (5) any authorizations from a probation officer to release information.

222 (6) the required non-refundable fee as specified under 126.6.

223 (7) a personal written statement, including the reason(s) for requesting a pardon
224 and a description and documentation of the applicant's efforts towards self-
225 improvement.

226 (8) information regarding the conviction(s) for which the applicant is seeking a

- 227 pardon, including:
- 228 (A) date(s) upon which the crime(s) occurred;
 - 229 (B) location(s) where the crime(s) occurred;
 - 230 (C) date(s) of conviction(s); and
 - 231 (D) jurisdiction(s) which imposed the sentence(s).
- 232 (9) verification of attendance or successful completion of any counseling, therapy,
- 233 or rehabilitative programs such as anger management or coping skills classes.
- 234 (10) letters of reference or support from people well-regarded in the community.
- 235 Such letters shall detail the applicant’s accomplishments or contributions to the
- 236 community or attest to the applicant’s rehabilitation and trustworthiness. These
- 237 may include, but are not limited to:
- 238 (A) clergy or other spiritual leaders.
 - 239 (B) employers and/or community members.
 - 240 (C) teachers.
 - 241 (D) organizers of support groups the applicant attends or has attended.
- 242 (11) any other information relevant to the applicant’s conviction(s) or rehabilitation
- 243 efforts.
- 244 (12) proof of payment of all penalties and fines. For application proceeding under
- 245 Section 126.6-3, proof of a Committee-approved payment agreement satisfies the
- 246 requirement to document outstanding penalties or fines.
- 247 (b) A completed forgiveness application shall include the following:
- 248 (1) a copy of the applicant’s Tribal enrollment card, if applicable.
 - 249 (2) the applicant’s employment record prior to the act, if applicable.
 - 250 (3) the applicant’s background records.
 - 251 (4) the act that triggered the applicant’s ineligibility.
 - 252 (5) the impact of the act on the Tribe.
 - 253 (6) the length of time since the act.
 - 254 (7) a written statement from the applicant demonstrating remorse for the violation.
 - 255 (8) two (2) letters of recommendation, with no more than one (1) recommendation
 - 256 coming from a person who is a family member of the applicant.
 - 257 (9) the required non-refundable fee as specified under 126.6.
 - 258 (10) any additional credible and relevant information.
 - 259 (11) proof of payment of all penalties and fines. For application proceeding under
 - 260 Section 126.6-3, proof of a Committee-approved payment agreement satisfies the
 - 261 requirement to document outstanding penalties or fines.

262 126.6-5. Failure of the applicant to provide a complete application, or any of the required

263 information and/or materials may result in:

- 264 (a) the application being returned with a request for more information; or
- 265 (b) the application being removed from consideration; or
- 266 (c) denial of a pardon or forgiveness.

267 126.6-6. *Applicant Misrepresentations.* Any applicant who misrepresents, omits, or falsifies any

268 information on the application or during the pardon process shall be denied a pardon. If a pardon

269 is granted and it is later determined that there is misrepresented or false information, or pertinent

270 information was purposefully omitted, the Oneida Business Committee shall have the right to

271 rescind the pardon.

272

273 **126.7. Fees**

274 126.7-1. Each application shall be accompanied by a non-refundable fee as set by the Oneida

275 Business Committee in a resolution. Said payment shall be made payable to the Oneida Tribe in
276 the form of a:

- 277 (a) money order; or
- 278 (b) cashier's check; or
- 279 (c) intra-tribal purchase document, if a Tribal department or program, such as Social
280 Services, will be providing the funds for the application fee.

281
282 **126.8. Hearings**

283 126.8-1. *Notice of the Hearing.* The Committee shall conduct quarterly hearings and provide
284 official notice to the applicant by certified mail, including the date, time and location of the
285 hearing, at least thirty (30) calendar days prior to the hearing. Notice shall also be posted in
286 prominent locations at least thirty (30) calendar days prior to the hearing. If alternate arrangements
287 have been made under 126.8-2, notice shall be posted in prominent locations with as much advance
288 notice as possible and as time permits.

- 289 (a) Notice of the hearings scheduled for the year shall be posted on the Tribal website and
290 periodically in the Tribal newspaper.
- 291 (b) Hearings shall take place at a regularly scheduled time and location to be determined
292 by the Committee and shall be open to the public.

293 126.8-2. *Alternate Hearing Arrangements.* Applicants who reside out of the State of Wisconsin
294 who are unable to attend a hearing may submit a written request by certified mail to the Tribal
295 Secretary's Office for alternate arrangements to appear by video conference and/or to reschedule
296 the hearing date. If alternate arrangements are unavailable, the applicant may withdraw the
297 application up to three (3) business days prior to the hearing without penalty, and may re-apply for
298 a pardon at any time.

299 126.8-3. *Failure of Applicant to Attend Hearing.* Failure of the applicant to appear at the hearing
300 may result in the Committee postponing making a determination on the application or
301 recommending the Oneida Business Committee deny the application.

- 302 (a) Applicants with a legitimate reason for failing to appear for a hearing shall have ten
303 (10) calendar days from the date of the missed hearing to provide documentation to the
304 Committee. Such documentation may include, but is not limited to; a Doctor's excuse,
305 accident/police report, or funeral notice.

306 126.8-4. *Testimony and Notarized Statements.* The Committee shall obtain oral testimony at the
307 hearing from the applicant, and any victims, witnesses or other persons supporting or opposing the
308 pardon or forgiveness.

- 309 (a) Victims, witnesses, and other persons unavailable for a scheduled hearing may submit
310 a notarized statement for consideration.

311 (b) The Committee may institute recesses and postponements as they see fit.

312 (c) The Committee may ask questions at any time during the hearing.

313 (d) The Committee may require the applicant to provide further documentation.

314 (1) Within five (5) business days of the hearing, the Committee shall send a written
315 request by certified mail to the applicant for the additional documentation.

316 (2) The applicant shall submit the documentation to the Tribal Secretary's Office
317 within thirty (30) calendar days after receiving the request for the documentation.
318 Failure of the applicant to provide any of the required documentation may result in:

- 319 (A) the application being removed from consideration; or
- 320 (B) denial of the application.

321 126.8-5. *Deliberations and Recommendation.* After the hearing, the Committee shall go into
322 executive session for deliberations.

323 (a) The Committee shall consider all information gathered from the hearing, the
324 application, the background investigation, and any testimony or notarized statements when
325 determining whether to recommend that the application be approved or denied.

326 (1) The Committee shall be responsible for weighing the appropriateness of
327 granting a pardon or forgiveness.

328 (b) *Recommendation.* After considering the factors provided, the Committee shall make
329 a decision and compose a formal, written recommendation for each application, including
330 reasons to approve or deny the application within sixty (60) days after the pardon or
331 forgiveness hearing. The recommendation, including any dissenting opinions issued by
332 the Committee shall be forwarded to the Oneida Business Committee within thirty (30)
333 calendar days after making a decision, along with the following materials for review:

334 (1) All information from the application and the background investigation;

335 (2) Any notarized statements submitted;

336 (3) A proposed draft resolution; and

337 (4) An audio recording of the hearing, upon request by an Oneida Business
338 Committee member.

340 **126.9. Conditions and Restrictions**

341 126.9-1. *Pardons.* Certain convictions may affect a Tribal member's rights under state or federal
342 law, or result in restrictions being placed on a Tribal member, regardless of whether a Tribal pardon
343 has been granted.

344 (a) *Civil Rights.* A pardon by the Tribe does not guarantee the restoration of all civil rights,
345 and each recipient of a Tribal pardon is responsible for determining whether the pardon
346 affects any non-Tribal restrictions or limitations that may be applicable pursuant to the
347 conviction.

348 (b) *Employment.* Individuals convicted of a crime that is "substantially related" to the care
349 of another person or animal may be subject to extended or permanent restrictions on
350 licensing or professional credentials in fields relating to such caretaking. A Tribal pardon
351 shall not affect these restrictions.

352 (c) *Sex Offender Registry.* Receipt of a Tribal pardon shall in no way affect registration,
353 tracking or other restrictions or obligations imposed upon sex offenders, including any
354 restrictions imposed through the Nation's Safe Neighborhoods law.

355 (d) *Voting Rights.* Each state, and the federal government are empowered to determine
356 whether felons may vote in elections, caucuses, referendums or any other venue dependent
357 on the votes of citizenry. The granting of a Tribal pardon shall not supersede the rights of
358 these jurisdictions to determine the eligibility of voters.

359 126.9-2. *Other Restrictions.* The Committee's written recommendation to the Oneida Business
360 Committee to approve an applicant's request for a pardon or forgiveness may also recommend the
361 Oneida Business Committee impose restrictions on the applicant. If the Committee does not
362 recommend a restriction, the Oneida Business Committee shall have the authority to place
363 restrictions on the applicant before approving the pardon or forgiveness request. Restrictions shall
364 specify the time lines attached to them, which may expand over a period of months, years, or
365 indefinitely.

366 (a) Restrictions shall be clearly defined and may include the following:

367 (1) The applicant is ineligible for a transfer, promotion or job reassignment.

368 (2) The applicant may be prohibited from:

369 (A) Handling cash and/or merchandise.

370 (B) Having Tribal property sign-off authority.

- 371 (C) Supervising staff.
372 (D) Supervising or caring for children or the elderly.
373 (E) Any other restrictions the Oneida Business Committee determines as
374 appropriate.

375 (b) When restrictions are imposed for a period of greater than five (5) years, the applicant
376 may, after five (5) years, apply to have the restrictions modified or lifted. The request to
377 modify or lift restrictions will follow the same process required to request a pardon.

378 (c) The applicant shall sign a written statement describing each restriction, and time period
379 of such restriction prior to becoming employed by the Tribe.

380 126.9-3. *Conditions.* The Committee may also recommend that an applicant requesting a pardon
381 or forgiveness be required to complete conditions before the applicant is granted the pardon or
382 forgiveness. If the Committee does not recommend a condition, the Oneida Business Committee
383 shall have the authority to place conditions on the applicant before approving the pardon or
384 forgiveness request.

385 (a) Conditions shall be clearly defined and may include the following:

386 (1) perform community service hours within a Tribal Department.

387 (2) payment of restitution to the Tribe.

388 _____ (3) any other conditions the Oneida Business Committee determines
389 as ___ appropriate.

390 126.9-4. *Monitoring.* The Tribal Secretary's Office shall monitor compliance with all
391 payment-related conditions and provide quarterly status reports to the Committee until those
392 conditions have been fully satisfied. Monitoring payment conditions is an integral component of
393 enforcing eligibility requirements and does not constitute a ministerial or administrative processing
394 function of the Secretary's Office. The Secretary's Office conducts this monitoring solely to
395 determine whether the required eligibility conditions have been met and does not exercise
396 decision-making authority regarding eligibility determinations or the continuation of any
397 conditional waiver.

398

399 **126.10. Oneida Business Committee**

400 126.10-1. The Oneida Business Committee shall consider all of the information received by the
401 Committee prior to making a determination on whether to issue or deny a pardon or forgiveness
402 application. The Oneida Business Committee may accept, reject or modify the Committee's
403 recommendation.

404 126.10-2. *Deliberations.* Deliberations by the Oneida Business Committee shall take place in
405 executive session. The Oneida Business Committee may request, by written notice, that the
406 applicant be present during the deliberations to provide oral testimony or to answer questions. The
407 notice shall be provided to the applicant thirty (30) days prior to the deliberations and shall contain
408 the time, place and date of the deliberations.

409 126.10-3. *Final Decision.* The Oneida Business Committee shall issue or deny the pardon or
410 forgiveness in open session, by resolution, including the reasons therefor and shall include for the
411 record a clear indication of any decision and shall list the specific crimes to be pardoned or acts to
412 be forgiven. This decision is final and cannot be appealed. Applicants may be eligible to re-apply
413 for a pardon or forgiveness one (1) year from the date of the most recent denial of a pardon or
414 forgiveness.

415 126.10-4. *Notification.* Notification of the final decision shall be sent to the applicant from the
416 Tribal Secretary's office by certified mail or personally served within ten (10) business days
417 following the decision. Applicants have a right to documentation of the final decision along with
418 the resolution, and the reason(s) for the final decision.

419 126.10-5. *Resolution.* To grant or deny a pardon or forgiveness, a majority vote of the Oneida
420 Business Committee is required.

421 126.10-6. *Eligibilities.* Unless otherwise directed by the Oneida Business Committee, a pardon
422 or forgiveness may fully or partially restore some Tribal eligibilities lost as a result of a conviction
423 or act including:

- 424 (a) employment; and/or
- 425 (b) an occupational license, certificate or permit; and/or
- 426 (c) housing; and/or
- 427 (d) other Tribal benefit.

428 126.10-7. *Rescission for non-payment.* If an individual does not satisfy a payment condition
429 imposed under Section 126.6-3, the OBC may rescind the pardon or forgiveness by resolution.
430 Before rescission occurs, the individual shall receive notice and be given thirty (30) days from the
431 date of that notice to provide proof of payment or otherwise demonstrate compliance. If the
432 individual does not provide such proof within the thirty-day period, the OBC may proceed with
433 rescission. Upon rescission, all prior ineligibilities are reinstated.

434 (a) For the purposes of this section, “individual” means a person who has been granted a
435 conditional waiver under Section 126.6-3.

436 (b) Rescission is a determination of eligibility status under this Law and is not an
437 employment action. Any employment related consequences are processed separately under
438 applicable personnel policies.

439 (c) Notification of rescission shall be issued to the individual by the Secretary’s Office in
440 accordance with Section 126.10-4.

441
442
443
444 *End.*

-
- 446 Adopted – BC-2-19-93-I
 - 447 Adopted – BC-11-13-93-B (Oneida Pardon Procedures Policy)
 - 448 Adopted – BC-11-24-93-B (Temporary Pardons)
 - 449 Adopted – BC-7-31-02-A
 - 450 Adopted – BC-05-25-11-A
 - 451 Adopted – BC-01-22-14-B
 - 452 Emergency Adoption – BC-04-28-21-A
 - 453 Emergency Extended – BC-10-27-21-A (Emergency Expired)
 - 454 Amended – BC-XX-XX-XX-X
 - 455

Title 1. Government and Finances - Chapter 126

PARDON AND FORGIVENESS

Tsi?náhte ʌhutawani·yóne Olihwá·ke

of what they will be free of matter

126.1. Purpose and Policy	126.6. Pardon and Forgiveness Eligibility and Application
126.2. Adoption, Amendment, Conflicts	126.7. Fees
126.3. Definitions	126.8. Hearings
126.4. Pardon and Forgiveness Screening Committee Responsibilities	126.9. Conditions and Restrictions
126.5. Tribal Secretary's Office Responsibilities	126.10. Oneida Business Committee

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

126.1. Purpose and Policy

126.1-1. *Purpose.*

(a) The purpose of this Law is to provide a fair, efficient and formal process by which:

- (1) a Tribal member may receive a pardon for the conviction of a crime(s); or
- (2) a Tribal member may receive forgiveness for acts that render him or her ineligible for housing with the Tribe or other Tribal benefits.

(3) a Tribal member or non-Tribal member may receive forgiveness for acts that render him or her ineligible for Tribal employment; an occupational license, certification or permit issued by the Tribe; housing through the Tribe; or other Tribal benefit.

(b) This Law defines the duties and responsibilities of the Oneida Pardon and Forgiveness Screening Committee, Oneida Business Committee, Oneida Tribal Secretary's Office, and other persons involved in the granting or denial of pardons and forgiveness.

126.1-2. *Policy.* It is the policy of the Oneida Tribe of Indians of Wisconsin to grant pardons or forgiveness to individuals upon demonstration of full rehabilitation, trustworthiness and/or commitment to lawful behavior. Nothing contained herein shall be construed as permitting the employment of individuals who are otherwise disqualified for employment from certain occupations under Tribal, State or Federal Law. Receipt of a pardon or forgiveness does not affect obligations imposed as part of a sentence or conviction in another jurisdiction.

In carrying out this policy, the Nation upholds and reflects the core values of The Good Mind as expressed by Onʌyote?á·ka, which includes:

- (a) Kahletsyalúsla. The heartfelt 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) Twahwahtsílayaʌ. All of us are family.
- (g) Yukwatsístayʌ. Our fire, our spirit within each one of us.

126.2. Adoption, Amendment, Conflicts

126.2-1. This Law was adopted by the Oneida Business Committee by Resolution BC-05-25-11-A and amended by Resolutions BC-01-22-14-B, and BC-XX-XX-XX-X.

126.2-2. This Law may be amended pursuant to the procedures set out in Tribal law by the Oneida

35 Business Committee or the Oneida General Tribal Council.
36 126.2-3. Should a provision of this Law or the application thereof to any person or circumstances
37 be held as invalid, such invalidity shall not affect other provisions of this Law which are considered
38 to have legal force without the invalid portions.
39 126.2-4. In the event of a conflict between a provision of this Law and a provision of another law,
40 ordinance, policy, regulation, rule, resolution, or motion, the provisions of this Law shall control.
41 Provided that, this Law repeals Resolution BC-7-31-02-A: Resolution Adopting a New Oneida
42 Pardon Ordinance.
43 126.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians
44 of Wisconsin.

45 46 **126.3. Definitions**

47 126.3-1. This section shall govern the definitions of words and phrases used within this Law. All
48 words not defined herein shall be used in their ordinary and everyday sense.

- 49 (a) "Applicant" means an individual who is applying for a pardon or forgiveness from the
50 Tribe.
51 (b) "Certified mail" means mail sent through either the United States Postal Service or the
52 Tribal Inter-Office Certified system that provides proof of delivery and receipt.
53 (c) "Committee" means the Pardon and Forgiveness Screening Committee.
54 (d) "Conditional Waiver" means a temporary exception to the ineligibility criteria under
55 section 126.6-2(d) for employment-related application; it does not constitute a pardon or
56 forgiveness and does not alter, waive, or satisfy any outstanding monetary obligation.
57 (e) "Conditions" means a requirement or prerequisite event or activity.
58 (f) "Conflict of interest" means a conflict between the private interests and the official
59 responsibilities of the committee member.
60 (g) "Conviction" means an individual was either found guilty or entered a plea of guilty
61 or no contest to charges of a crime in any court of competent jurisdiction.
62 (h) "Court of competent jurisdiction" means any court or forum that has the power and
63 authority to properly exercise jurisdiction over a dispute or interpret and/or enforce laws.
64 (i) "Crime" means any act, default, or conduct punishable as a felony or a misdemeanor.
65 (j) "Employment purposes" means seeking eligibility for employment with the Nation or
66 to remove a bar to continued employment with the Nation, including positions subject to
67 background eligibility determinations.
68 (k) "Forgiveness" means the formal and public act of acknowledging or excusing an
69 individual's actions or behavior that makes him or her ineligible for Tribal employment,
70 an occupational license, certification or permit issued by the Tribe, housing through the
71 Tribe or other Tribal benefit
72 (l) "Hearing" means a public hearing, a noticed public forum in which an applicant has an
73 opportunity to present a case for obtaining a pardon or forgiveness from the Tribe.
74 (m) "Individual" means a Tribal member seeking a pardon for a conviction of a crime, a
75 Tribal member seeking forgiveness for an act(s) that makes him or her ineligible for
76 housing with the Tribe or other Tribal benefit(s) or anyone seeking forgiveness for an act(s)
77 that renders him or her ineligible for employment, an occupational license, certification or
78 permit issued by the Tribe.
79 (n) "Family member" means a spouse, child sibling, parent, grandparent, grandchild, step-
80 parent, step-child, in-law or legal guardian.
81 (o) "Outstanding penalties, fines, or other debts" means any unpaid monetary obligations
82 owed to the Nation or arising from any Tribal, State, Federal, or Municipal court order,

83 judgement, stipulation, or payment requirement, including but not limited to penalties,
84 fines, fees, repayment obligations, or court-ordered financial conditions that are due and
85 payable.

86 (p) “Pardon” means the formal and public act of acknowledging or excusing a Tribal
87 member’s criminal conviction that makes him or her ineligible for Tribal employment, an
88 occupational license, a certification or permit issued by the Tribe, housing through the
89 Tribe, or other Tribal benefit.

90 (q) “Prominent locations” shall include, but not be limited to, the following: the Tribal
91 newspaper; at least one (1) local newspaper with regular distribution within the Reservation
92 boundaries; one (1) regional Indian newspaper; and the Tribe’s official website.

93 (r) “Rescind” means to formally revoke, cancel, or withdraw a previously granted pardon
94 or forgiveness through Oneida Business Committee resolution, thereby restoring all prior
95 ineligibilities and returning the applicant to the status that existed before the pardon or
96 forgiveness was granted.

97 (s) “Restriction” means a limitation or constraint imposed.

98 (t) “Tribal” or “Tribe” means the Oneida Tribe of Indians of Wisconsin.

99 (u) “Victim” means a person or entity against whom an offense, either civil or criminal,
100 has been committed.

101 102 **126.4. Pardon and Forgiveness Screening Committee Responsibilities**

103 126.4-1. A Committee is hereby created for the purpose of carrying out the provisions of this Law.

104 126.4-2. *Authority.* The Committee shall:

105 (a) promulgate internal standard operating procedures necessary to govern its proceedings;

106 (b) review and process applications for a pardon or forgiveness in an orderly and
107 expeditious manner;

108 (c) review an applicant’s background investigation report received from the Oneida
109 Human Resources Department;

110 (d) conduct and preside over hearings;

111 (e) provide formal, written recommendations to the Oneida Business Committee to
112 approve or deny a pardon or forgiveness application; and

113 (f) take other actions reasonably related to the purpose of the Committee.

114 115 **126.5. Tribal Secretary’s Office Responsibilities**

116 126.5-1. The Tribal Secretary’s Office shall assist the Committee with carrying out the provisions
117 of this Law and assist individuals in applying for a pardon or forgiveness. The Tribal Secretary’s
118 Office shall:

119 (a) create and implement procedures necessary to process pardon and forgiveness
120 applications.

121 (b) accept pardon and forgiveness applications.

122 (c) submit and track requests for a background investigation.

123 (d) forward pardon and forgiveness applications to the Committee when the background
124 investigations are complete.

125 (e) maintain a record of all pardon and forgiveness applications filed, every pardon and
126 forgiveness request granted or denied, and the reasons for each action.

127 (f) maintain a complete and accurate record of all proceedings, including all
128 correspondence, transcripts, documents, evidence, and appearances made in connection
129 with the applications.

130 (g) perform other duties in connection with matters under this Law as may be requested

131 by the Committee.

132
133 **126.6. Pardon and Forgiveness Eligibility and Application**

134 126.6-1. *Eligibility.* A Tribal member may receive a pardon for any criminal conviction(s), or a
135 forgiveness for an act(s) that renders the Tribal member ineligible for housing with the Tribe or
136 other Tribal benefit(s); and any individual may receive forgiveness for an act(s) that renders the
137 individual ineligible for Tribal employment, an occupational license, certification or permit issued
138 by the Tribe.

139 (a) Upon completion of incarceration, parole, probation and/or deferred prosecution,
140 Tribal members shall be eligible to apply for a pardon.

141 (b) One (1) year after an act is committed, or affirmed through the conclusion of any appeal
142 process, an individual shall be eligible to apply for pardon or forgiveness.

143 126.6-2. *Ineligibility.* An individual is ineligible for a pardon or forgiveness if he or she is:

144 (a) being investigated for an act and if found to have committed such act, would be
145 ineligible for the benefit he or she is seeking; or

146 (b) appealing a termination and the termination makes him or her ineligible for the benefit
147 he or she is seeking; or

148 (c) currently incarcerated, on parole, probation, and/or under a deferred prosecution
149 agreement; or

150 (d) has any outstanding penalties or fines; however, this paragraph does not apply to
151 an application made solely for employment purposes under Section 126.1-1(a)(3) when
152 outstanding penalties or fines are the only unmet eligibility requirement and the applicant
153 qualifies for a conditional waiver under Section 126.6-3.

154 126.6-3. *Conditional Waiver.* A conditional waiver is not a pardon or forgiveness and does not
155 waive or reduce any penalties, fines, or debts owed to the Nation or any other government. It
156 temporarily lifts the employment-related ineligibility under Section 126.6-2(d) solely for the
157 purpose of allowing an applicant to be considered for employment with the Nation. The conditional
158 waiver exists only within the Committee's authority to recommend an exception to eligibility
159 requirements; it does not authorize the Nation to negotiate, modify, or forgive financial obligations
160 imposed by any court or governmental body.

161 (a) The Committee may recommend approval despite Section 126.6-2(d) only when:

162 (i) the application is solely for employment purposes as defined in Section 126.3-
163 1(j);

164 (ii) outstanding penalties or fines are the sole basis for ineligibility; and

165 (iii) the applicant enters a written payment agreement with the Pardon and
166 Forgiveness Committee requiring full payment within eighteen (18) months from
167 the OBC resolution date. A payment agreement under this section may consist of
168 any documentation demonstrating how the applicant will satisfy the outstanding
169 obligation and does not require negotiation, approval, or participation from any
170 Tribal, State, Federal, or Municipal government. The payment agreement functions
171 solely as evidence that the applicant is actively addressing the eligibility condition
172 and is not an agreement between the Nation and any outside jurisdiction.

173 (b) Any recommendation under this section shall include a mandatory condition under
174 Section 126.9-3(a) requiring full payment within eighteen (18) months and compliance
175 with an approved installment plan.

176 (c) Failure to comply with the payment agreement constitutes grounds for rescission under
177 Section 126.10-7 and immediate reinstatement of prior ineligibility.

178 (d) Nothing in this section authorizes the Committee to forgive, modify, reduce, or

179 negotiate penalties or fines imposed by any government; the waiver pertains only to
180 employment eligibility with the Nation.

181 (e) *Exception for Larger Outstanding Obligations.* Notwithstanding Section 126.6-3(a)(iii)
182 and 126.6-3(b), the Committee may recommend a conditional waiver under the following
183 extended timeframes, based on the total amount of outstanding penalties or fines:

184 i. *Obligations of five thousand dollars (\$5,000) or less.* The applicant may be
185 granted up to eighteen (18) months from the OBC resolution date to satisfy the
186 outstanding obligation, provided all other requirements of this section are met.

187 ii. *Obligations greater than five thousand dollars (\$5,000).* The applicant may be
188 granted up to three (3) years from the OBC resolution date to satisfy the
189 outstanding obligation provided:

190 (A) the applicant submits a written payment plan demonstrating the ability
191 to complete payment within the extended period;

192 (B) the Committee determines that the extended timeframe is necessary to
193 prevent unreasonable hardship; and

194 (C) the applicant remains in full compliance with the approved installment
195 plan.

196 (f) *Good-Cause Exception for Missed Payment.* A missed payment under an approved
197 repayment plan may be excused upon a finding of good cause, provided that:

198 i. The applicant submits a written explanation within thirty (30) days of the missed
199 payment;

200 ii. The Committee determines that the missed payment resulted from good cause,
201 which may include but is not limited to unforeseen medical emergencies, loss of
202 income, or other significant and verifiable circumstances; and

203 iii. The applicant resumes payment under a revised schedule approved by the
204 Committee within thirty (30) days of the good-cause determination.

205 126.6-3. *Initiating an Application.* Applications for a pardon or forgiveness may be obtained from
206 the Tribal Secretary's Office or on the Tribal website. Completed applications shall be filed with
207 the Tribal Secretary's Office in person, during normal Tribal business hours, or sent by certified
208 mail to the Tribal Secretary at P.O. Box 365, Oneida, WI 54155.

209 126.6-4. *Required Application Information.* Each applicant is responsible for submitting all
210 required materials and authorizations.

211 (a) A completed pardon application shall include the following:

212 (1) a copy of the applicant's Tribal enrollment card.

213 (2) a copy or copies of any discharge papers from incarceration or jail.

214 (3) official verification of any successful completion date of the probation, parole
215 or deferred prosecution.

216 (4) any necessary releases for investigations and/or background checks.

217 (5) any authorizations from a probation officer to release information.

218 (6) the required non-refundable fee as specified under 126.6.

219 (7) a personal written statement, including the reason(s) for requesting a pardon
220 and a description and documentation of the applicant's efforts towards self-
221 improvement.

222 (8) information regarding the conviction(s) for which the applicant is seeking a
223 pardon, including:

224 (A) date(s) upon which the crime(s) occurred;

225 (B) location(s) where the crime(s) occurred;

226 (C) date(s) of conviction(s); and

- 227 (D) jurisdiction(s) which imposed the sentence(s).
228 (9) verification of attendance or successful completion of any counseling, therapy,
229 or rehabilitative programs such as anger management or coping skills classes.
230 (10) letters of reference or support from people well-regarded in the community.
231 Such letters shall detail the applicant's accomplishments or contributions to the
232 community or attest to the applicant's rehabilitation and trustworthiness. These
233 may include, but are not limited to:
234 (A) clergy or other spiritual leaders.
235 (B) employers and/or community members.
236 (C) teachers.
237 (D) organizers of support groups the applicant attends or has attended.
238 (11) any other information relevant to the applicant's conviction(s) or rehabilitation
239 efforts.
240 (12) proof of payment of all penalties and fines. For application proceeding under
241 Section 126.6-3, proof of a Committee-approved payment agreement satisfies the
242 requirement to document outstanding penalties or fines.
- 243 (b) A completed forgiveness application shall include the following:
244 (1) a copy of the applicant's Tribal enrollment card, if applicable.
245 (2) the applicant's employment record prior to the act, if applicable.
246 (3) the applicant's background records.
247 (4) the act that triggered the applicant's ineligibility.
248 (5) the impact of the act on the Tribe.
249 (6) the length of time since the act.
250 (7) a written statement from the applicant demonstrating remorse for the violation.
251 (8) two (2) letters of recommendation, with no more than one (1) recommendation
252 coming from a person who is a family member of the applicant.
253 (9) the required non-refundable fee as specified under 126.6.
254 (10) any additional credible and relevant information.
255 (11) proof of payment of all penalties and fines. For application proceeding under
256 Section 126.6-3, proof of a Committee-approved payment agreement satisfies the
257 requirement to document outstanding penalties or fines.

258 126.6-5. Failure of the applicant to provide a complete application, or any of the required
259 information and/or materials may result in:

- 260 (a) the application being returned with a request for more information; or
261 (b) the application being removed from consideration; or
262 (c) denial of a pardon or forgiveness.

263 126.6-6. *Applicant Misrepresentations.* Any applicant who misrepresents, omits, or falsifies any
264 information on the application or during the pardon process shall be denied a pardon. If a pardon
265 is granted and it is later determined that there is misrepresented or false information, or pertinent
266 information was purposefully omitted, the Oneida Business Committee shall have the right to
267 rescind the pardon.
268

269 **126.7. Fees**

270 126.7-1. Each application shall be accompanied by a non-refundable fee as set by the Oneida
271 Business Committee in a resolution. Said payment shall be made payable to the Oneida Tribe in
272 the form of a:

- 273 (a) money order; or
274 (b) cashier's check; or

275 (c) intra-tribal purchase document, if a Tribal department or program, such as Social
276 Services, will be providing the funds for the application fee.
277

278 **126.8. Hearings**

279 126.8-1. *Notice of the Hearing.* The Committee shall conduct quarterly hearings and provide
280 official notice to the applicant by certified mail, including the date, time and location of the
281 hearing, at least thirty (30) calendar days prior to the hearing. Notice shall also be posted in
282 prominent locations at least thirty (30) calendar days prior to the hearing. If alternate arrangements
283 have been made under 126.8-2, notice shall be posted in prominent locations with as much advance
284 notice as possible and as time permits.

285 (a) Notice of the hearings scheduled for the year shall be posted on the Tribal website and
286 periodically in the Tribal newspaper.

287 (b) Hearings shall take place at a regularly scheduled time and location to be determined
288 by the Committee and shall be open to the public.

289 126.8-2. *Alternate Hearing Arrangements.* Applicants who reside out of the State of Wisconsin
290 who are unable to attend a hearing may submit a written request by certified mail to the Tribal
291 Secretary's Office for alternate arrangements to appear by video conference and/or to reschedule
292 the hearing date. If alternate arrangements are unavailable, the applicant may withdraw the
293 application up to three (3) business days prior to the hearing without penalty, and may re-apply for
294 a pardon at any time.

295 126.8-3. *Failure of Applicant to Attend Hearing.* Failure of the applicant to appear at the hearing
296 may result in the Committee postponing making a determination on the application or
297 recommending the Oneida Business Committee deny the application.

298 (a) Applicants with a legitimate reason for failing to appear for a hearing shall have ten
299 (10) calendar days from the date of the missed hearing to provide documentation to the
300 Committee. Such documentation may include, but is not limited to; a Doctor's excuse,
301 accident/police report, or funeral notice.

302 126.8-4. *Testimony and Notarized Statements.* The Committee shall obtain oral testimony at the
303 hearing from the applicant, and any victims, witnesses or other persons supporting or opposing the
304 pardon or forgiveness.

305 (a) Victims, witnesses, and other persons unavailable for a scheduled hearing may submit
306 a notarized statement for consideration.

307 (b) The Committee may institute recesses and postponements as they see fit.

308 (c) The Committee may ask questions at any time during the hearing.

309 (d) The Committee may require the applicant to provide further documentation.

310 (1) Within five (5) business days of the hearing, the Committee shall send a written
311 request by certified mail to the applicant for the additional documentation.

312 (2) The applicant shall submit the documentation to the Tribal Secretary's Office
313 within thirty (30) calendar days after receiving the request for the documentation.

314 Failure of the applicant to provide any of the required documentation may result in:

315 (A) the application being removed from consideration; or

316 (B) denial of the application.

317 126.8-5. *Deliberations and Recommendation.* After the hearing, the Committee shall go into
318 executive session for deliberations.

319 (a) The Committee shall consider all information gathered from the hearing, the
320 application, the background investigation, and any testimony or notarized statements when
321 determining whether to recommend that the application be approved or denied.

322 (1) The Committee shall be responsible for weighing the appropriateness of

323 granting a pardon or forgiveness.
324 (b) *Recommendation.* After considering the factors provided, the Committee shall make
325 a decision and compose a formal, written recommendation for each application, including
326 reasons to approve or deny the application within sixty (60) days after the pardon or
327 forgiveness hearing. The recommendation, including any dissenting opinions issued by
328 the Committee shall be forwarded to the Oneida Business Committee within thirty (30)
329 calendar days after making a decision, along with the following materials for review:

- 330 (1) All information from the application and the background investigation;
- 331 (2) Any notarized statements submitted;
- 332 (3) A proposed draft resolution; and
- 333 (4) An audio recording of the hearing, upon request by an Oneida Business
334 Committee member.

335
336 **126.9. Conditions and Restrictions**

337 126.9-1. *Pardons.* Certain convictions may affect a Tribal member’s rights under state or federal
338 law, or result in restrictions being placed on a Tribal member, regardless of whether a Tribal pardon
339 has been granted.

340 (a) *Civil Rights.* A pardon by the Tribe does not guarantee the restoration of all civil rights,
341 and each recipient of a Tribal pardon is responsible for determining whether the pardon
342 affects any non-Tribal restrictions or limitations that may be applicable pursuant to the
343 conviction.

344 (b) *Employment.* Individuals convicted of a crime that is “substantially related” to the care
345 of another person or animal may be subject to extended or permanent restrictions on
346 licensing or professional credentials in fields relating to such caretaking. A Tribal pardon
347 shall not affect these restrictions.

348 (c) *Sex Offender Registry.* Receipt of a Tribal pardon shall in no way affect registration,
349 tracking or other restrictions or obligations imposed upon sex offenders, including any
350 restrictions imposed through the Nation’s Safe Neighborhoods law.

351 (d) *Voting Rights.* Each state, and the federal government are empowered to determine
352 whether felons may vote in elections, caucuses, referendums or any other venue dependent
353 on the votes of citizenry. The granting of a Tribal pardon shall not supersede the rights of
354 these jurisdictions to determine the eligibility of voters.

355 126.9-2. *Other Restrictions.* The Committee’s written recommendation to the Oneida Business
356 Committee to approve an applicant’s request for a pardon or forgiveness may also recommend the
357 Oneida Business Committee impose restrictions on the applicant. If the Committee does not
358 recommend a restriction, the Oneida Business Committee shall have the authority to place
359 restrictions on the applicant before approving the pardon or forgiveness request. Restrictions shall
360 specify the time lines attached to them, which may expand over a period of months, years, or
361 indefinitely.

362 (a) Restrictions shall be clearly defined and may include the following:

- 363 (1) The applicant is ineligible for a transfer, promotion or job reassignment.
- 364 (2) The applicant may be prohibited from:
 - 365 (A) Handling cash and/or merchandise.
 - 366 (B) Having Tribal property sign-off authority.
 - 367 (C) Supervising staff.
 - 368 (D) Supervising or caring for children or the elderly.
 - 369 (E) Any other restrictions the Oneida Business Committee determines as
370 appropriate.

371 (b) When restrictions are imposed for a period of greater than five (5) years, the applicant
372 may, after five (5) years, apply to have the restrictions modified or lifted. The request to
373 modify or lift restrictions will follow the same process required to request a pardon.

374 (c) The applicant shall sign a written statement describing each restriction, and time period
375 of such restriction prior to becoming employed by the Tribe.

376 126.9-3. *Conditions.* The Committee may also recommend that an applicant requesting a pardon
377 or forgiveness be required to complete conditions before the applicant is granted the pardon or
378 forgiveness. If the Committee does not recommend a condition, the Oneida Business Committee
379 shall have the authority to place conditions on the applicant before approving the pardon or
380 forgiveness request.

381 (a) Conditions shall be clearly defined and may include the following:

382 (1) perform community service hours within a Tribal Department.

383 (2) payment of restitution to the Tribe.

384 (3) any other conditions the Oneida Business Committee determines as
385 appropriate.

386 126.9-4. *Monitoring.* The Tribal Secretary's Office shall monitor compliance with all
387 payment-related conditions and provide quarterly status reports to the Committee until those
388 conditions have been fully satisfied. Monitoring payment conditions is an integral component of
389 enforcing eligibility requirements and does not constitute a ministerial or administrative processing
390 function of the Secretary's Office. The Secretary's Office conducts this monitoring solely to
391 determine whether the required eligibility conditions have been met and does not exercise
392 decision-making authority regarding eligibility determinations or the continuation of any
393 conditional waiver.

394

395 **126.10. Oneida Business Committee**

396 126.10-1. The Oneida Business Committee shall consider all of the information received by the
397 Committee prior to making a determination on whether to issue or deny a pardon or forgiveness
398 application. The Oneida Business Committee may accept, reject or modify the Committee's
399 recommendation.

400 126.10-2. *Deliberations.* Deliberations by the Oneida Business Committee shall take place in
401 executive session. The Oneida Business Committee may request, by written notice, that the
402 applicant be present during the deliberations to provide oral testimony or to answer questions. The
403 notice shall be provided to the applicant thirty (30) days prior to the deliberations and shall contain
404 the time, place and date of the deliberations.

405 126.10-3. *Final Decision.* The Oneida Business Committee shall issue or deny the pardon or
406 forgiveness in open session, by resolution, including the reasons therefor and shall include for the
407 record a clear indication of any decision and shall list the specific crimes to be pardoned or acts to
408 be forgiven. This decision is final and cannot be appealed. Applicants may be eligible to re-apply
409 for a pardon or forgiveness one (1) year from the date of the most recent denial of a pardon or
410 forgiveness.

411 126.10-4. *Notification.* Notification of the final decision shall be sent to the applicant from the
412 Tribal Secretary's office by certified mail or personally served within ten (10) business days
413 following the decision. Applicants have a right to documentation of the final decision along with
414 the resolution, and the reason(s) for the final decision.

415 126.10-5. *Resolution.* To grant or deny a pardon or forgiveness, a majority vote of the Oneida
416 Business Committee is required.

417 126.10-6. *Eligibilities.* Unless otherwise directed by the Oneida Business Committee, a pardon
418 or forgiveness may fully or partially restore some Tribal eligibilities lost as a result of a conviction

419 or act including:

- 420 (a) employment; and/or
- 421 (b) an occupational license, certificate or permit; and/or
- 422 (c) housing; and/or
- 423 (d) other Tribal benefit.

424 126.10-7. *Rescission for non-payment*. If an individual does not satisfy a payment condition
425 imposed under Section 126.6-3, the OBC may rescind the pardon or forgiveness by resolution.
426 Before rescission occurs, the individual shall receive notice and be given thirty (30) days from the
427 date of that notice to provide proof of payment or otherwise demonstrate compliance. If the
428 individual does not provide such proof within the thirty-day period, the OBC may proceed with
429 rescission. Upon rescission, all prior ineligibilities are reinstated.

430 (a) For the purposes of this section, “individual” means a person who has been granted a
431 conditional waiver under Section 126.6-3.

432 (b) Rescission is a determination of eligibility status under this Law and is not an
433 employment action. Any employment related consequences are processed separately under
434 applicable personnel policies.

435 (c) Notification of rescission shall be issued to the individual by the Secretary’s Office in
436 accordance with Section 126.10-4.

437

438

439

440 *End.*

441

442 Adopted – BC-2-19-93-I

443 Adopted – BC-11-13-93-B (Oneida Pardon Procedures Policy)

444 Adopted – BC-11-24-93-B (Temporary Pardons)

445 Adopted – BC-7-31-02-A

446 Adopted – BC-05-25-11-A

447 Adopted – BC-01-22-14-B

448 Emergency Adoption – BC-04-28-21-A

449 Emergency Extended – BC-10-27-21-A (Emergency Expired)

450 Amended – BC-XX-XX-XX-X

451