



**LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA**  
Business Committee Conference Room - 2nd Floor Norbert Hill Center  
June 3, 2026  
9:00 a.m.

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

**II. Minutes to be Approved**

1. May 20, 2026 LOC Meeting Minutes (pg. 2)

**III. Current Business**

1. Pardon and Forgiveness Law Amendments (pg. 4)

**IV. New Submissions**

1. Petition: G. Powless-Buenrostro – Amend the Judiciary Law #2026-01 (pg. 38)

**V. Additions**

**VI. Administrative Updates**

1. Certification of the Technology Resources Law Rules (pg. 39)

**VII. Executive Session**

**VIII. Recess/Adjourn**



**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center  
May 20, 2026  
9:00 a.m.

**Present:** Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen

**Unexcused:** Marlon Skenandore

**Others Present:** Grace Elliott, Carolyn Salutz

**Others Present on Microsoft Teams:** Clorissa Leeman, Ashley Blaker, Chad Fuss, Fawn Cottrell, Jessalyn Havarth, Kaylynn Biely, Melissa Alvarado, Rae Skenandore, Shannon Stone, David Jordan, Tavia James-Charles, Fawn Billie, Kristal Hill, Sarah White, Ralinda Ninham-Lamberies, Eric Boulanger, Jason Martinez, Katsitsiyo Danforth

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

Jameson Wilson called the May 20, 2026, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jonas Hill to adopt the agenda; seconded by Jennifer Webster. Motion carried unanimously.

**II. Minutes to be Approved**

**1. May 6, 2026 LOC Meeting Minutes**

Motion by Kirby Metoxen to approve the May 6, 2026, LOC meeting minutes and forward to the Oneida Business Committee; seconded by Jonas Hill. Motion carried unanimously.

**III. Current Business**

**1. Elder Protection Law**

Motion by Jennifer Webster to approve the public comment review memorandum with LOC consideration, the updated legislative analysis, and final draft of the Elder Protection law; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jennifer Webster to approve the fiscal impact statement request memorandum and direct the Finance Department to provide the LOC with a fiscal impact statement of the proposed Elder Protection law by June 5, 2026; seconded by Jonas Hill. Motion carried unanimously.

**2. Uniform Commercial Code**

Motion by Jennifer Webster to approve the public comment review memorandum, updated

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legislative analysis, and final draft of the Uniform Commercial Code.; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jennifer Webster to approve the fiscal impact statement request memorandum and direct the Finance Department to provide the LOC with a fiscal impact statement of the proposed Uniform Commercial Code by June 19, 2026.; seconded by Jonas Hill. Motion carried unanimously.

### **3. Eviction and Termination Law Amendments**

Motion by Jennifer Webster to approve the updated public comment review memorandum, draft, and legislative analysis; seconded by Kirby Metoxen. Motion carried unanimously.

Motion by Jennifer Webster to approve the fiscal impact statement request memorandum with revision to the due date and direct that the Finance Administration provide the LOC a fiscal impact statement for the proposed Eviction and Termination law amendments by June 19, 2026; seconded by Jonas Hill. Motion carried unanimously.

#### **IV. New Submissions**

#### **V. Additions**

#### **VI. Administrative Updates**

#### **VII. Executive Session**

#### **VIII. Adjourn**

Motion by Jennifer Webster to adjourn at 9:19 a.m.; seconded by Jonas Hill. Motion carried unanimously.



Legislative Operating Committee  
 June 03, 2026

# Pardon and Forgiveness Law Amendments

<b>Submission Date:</b> 2/5/26	<b>Public Meeting:</b> N/A
<b>LOC Sponsor:</b> Jonas Hill	<b>Emergency Enacted:</b> N/A

**Summary:** *This item was added to the Active Files List on February 18, 2026 at the request of the Oneida Business Committee to allow flexibility in pardon eligibility when fines prevent payment.*

**2/18/26 LOC:** Motion by Jennifer Webster to add the Pardon and Forgiveness Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

**2/25/26:** *Work Meeting.* Present: Kelly McAndrews, Grace Elliott. The purpose of this meeting was to review attorney McAndrew’s comments on the proposed amendments to the Pardon and Forgiveness law.

**2/27/26:** *Work Meeting.* Present: Grace Elliott, Peggy VanGheem. The purpose this meeting was to review attorney VanGheem’s comments on the proposed amendments to the Pardon and Forgiveness law.

**3/4/26:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Carolyn Salutz, Kristal Hill, Fawn Billie, Clorissa Leeman, Grace Elliott. The purpose of this meeting was to provide an update and complete a read through of the amendments for LOC review and initial approval to move forward through the legislative process.

**5/14/26:** *Public Meeting Held.* No individuals provided comment during the public comment meeting.

**5/21/26:** *Public Comment Closed.* No individuals provided written comments.

**Next Steps:**

- Approve the public comment review memorandum, updated legislative analysis, and final draft of the proposed Pardon and Forgiveness law amendments.
- Approve the Fiscal Impact Statement Request memorandum and direct that the Finance Department provide the LOC a Fiscal Impact Statement for the proposed Pardon and Forgiveness law amendments by June 25, 2026.



TO: Legislative Operating Committee (LOC)  
FROM: Grace Elliott, Legislative Reference Office, Staff Attorney *Grace Elliott*  
DATE: June 3, 2026  
RE: Pardon and Forgiveness: Public Comment Review

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On May 14, 2026, a public meeting was held regarding amendments to the Pardon and Forgiveness Law. No individuals provided comments during the public meeting. The public comment period was then held open until May 21, 2026. No individuals submitted comments during the comment period. This memorandum is submitted as a review of the comments received during the public comment period. The public meeting draft and public meeting transcript are attached to this memorandum for review.



**LEGISLATIVE OPERATING COMMITTEE  
PUBLIC MEETING  
Code of Ethics Law Amendments  
Pardon and Forgiveness Law Amendments**  
Norbert Hill Center Business Committee Conference Room and Microsoft Teams  
May 14, 2026  
12:15 p.m.

**Present:** Jonas Hill, Grace Elliott, Carolyn Salutz,

**Present on Microsoft Teams:** Joel Maxam, Terri Schiltz, Ashley Blaker, Jodi Tess, Peggy Helm-Quest, Melissa Alverado, Shannon Stone

**Jonas Hill:** Good afternoon, the time is 12:15 p.m. and today's date is Thursday, May 14, 2026. I will now call to order the public meeting for the following two pieces of proposed legislation: Code of Ethics law amendments, and Pardon and Forgiveness law amendments.

The Legislative Operating Committee is hosting this public meeting to gather feedback from the community regarding these legislative proposals. The public meeting is not a question and answer period. The LOC will review and consider all comments received during the public comment period. The LOC will respond to all comments received in a memorandum, which will be submitted in the meeting materials of a future LOC meeting.

All persons who wish to present oral testimony in person need to register on the sign in sheet. Individuals who wish to present oral testimony on Microsoft Teams, please raise your hand and you will be called on. If you leave an email address on the sign in sheet we can ensure you receive a copy of the public comment review memorandum.

Additionally, written comments may be submitted to the Nation's Secretary's Office or to the Legislative Reference Office in person, by U.S. mail, interoffice mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business on Thursday, May 21, 2026.

In attendance from the LOC is myself, Jonas Hill.

The LOC may impose a time limit for all speakers pursuant to section 109.8-3(c) of the Legislative Procedures Act. As the presiding LOC member, I am imposing a time limit of five minutes per person. This time limit shall be applied equally to all persons.

We will now begin today's public meeting for the two proposed legislative items.

We will be accepting comments on the Code of Ethics law amendments. The purpose of the Code of Ethics law is to establish clear standards of conduct rooted in the values of the Oneida people,

to guide those entrusted with authority in serving the Nation with honor and responsibility. These standards reflect the sacred trust between the government and the people, and are intended to promote integrity, uphold the will of the Nation, and preserve the confidence of the Oneida people. In a government founded upon the consent of the people, it is the right of the Oneida to expect loyalty, honesty, and accountability from those who serve. The Code of Ethics law amendments will:

- Update the Code of Ethics to focus exclusively on the Oneida Business Committee, bringing all expectations for how leaders should conduct themselves into one easy-to-understand law.
- Integrate the Great Law of Peace into the ethical foundation, affirming decision-making grounded in peace, unity, and thoughtful deliberation as cultural mandates for governance.
- Ground the ethical framework in the Good Mind teachings, infusing leadership obligations with humility, compassion, clarity, and community-centered thinking.
- Articulate the concept of Sacred Trust, emphasizing leadership as a duty held on behalf of past, present, and future generations rather than an individual entitlement.
- Clarify the definition of “Conflict of Interest” to encompass financial, personal, and political interests affecting leaders and their immediate families, reinforcing impartial stewardship.
- Mandate transparent disclosure of conflicts, ensuring ethical clarity consistent with the Good Mind’s call for honesty and openness in governance.
- Require OBC members to recuse themselves from matters in which conflicts exist, upholding the Great Law of Peace’s expectation that leaders avoid self-interest.
- Implement structured annual and as-needed conflict-of-interest filings, create accountability mechanisms that reinforce responsible leadership.
- Modernize gift and honoraria reporting by increasing financial thresholds and updating reporting processes to better reflect contemporary governance realities including public disclosure.
- Prohibit acceptance of gifts tied to influence or business advantage, protecting the Nation’s decision-making from external pressure and maintaining community trust.
- Regulate OBC members’ applications for positions that report directly to the Committee, preventing conflicts before they arise and strengthening procedural fairness.
- Safeguard confidential information by restricting its use for personal, financial, or political benefit, aligning with the Haudenosaunee value of responsible and respectful speech.
- Reinforce accountability and transparency as essential qualities of public office, affirming that OBC authority flows from the people and must remain answerable to them.
- Strengthen expectations for meeting attendance, preparation, and professional engagement, acknowledging that presence and participation are integral to carrying the Sacred Trust.
- Codify a comprehensive list of prohibited behaviors including retaliation, discrimination, misuse of office, and corruption to uphold dignity and protect community confidence in leadership.

We will also be accepting comments on the 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. Specifically, the Law provides a process for: Tribal members to receive pardons for criminal convictions or forgiveness for acts that make them ineligible for Tribal housing or 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. The Pardon and Forgiveness law amendments will:

- 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.
- 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 greater than \$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 restrictions imposed under the Nation's Safe Neighborhoods law, in addition to existing sex-offender requirements.
- 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.
- 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.

Those who wish to speak please raise your hand. Please state your name when making a comment, and which law you are commenting on. First up to speak is...we have nobody in person so if there is anybody on Teams who would like to speak you can raise your hand...

With there being no more speakers, the public meeting for the Code of Ethics law amendments and Pardon and Forgiveness law amendments is now closed at 12:26 p.m.

Written comments may be submitted until close of business on Thursday, May 21, 2026.

**-End of Meeting-**

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## PARDON AND FORGIVENESS LAW AMENDMENTS LEGISLATIVE ANALYSIS

### SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
<b>Intent of the Legislation or Amendments</b>	<ul style="list-style-type: none"> <li>▪ 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)].</li> <li>▪ Establish the full conditional waiver framework, including:               <ul style="list-style-type: none"> <li>▪ waiver applies only to employment eligibility;</li> <li>▪ outstanding penalties/fines remain fully enforceable;</li> <li>▪ mandatory payment agreement (18 months or extended to 3 years if &gt;\$5,000);</li> <li>▪ requirements for Pardon and Forgiveness Committee recommendation;</li> <li>▪ good-cause exception for missed payments;</li> <li>▪ grounds for rescission for non-payment. [1 O.C. 126.6-3].</li> </ul> </li> <li>▪ 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)].</li> <li>▪ 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)].</li> <li>▪ 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].</li> <li>▪ 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"> <li>▪ rescission is an eligibility action, not an employment action;</li> <li>▪ notice must be issued per 126.10-4. [1 O.C. 126.10-7].</li> </ul> </li> </ul>
<b>Purpose</b>	<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"> <li>▪ Tribal members to receive pardons for criminal convictions;</li> <li>▪ Tribal members to receive forgiveness for acts that make them ineligible for Tribal housing or other Tribal benefits; and</li> <li>▪ 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)].</li> </ul>

	<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><b>Affected Entities</b></p>	<p>Oneida Business Committee; Office of the Oneida Secretary (records); Pardon and Forgiveness Committee, Oneida community members.</p>
<p><b>Related Legislation</b></p>	<p>Personnel, Policies, and Procedures; Safe Neighborhoods.</p>
<p><b>Enforcement</b></p>	<ul style="list-style-type: none"> <li>▪ 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].</li> <li>▪ 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].</li> <li>▪ 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].</li> <li>▪ 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].</li> <li>▪ 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].</li> <li>▪ 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].</li> </ul>
<p><b>Due Process</b></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.
<b>Public Meeting</b>	A public meeting was held on May 14, 2026. No individuals provided comments during the meeting. The public comment period closed on May 21, 2026 and no individuals submitted written comments.
<b>Fiscal Impact</b>	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.
  - May14, 2026: Public comment meeting held. No individuals provided comments.
  - May21, 2026: Public comment period closed with no individuals providing written comments.

## 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 Kahletsyallésla (encouraging the best in each other), Kanolukhwát<sup>^</sup>sla (compassion and identity), Kaʔnikuhli.yo (openness of spirit), Kaʔtshatst<sup>^</sup>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.

Draft 1 (Redline)  
2026 06 03

**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
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**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?a·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?tshatstʌsla. 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.

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

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

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

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

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

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

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

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

#### **126.4. Pardon and Forgiveness Screening Committee Responsibilities**

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

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

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

#### **126.5. Tribal Secretary’s Office Responsibilities**

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

- (a) create and implement procedures necessary to process pardon and forgiveness applications.
- (b) accept pardon and forgiveness applications.
- (c) submit and track requests for a background investigation.
- (d) forward pardon and forgiveness applications to the Committee when the background investigations are complete.
- (e) maintain a record of all pardon and forgiveness applications filed, every pardon and 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.*

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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

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

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**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.

#### 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.

#### 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 **126.9. Conditions and Restrictions**

336 126.9-1. *Pardons*. Certain convictions may affect a Tribal member’s rights under state or federal  
 337 law, or result in restrictions being placed on a Tribal member, regardless of whether a Tribal pardon  
 338 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.*

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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



TO: Ralinda Ninham-Lamberies, Chief Financial Officer  
FROM: Jameson Wilson, Legislative Operating Committee Chairman   
DATE: June 3, 2026  
RE: Pardon and Forgiveness Law Fiscal Impact Statement

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The Legislative Operating Committee (LOC) is currently developing amendments to the Pardon and Forgiveness Law. The Legislative Procedures Act requires that a fiscal impact statement be provided for all proposed legislation of the Nation. [1 O.C. 109.6-1]. The fiscal impact statement is an estimate of the total fiscal year financial effects associated with the proposed legislation, and should include:

- startup costs;
- personnel;
- office costs;
- documentation costs; and
- an estimate of the amount of time necessary for an individual or agency to comply with the law after implementation. [1 O.C. 109.3-1(c)].

The fiscal impact statement must be completed and submitted to the LOC prior to the proposed legislation being forwarded to the Oneida Business Committee for consideration. [1 O.C. 109.6-2]. The fiscal impact statement provides the Oneida Business Committee information on what the potential adoption of the proposed legislation will cost the Nation, so that the Oneida Business Committee can determine if adoption of the proposed legislation is in the best interest of the Nation.

The Legislative Procedures Act grants the LOC the authority to direct the Finance Department or any agency who may administer a program if the legislation is enacted or may have financial information concerning the subject matter of the legislation to submit a fiscal impact statement. [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 the process for directing a fiscal impact statement be completed. This resolution provides that upon final approval of draft legislation by the LOC, the LOC may direct the Finance Department to provide a neutral and unbiased fiscal impact statement to the LOC within ten (10) business days for inclusion in adoption materials.

On June 3, 2026, the Legislative Operating Committee approved the final draft of the Pardon and Forgiveness Law. Therefore, the LOC is directing the Finance Department to provide a fiscal impact statement on the Pardon and Forgiveness Law by June 25, 2026.

A copy of the Pardon and Forgiveness Law, as well as the legislative analysis, have been attached to this memorandum for your convenience.

**Requested Action**

Provide the LOC a fiscal impact statement of the Pardon and Forgiveness Law by June 25, 2026.



Oneida Nation  
Oneida Business Committee  
Legislative Operating Committee  
PO Box 365 • Oneida, WI 54155-0365  
Oneida-nsn.gov



### AGENDA REQUEST FORM

- 1) Request Date: \_\_\_\_\_
- 2) Contact Person(s): \_\_\_\_\_  
 Dept: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_
- 3) Agenda Title: \_\_\_\_\_
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

List any supporting materials included and submitted with the Agenda Request Form

- 1) \_\_\_\_\_ 3) \_\_\_\_\_
- 2) \_\_\_\_\_ 4) \_\_\_\_\_

- 5) Please list any laws, policies or resolutions that might be affected:  
 \_\_\_\_\_
- 6) Please list all other departments or person(s) you have brought your concern to:  
 \_\_\_\_\_
- 7) Do you consider this request urgent?     Yes     No  
 If yes, please indicate why:  
 \_\_\_\_\_

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee.

Signature of Requester:  
\_\_\_\_\_

*Please send this form and all supporting materials to:*

**LOC@oneidation.org**  
or  
**Legislative Operating Committee (LOC)**  
P.O. Box 365  
Oneida, WI 54155  
Phone 920-869-4376



Oneida Nation  
Oneida Business Committee  
Legislative Operating Committee  
PO Box 365 • Oneida, WI 54155-0365  
Oneida-nsn.gov



### AGENDA REQUEST FORM

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Dept: \_\_\_\_\_  
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*or*  
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P.O. Box 365  
Oneida, WI 54155  
Phone 920-869-4376



TO: Legislative Operating Committee (LOC)  
 FROM: Clorissa N. Leeman, Legislative Reference Office, Senior Staff Attorney  
 DATE: June 3, 2026  
 RE: Certification of Technology Resources Law Rules

## ***Background***

The Legislative Operating Committee received the certification packet provided for the following rules [*“the Rules”*] from the Digital Technology Services Department (DTS):

- Technology Resources Law Rule No. 1 – Acceptable Use;
- Technology Resources Law Rule No. 2 – Clear Desk/Screen;
- Technology Resources Law Rule No. 3 – Asset Management;
- Technology Resources Law Rule No. 4 – Security Awareness Training;
- Technology Resources Law Rule No. 8 – Third Party Providers; and
- Technology Resources Law Rule No. 9 – Generative AI Usage.

The Legislative Operating Committee is responsible for certifying a proposed rule after determining the authorized agency has complied with the requirements for certification stated in section 106.7-2 of the Administrative Rulemaking law, and forwarding the rule to the Oneida Business Committee for consideration of adoption. [*1 O.C. 106.7-3*].

Certification by the Legislative Operating Committee means:

- The certification packets provided by DTS for the Rules contained all documentation required by the Administrative Rulemaking law for a complete administrative record;
- The promulgation of the Rules complied with the procedural requirements contained in the Administrative Rulemaking law; and
- The Rule did not exceed the rulemaking authority granted under the law for which the Rule is being promulgated. [*1 O.C. 106.7-2*].

The Legislative Operating Committee is now being asked to consider the certification of the Rules.

## ***Administrative Rulemaking Authority***

The Technology Resources law regulates the usage of technology resources and processed data owned and operated by the Nation. [*2 O.C. 215.1-1*]. It is the policy of the Nation to provide its community and employees access to the tools necessary to participate in a technological society. [*2 O.C. 215.1-2*]. The Technology Resources law provides that the Digital Technology Services (“DTS”) is delegated administrative rulemaking authority in accordance with the Administrative Rulemaking law to promulgate rules to govern technology resources of the Nation. [*2 O.C. 215.1-2(b)*].

### ***Summary of Technology Resources Law Rules***

DTS has brought forward six (6) Technology Resources law rules for certification and adoption. Below please find a summary of the purpose of each Rule.

The purpose of the Technology Resources Law Rule No. 1 – Acceptable Use (Rule No. 1) is to provide guidelines and techniques to promote effective use of Nation’s Digital Technology Systems. *[Rule 1.1-1]*. It applies to all Nation systems located on, or accessed from, Nation properties and systems provided by the Nation for use in the Nation’s business. *Id.* It is the policy of the Nation to provide sophisticated computer and communications systems to support official business activities, enabling effective and timely communication among staff, customers, partners, and vendors. *[Rule 1.1-2]*. This rule establishes expectations for all staff regarding the access, use, and disclosure of information via the Nation’s Information Systems, which are to be used solely for official business purposes in accordance with these guidelines and other relevant policies. *Id.*

The purpose of the Technology Resources Law Rule No. 2 – Clear Desk/Screen (Rule No. 2) is to improve security and confidentiality, whenever possible for papers, digital storage devices, and screens which contain sensitive or confidential information. *[Rule 2.1-1]*.

The purpose of the Technology Resources Law Rule No. 3 – Asset Management (Rule No. 3) is to establish a comprehensive framework for the effective management, tracking, and security of Information Technology assets within the organization. *[Rule 3.1-1]*.

The purpose of the Technology Resources Law Rule No. 4 – Security Awareness Training (Rule No. 4) is to ensure that security awareness and training measures safeguard Information Resources, maintaining their availability, confidentiality, and integrity. *[Rule 4.1-1]*.

The purpose of the Technology Resources Law Rule No. 8 – Third Party Providers (Rule No. 8) is to establish guidelines to limit and control third party service providers to minimize risks such as revenue loss, liability, loss of trust, and embarrassment to Oneida Nation, while ensuring the responsible use of company information and resources. *[Rule 8.1-1]*.

The purpose of the Technology Resources Law Rule No. 9 – Generative AI Usage (Rule No. 9) is to establish proper use of Artificial Intelligence (AI) technologies while working for the Nation. *[Rule 9.1-1]*. This Rule sets out to protect employees, clients, suppliers, customers, and the Nation from harm, while leveraging AI to enhance efficiency, innovation, and competitive advantage. *Id.*

### ***Eligibility for Certification by the Legislative Operating Committee***

The materials submitted by DTS for the certification of the Rules have been reviewed, and this section of the memorandum provides conclusions regarding the eligibility of the Rules for certification by the Legislative Operating Committee.

### Complete Administrative Record

The certification packet provided by DTS for the Rules did not contain all documentation required by the Administrative Rulemaking law for a complete administrative record. Below, please find a chart of the required documentation for the administrative record and whether or not the documentation was submitted:

Administrative Record Documents	Submitted
Memo from the authorized agency's highest level of management approving the proposed rule and/or Minutes from the authorized agency's meeting during which the proposed rule was an agenda item.	Yes
Memo provided by the authorized agency containing the rule's procedural timeline including the dates the requirements of this law were fulfilled.	No -
Summary Report: <ul style="list-style-type: none"> <li>▪ Document containing summary information;</li> <li>▪ Statement of Effect from Legislative Reference Office; and</li> <li>▪ Fiscal Impact Statement.</li> </ul>	Yes
Draft of proposed Rule	Yes
Draft of proposed rule that went to public meeting if the rule changed after the public meeting.	No change after public meeting.
If the rule is being amended, redline drafts from the currently effective rule illustrating the proposed amendments.	N/A
Public Meeting Notice	Yes
Public Meeting Sign in sheet	Yes
A memorandum provided by the authorized agency containing the public comments that were received, both orally and written, and the authorized agency's response to each comment	Yes
The effective dates of the original rule and any rule amendments subsequently made as established by the authorized agency.	N/A

The administrative record was missing a memorandum or information provided by the authorized agency containing the rule's procedural timeline including the dates the requirements of this law were fulfilled.

Although this information is not provided as set forth in section 106.11-1(a) of the Administrative Rulemaking law, review of the materials that were submitted provided the following:

- Statements of Effects Provided: March 5, 2026
- Public Meeting Notice Published in the Kalihwisaks: April 2026 Edition [*Published on March 31, 2026*]
- Public Meeting Held: April 6, 2026
- Public Comment Period Closure Date: April 14, 2026
- Approval Memorandum from Jason Doxtator, Chief Information Officer: April 27, 2026

### *Compliance with Procedural Requirements*

Based on the information provided for by DTS, the promulgation of the Rules did not comply with the procedural requirements contained in the Administrative Rulemaking law.

Section 106.6-2(a) of the Administrative Rulemaking law requires that the public meeting notice be published in the Kalihwisaks and on the Oneida Register not less than ten (10) business days prior to the meeting. The public meeting notice for the Rules was published in the April 2026 Edition of the Kalihwisaks, which was published on March 31, 2026. The public meeting for the Rules was then held on April 6, 2026. Ten (10) business days before April 6, 2026, would have been March 20, 2026. Therefore, the public meeting was held less than ten (10) business days in violation of section 106.6-2(a) of the Administrative Rulemaking law.

Additionally, the public meeting notice did not contain a statement of “information for electronically accessing the proposed rule and summary report and a statement that hard copies of the materials will be available with the authorized agency” as required by section 106.6-2(b)(2) of the Administrative Rulemaking law. The public meeting materials were provided to the Legislative Reference Office on March 25, 2026, and then ultimately placed on the Public Meeting page of the Oneida Register.

### *Compliance with Rulemaking Authority*

Based upon a review of the Rules, the Rules did not exceed the rulemaking authority granted under the Technology Resources law.

### **Conclusion**

The Rules provided by DTS would not be eligible for certification due to the fact that the certification packets provided by DTS for the Rules did not contain all documentation required by the Administrative Rulemaking law for a complete administrative record, and the promulgation of the Rules did not comply with all procedural requirements contained in the Administrative Rulemaking law.

Section 106.7-3 of the Administrative Rulemaking law provides that if the Legislative Operating Committee determines that the authorized agency has not complied with the certification requirements stated in section 106.7-2 of the Administrative Rulemaking law, the Legislative Operating Committee shall not certify the proposed rule.

The Administrative Rulemaking law goes on to provide that upon the denial of certification of the rule the Legislative Operating Committee shall return the proposed rule to the authorized agency with specific feedback as to which requirements were not fulfilled. The authorized agency may resubmit the proposed rule for certification by the Legislative Operating Committee once all requirements for certification have been met.

### **Requested Action**

Deny the certification of the following Rules and forward this memorandum to the Digital Technology Services Department:

- Technology Resources Law Rule No. 1 – Acceptable Use;
- Technology Resources Law Rule No. 2 – Clear Desk/Screen;
- Technology Resources Law Rule No. 3 – Asset Management;
- Technology Resources Law Rule No. 4 – Security Awareness Training;
- Technology Resources Law Rule No. 8 – Third Party Providers; and
- Technology Resources Law Rule No. 9 – Generative AI Usage.



# Memorandum

**To:** Oneida Nation Legislative Operating Committee (LOC)  
**From:** Jason W. Doxtator, Chief Information Officer  
**Date:** 04/27/2026  
**Re:** **Approval of Proposed Technology Resources Law - Security Rules**

**CC:** Mark Powless, CEO Nation Services; Ralinda Ninham-Lamberies, CFO; James Petitjean, CEO Retail; Taryn Webster, CEO Oneida Casino Hotel; Laura Laitinen-Warren, CEO Human Resources

## Purpose:

Following a comprehensive review of the proposed security rules governing technology resources, I am formally approving the framework as outlined. This decision is based on alignment with current Oneida Nation cybersecurity directives, regulatory standards, and best practices in digital security governance.

## Summary of Approval:

The proposed rules incorporate a robust structure of governance that is essential for maintaining the integrity, confidentiality, and availability of our digital assets. These components are consistent with Oneida Nation's cybersecurity initiatives and legal mandates.

## Key Elements of the Approved Rules:

1. Acceptable Use
  - a. Provides guidelines and techniques to promote effective use of Nation's Technology Systems
2. Clear Desk
  - a. To improve security and confidentiality, whenever possible for papers, digital storage devices, and screens which contain sensitive or confidential information.
3. Asset Management
  - a. Establishes a comprehensive framework for the effective management, tracking, and security of Information Technology assets within the organization.
  - b. Ensures the protection of sensitive data, compliance with applicable laws and regulations, and the efficient use of technology resources to support the mission and operations of the Nation.
4. Security Awareness
  - a. A robust security program necessitates that staff are trained in security policies, procedures, and technical controls.
5. Password Management
  - a. Passwords play a crucial role in digital security, protecting user accounts and Oneida Nation's digital assets.
6. Generative AI Usage
  - a. Outlines the proper use of AI technologies while working at Oneida Nation the goal is to protect employees, clients, suppliers, customers, and the Nation from harm, while leveraging AI to enhance efficiency, innovation, and competitive advantage.

**Implementation and Oversight:**

The Digital Security Office will oversee the implementation of these rules, upon the Oneida Nations LOC acceptance and adoption.

Please consider this memo as formal approval to proceed with the implementation of the proposed security rules. I appreciate the committee’s diligence in crafting a framework that strengthens our digital resilience while upholding legal and ethical standards.



## Statement of Effect

### *Technology Resources Law Rule No. 1 – Acceptable Use*

#### *Summary*

The Technology Resources Law Rule No. 1 – Acceptable Use provides guidelines and techniques to promote effective use of Nation’s Digital Technology Systems. [Rule 1.1-1].

*Submitted by: Clorissa N. Leeman, Senior Staff Attorney, Legislative Reference Office*

*Date: March 5, 2026*

#### *Analysis by the Legislative Reference Office*

The Administrative Rulemaking law provides authorized agencies the opportunity to promulgate rules interpreting the provisions of any law enforced or administered by it; provided that, a rule may not exceed the rulemaking authority granted under the law for which the rule is being promulgated. [1 O.C. 106.4-1]. Rulemaking authority is defined as the delegation of authority to authorized agencies found in the Nation’s laws, other than the Administrative Rulemaking law, which allows authorized agencies to implement, interpret and/or enforce a law of the Nation. [1 O.C. 106.3-1(i)]. An authorized agency is defined as any board, committee, commission, department, program or officer of the Nation that has been granted rulemaking authority. [1 O.C. 106.3-1(a)].

The Technology Resources law regulates the usage of technology resources and processed data owned and operated by the Nation. [2 O.C. 215.1-1]. It is the policy of the Nation to provide its community and employees access to the tools necessary to participate in a technological society. [2 O.C. 215.1-2]. Allowing limited personal use of these tools helps enhance the quality of the workplace and helps the Nation to retain highly qualified and skilled workers and officials, as well as to develop the technological skills of the community. *Id.* Pursuant to this law, users are permitted limited use of technology resources of the Nation for personal needs if the use does not interfere with the authorized duties of the user or official business of the Nation. *Id.* The Technology Resources law does not create a right to use technology resources of the Nation for personal use. [2 O.C. 215.1-2(a)]. The Technology Resources law in no way limits use of technology resources to fulfill authorized duties. [2 O.C. 215.9-1].

The Technology Resources law provides that the Digital Technology Services (“DTS”) is delegated administrative rulemaking authority in accordance with the Administrative Rulemaking law to promulgate rules to govern technology resources of the Nation. [2 O.C. 215.1-2(b)].

The Technology Resources law addresses acceptable use. The Technology Resources law provides that users may utilize technology resources for authorized activities. [2 O.C. 215-4-1]. Users may engage in personal use of technology resources when such use does not interfere with the mission or operations of the entity in control of the resources and does not violate applicable laws, rules, or standard operating procedures of the Nation. [2 O.C. 215-4-2]. Employees may engage in limited personal use of technology resources if the usage does not violate section 215.5-1 of the law regarding inappropriate personal use or standards enacted pursuant to section 215.7-1 of the law regarding limitations on use. [2 O.C. 215-4-3].

The purpose of the Technology Resources Law Rule No. 1 – Acceptable Use (“the Rule”) is to provide guidelines and techniques to promote effective use of Nation’s Digital Technology Systems. [Rule 1.1-1]. It applies to all Nation systems located on, or accessed from, Nation properties and systems provided by the Nation for use in the Nation’s business. *Id.* It is the policy of the Nation to provide sophisticated computer and communications systems to support official business activities, enabling effective and timely communication among staff, customers, partners, and vendors. [Rule 1.1-2]. This rule establishes expectations for all staff regarding the access, use, and disclosure of information via the Nation’s Information Systems, which are to be used solely for official business purposes in accordance with these guidelines and other relevant policies. *Id.* The Rule addresses:

- Facilities and Equipment [Rule 1.4];
- Information Access, Content, and Use [Rule 1.5];
- Protecting Confidential Information [Rule 1.6];
- Copyrighted Information [Rule 1.7];
- Privacy and Monitoring [Rule 1.8];
- Storing and Archiving Information [Rule 1.9];
- Employee Usage [Rule 1.10];
- Email Etiquette [Rule 1.11];
- Enforcement [Rule 1.12]; and
- References [Rule 1.13].

### ***Conclusion***

There are no legal bars to adopting the Technology Resources Law Rule No. 1 – Acceptable Use.

### Financial Analysis for Acceptable Use Rule

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	N/A	\$0.00
Personnel	N/A	\$0.00
Office	N/A	\$0.00
Documentation Costs	N/A	\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation	Estimated 3 months to 9 months	
Other, please explain		
Total	Annual Net Revenue	\$0.00

## Summary Report for Acceptable Use Rule

Original effective date: Ten days after rule adoption.

Amendment effective date:

**Name of Rule:** Acceptable Use

**Name of law being interpreted:** Technology Resources Law

**Rule Number:** 1

**Other Laws or Rules that may be affected:** Proposed Data Classification Rule, proposed Data Retention Rule, proposed Password Standard, & proposed BYOD Rule.

**Brief Summary of the proposed rule:** Provides guidelines and techniques for acceptable and effective use of Oneida Nation's Digital Technology Systems.

**Statement of Effect:** Obtained after requesting from the Legislative Reference Office.

**Financial Analysis:** See Attached.

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**Note:** *In addition- the agency must send a written request to each entity which may be affected by the rule- asking that they provide information about how the rule would financially affect them. The agency must include each entity's response in the financial analysis. If the agency does not receive a response within 10 business days after the request is made, the financial analysis can note which entities did not provide a response.*



## Title 2. Employment – Chapter 215 Technology Resources Law Rule #001 – Acceptable Use

- 1.1 Purpose and Authority
- 1.2 Adoption, Amendment and Repeal
- 1.3 Definitions
- 1.4 Purpose and Scope
- 1.5 Facilities and Equipment
- 1.6 Information Access, Content, and Use
- 1.7 Protecting Confidential Information
- 1.8 Copyrighted Information
- 1.9 Privacy and Monitoring
- 1.10 Storing and Archiving Information
- 1.11 Employee Usage
- 1.12 Email Etiquette
- 1.13 Enforcement
- 1.14 References

### 1.1 Purpose and Authority

1.1-1. *Purpose.* The purpose of this rule is to provide guidelines and techniques to promote effective use of the Nation’s Digital Technology Systems. It applies to all of the Nation’s systems located on, or accessed from, Nation properties and systems provided by the Nation for use in the Nation’s business.

1.1-2. *Policy.* It is the policy of the Nation to provide sophisticated computer and communications systems to support official business activities, enabling effective and timely communication among staff, customers, partners, and vendors. This rule establishes expectations for all staff regarding the access, use, and disclosure of information via the Nation’s Information Systems, which are to be used solely for official business purposes in accordance with these guidelines and other relevant policies.

1.1-3. *Authority.* The Technology Resources Law delegates rulemaking authority to the Digital Technology Services Department pursuant to the Administrative Rulemaking law.

### 1.2. Adoption, Amendment and Repeal

1.2-1. This rule was adopted by the Oneida Business Committee in accordance with the procedures of the Administrative Rulemaking law.

1.2-2. This rule may be amended or repealed by the Digital Technology Services Department and/or the Oneida Business Committee pursuant to the procedures set out in the Administrative Rulemaking law.

1.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

1.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule shall control.

1.2-5. This rule supersedes all internal department rules, regulations, policies, or other requirements relating to acceptable use as referenced in the Technology Resources Law.

### 1.3. Definitions

1.3-1. This section shall govern the definitions of words and phrases used within this rule. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Nation” means the Oneida Nation.
- (b) “Confidential data” means any information that the Nation is obligated by law, policy, or regulation to protect from unauthorized access, use, disclosure, modification, or destruction.
- (c) “Personal use” means any technology resource use that is conducted for purposes other than accomplishing an authorized activity or official business of the Nation.
- (d) “Technology resources” means any tools, systems, and applications that use technology to fulfill their purposes. Technology resources may include, but are not limited to, computers, tablets, telephones, facsimile machines, photocopiers, networks, virtual applications, and software, such as internet connectivity and access to internet services and electronic mail.
- (e) “Staff” means any individual who uses the technology resources of the Nation, including but not limited to employees, independent contractor personnel, interns, members of boards, committees or commissions, volunteers, guests, and visitors.

### 1.4. Facilities and Equipment

1.4-1. The Nation maintains facilities, equipment, and communication systems (e.g., telephones, email, computers, fax machines) to enhance operational efficiency. These systems, provided at the Nation’s expense, are for official business only. Access is granted based on job responsibilities, and use is subject to this rule.

1.4-2. Staff shall not remove equipment or software from the Nation’s premises or use personal equipment for official business without prior express consent from the employee’s senior level manager or director.

1.4-3. Alternate internet service provider connections to the Nation’s network are prohibited unless approved by management and secured by appropriate security devices.

### 1.5 Information Access, Content, and Use

1.5-1. *Technology and Resources.* The Nation invests in advanced technology to support official business. All staff with access to technology resources shall read, understand, and comply with this rule.

1.5-2. *Business Use.*

- (a) Information Systems are owned by the Nation and shall be used exclusively for business purposes, serving customer interests, and supporting normal operations.
- (b) Staff decisions to use these systems should be based on sound business practices, reducing costs, or improving services measurably, while maintaining a professional image.
- (c) Staff using the Nation’s accounts act as representatives of the Nation and shall avoid damaging the organization’s reputation.

1.5-3. *Acceptable Use.* Use of the Nation’s facilities, equipment, or systems is limited to acceptable use as defined in this rule. Incidental personal use is permitted if it is not excessive, does not interfere with job performance, consume significant resources, or disrupt other staff activities, as determined by the Nation.

1.5-4. *Professional Conduct.* Staff shall conduct official business consistent with the Nation’s mission and comply with tribal, state, and federal laws, maintaining standards of integrity, accountability, and legal sufficiency.

1.5-5. *Information Accuracy.*

- (a) Staff shall disseminate current, accurate, complete, and compliant information.
- (b) Information shared through technology resources shall be handled with the same level of care as other forms of communication. Users should ensure that content respects intellectual property rights, including copyrights, trademarks, and trade secrets.
- (c) Staff using Internet information for strategic business decisions shall verify its integrity, ensuring the source is regularly updated and valid.

1.5-6. *Confidential and Proprietary Information.*

- (a) Staff shall protect confidential and proprietary information.
- (b) Questions regarding the appropriate use of technology resources or handling of information, staff should consult their area manager or director for guidance.
- (c) Staff shall not discuss the Nation’s business prospects, financial condition, or future products with third parties unless publicly disclosed by the Nation.
- (d) Unauthorized disclosure of confidential or proprietary information may result in legal action.

1.5-7. *Public Accessibility.*

- (a) Designated staff may make information publicly accessible after management review to verify accuracy and appropriateness.
- (b) Publicly accessible information shall be periodically reviewed to remove inaccurate, inappropriate, or nonpublic content.

## **1.6. Protecting Confidential Information**

1.6-1. *Importance and Procedures.* Maintaining confidentiality is critical to the Nation’s success. Staff shall follow appropriate procedures to protect confidential information, exercising caution when communicating externally, as electronic communications are not fully secure.

1.6-2. *Data Classification.* Confidential data shall be marked with designations such as “Confidential,” “Do not reproduce,” or “Do not forward.” Emails containing confidential information shall include “Confidential” in the subject line.

1.6-3. *Access Restrictions.*

- (a) Access to directories containing sensitive or confidential data is restricted.
- (b) Unauthorized attempts to bypass restrictions, including hacking, violate this rule and may lead to disciplinary action, including termination or legal action. Hacking may also violate the Federal Electronic Communications Privacy Act (18 U.S.C. 2510).

1.6-4. *Privacy of Communications.* Staff shall respect the privacy of messages received, securing voicemail and email accounts with proper password protection, closing messages after reading, and deleting unnecessary messages.

1.6-5. *Internet Privacy.*

- (a) The internet does not guarantee privacy. Staff shall exercise caution when transferring sensitive material online by using secure methods (e.g., encrypted channels, approved platforms) and avoiding public or unsecured networks. This helps prevent unauthorized access or third-party interception.

(b) Staff shall not place the Nation’s materials—such as copyrighted software, internal correspondence, or other proprietary content—on publicly accessible internet-connected devices or platforms without prior approval from their area manager or director.

## **1.7. Copyrighted Information**

### **1.7.1. *Intellectual Property Rights.***

- (a) The Nation respects intellectual property rights. Staff shall comply with license terms for copyrighted material (e.g., literature, software, graphics) and not assume availability on electronic systems permits downloading or dissemination.
- (b) Unauthorized or illegal use of third-party intellectual property, including downloading copyrighted software, video, or audio clips, is prohibited.
- (c) Employees/users shall consult with management if unsure about use of third-party intellectual property.

### **1.7-2. *Trademark and Copyright Notices.***

- (a) The Nation’s trademarked or copyrighted material shall be properly marked.
- (b) Staff shall not remove third-party trademark or copyright notices.

### **1.7-3. *Software Use.***

- (a) Software use shall comply with the Nation’s licensing agreements.
- (b) Copying software, loading personal software, or downloading Internet software without permission is prohibited.
- (c) Software and firmware shall be digitally signed using a recognized, approved certificate.
- (d) All Nation-owned software remains with Nation upon staff departure.

## **1.8. Privacy and Monitoring**

1.8-1. *Expectation of Privacy.* Staff have no reasonable expectation of personal privacy regarding data, communications, or activities on the Nation systems, which may be monitored, accessed, or reviewed by authorized personnel without notice to ensure compliance with policies, legal requirements, and security protocols.

### **1.8-2. *Monitoring and Inspection.***

- (a) The Nation reserves the right to access, inspect, or search all Information Systems, including directories, files, emails, and communication systems, without prior notice. Monitoring may occur to:
  - (1) Prevent transmission of discriminatory, harassing, or offensive messages.
  - (2) Detect illegal material or unlicensed software.
  - (3) Ensure communication tools are not used for unauthorized or disruptive purposes.
  - (4) Investigate allegations of impropriety.
  - (5) Access information in staff absence.
  - (6) Respond to legal proceedings or court orders. Staff refusing to cooperate with legitimate inspections or provide passwords may face disciplinary action, including termination. The Nation may restrict or cancel staff access to systems at any time.

### **1.8-3. *System Ownership.***

- (a) All messages, data, and applications on Information Systems are Oneida Nation property, subject to third-party intellectual property rights.

- (b) The Nation may access, review, copy, delete, or disclose data for legitimate business purposes.

### **1.9. Storing and Archiving Information**

1.9-1. Electronic data is subject to routine backups and archival procedures, retaining copies for extended periods. Deleting data does not ensure privacy, as archives remain property of the Nation and may be used for business purposes.

1.9-2. Staff may need to preserve data for litigation or investigations per the Data Retention Rule. Staff shall regularly delete or archive files to manage disk space, avoiding large file transfers during prime hours to minimize network impact.

### **1.10. Employee Usage**

1.10-1. *Compliance.* Staff shall comply with this rule. Violations of this rule may result in disciplinary action, including termination or legal action.

1.10-2. *Prohibited Activities.*

- (a) Personal use of technology resources for financial gain or soliciting for non-business purposes (e.g., political, religious causes) is prohibited.
- (b) Inappropriate use of technology resources includes accessing, storing, or transmitting sexually explicit, illegal, or disruptive materials (e.g., defamatory, obscene, or harassing content)
- (c) Sending threatening, slanderous, or anonymous messages, or misrepresenting identity, is prohibited.
- (d) Staff shall not copy or transfer files without permission, disable virus protection, circumvent security mechanisms, or share confidential information externally.
- (e) Staff shall cooperate with authorized investigations.
- (f) If offensive material is accessed, staff shall disengage immediately.
- (g) The Nation is not responsible for offensive content on external servers.

1.10-3. *System Awareness.* Staff shall:

- (a) Protect equipment from food and/or drink and know fire suppression equipment locations.
- (b) Keep unauthorized people away from equipment and data. Question strangers in areas.
- (c) Report security violations, including unauthorized data changes or loss, to management immediately.

### **1.11. Email Etiquette**

- (a) Email is for official business. Use of the Nation's accounts for personal email use should be limited to occasional use.
- (b) Staff shall:
  - (1) Use descriptive subject lines and include contact information in signatures.
  - (2) Acknowledge receipt of important emails, even if unable to respond immediately.
  - (3) Delete read or sent emails to conserve storage.
  - (4) Avoid sending unnecessary or large emails to preserve network resources.
  - (5) Refrain from harassing, offensive, anonymous, or all-caps messages, avoiding terse or rude tones.

- (6) Proofread messages, prioritize appropriately, and send to relevant recipients only.
- (7) Exercise caution with unencrypted emails and attachments, as email is generally not secure.
- (8) Reply carefully, avoiding unintended “Reply all,” and consider sender’s intentions before forwarding.

### **1-12. Enforcement**

1.12-1. Violations of this rule may result in disciplinary action, up to and including termination, and potential legal action.

### **1.13. References**

1.13-1. References include:

- (a) COBIT APO01.02, APO01.11, APO07.03, APO07.05, APO13.01, APO13.02, DSS04.05
- (b) GDPR Article 32
- (c) HIPAA 164.308(a)(1)(ii)(B), 164.312(a)(2)(iv)
- (d) ISO 27001 7.3, A.5.4, A.5.10, A.5.12-13, A.6.3-4, A.8.16
- (e) NIST SP 800-37 3.3
- (f) NIST SP 800-53 AT-3.2, CA-3.4, PS-3.16
- (g) NIST Cybersecurity Framework ID.AM-6, ID.GV-2, DE.DP-2
- (h) PCI 12.1.1

*End.*

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Original effective date: [add effective date established by authorized entity] (Certified by LOC on )



## Statement of Effect

### *Technology Resources Law Rule No. 2 – Clear Desk/Screen*

#### *Summary*

The Technology Resources Law Rule No. 2 – Clear Desk/Screen sets out to improve security and confidentiality, whenever possible for papers, digital storage devices, and screens which contain sensitive or confidential information.

*Submitted by: Clorissa N. Leeman, Senior Staff Attorney, Legislative Reference Office*

*Date: March 5, 2026*

#### *Analysis by the Legislative Reference Office*

The Administrative Rulemaking law provides authorized agencies the opportunity to promulgate rules interpreting the provisions of any law enforced or administered by it; provided that, a rule may not exceed the rulemaking authority granted under the law for which the rule is being promulgated. [1 O.C. 106.4-1]. Rulemaking authority is defined as the delegation of authority to authorized agencies found in the Nation's laws, other than the Administrative Rulemaking law, which allows authorized agencies to implement, interpret and/or enforce a law of the Nation. [1 O.C. 106.3-1(i)]. An authorized agency is defined as any board, committee, commission, department, program or officer of the Nation that has been granted rulemaking authority. [1 O.C. 106.3-1(a)].

The Technology Resources law regulates the usage of technology resources and processed data owned and operated by the Nation. [2 O.C. 215.1-1]. It is the policy of the Nation to provide its community and employees access to the tools necessary to participate in a technological society. [2 O.C. 215.1-2]. Allowing limited personal use of these tools helps enhance the quality of the workplace and helps the Nation to retain highly qualified and skilled workers and officials, as well as to develop the technological skills of the community. *Id.* Pursuant to this law, users are permitted limited use of technology resources of the Nation for personal needs if the use does not interfere with the authorized duties of the user or official business of the Nation. *Id.* The Technology Resources law does not create a right to use technology resources of the Nation for personal use. [2 O.C. 215.1-2(a)]. The Technology Resources law in no way limits use of technology resources to fulfill authorized duties. [2 O.C. 215.9-1].

The Technology Resources law provides that the Digital Technology Services (“DTS”) is delegated administrative rulemaking authority in accordance with the Administrative Rulemaking law to promulgate rules to govern technology resources of the Nation. [2 O.C. 215.1-2(b)].

The purpose of the Technology Resources Law Rule No. 2 – Clear Desk/Screen (“the Rule”) is to improve security and confidentiality, whenever possible for papers, digital storage devices, and screens which contain sensitive or confidential information. [Rule 2.1-1]. The Rule addresses:

- Digital Security Office Responsibilities [Rule 2.5];
- Staff Responsibilities [Rule 2.6]; and
- References [Rule 2.7].

### ***Conclusion***

There are no legal bars to adopting the Technology Resources Law Rule No. 2 – Clear Desk/Screen.

### Financial Analysis for Clear Desk Rule

Type of Cost	Description/Comment	Dollar Amount
Start Up	N/A	\$0.00
Personnel	N/A	\$0.00
Office	N/A	\$0.00
Documentation	N/A	\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation	Estimated 3 months to 9 months	
Other, please explain		
Total	Annual Net Revenue	\$0.00

## Summary Report for Clear Desk Rule

Original effective date: Ten days after rule adoption.

Amendment effective date:

**Name of Rule:** Clear Desk

**Name of law being interpreted:** Technology Resources Law

**Rule Number:** 2

**Other Laws or Rules that may be affected:** Proposed Mobile device rule and proposed Workstation security rule.

**Brief Summary of the proposed rule:** The Clear Desk Rule aims to enhance security and confidentiality by ensuring that papers, digital storage devices, and screens containing sensitive or confidential information are secured when not in use. This rule mandates that workspaces be kept clear of such materials to prevent unauthorized access or disclosure.

**Statement of Effect:** Obtained after requesting from the Legislative Reference Office.

**Financial Analysis:** See Attached.

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**Note:** *In addition- the agency must send a written request to each entity which may be affected by the rule- asking that they provide information about how the rule would financially affect them. The agency must include each entity's response in the financial analysis. If the agency does not receive a response within 10 business days after the request is made, the financial analysis can note which entities did not provide a response.*



## Title 2. Employment – Chapter 215 TECHNOLOGY RESOURCES LAW Rule #002 – Clear Desk/Screen

- 2.1 Purpose and Authority
- 2.2 Adoption, Amendment and Repeal
- 2.3 Definitions
- 2.4 Digital Security Office Responsibilities
- 2.5 Staff Responsibilities
- 2.6 References

### 2.1 Purpose and Authority

2.1-1. *Purpose.* To improve security and confidentiality, whenever possible for papers, digital storage devices, and screens which contain sensitive or confidential information.

2.1-2. *Authority.* The Technology Resources Law delegates rulemaking authority to the Digital Technology Services Department pursuant to the Administrative Rulemaking law.

### 2.2. Adoption, Amendment and Repeal

2.2-1. This rule was adopted by the Oneida Business Committee in accordance with the procedures of the Administrative Rulemaking law.

2.2-2. This rule may be amended or repealed by the Digital Technology Services Department and/or the Oneida Business Committee pursuant to the procedures set out in the Administrative Rulemaking law.

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

2.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule shall control.

2.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to clear desk/screens.

### 2.3. Definitions

2.3-1. This section shall govern the definitions of words and phrases used within this rule. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Authorized Individual” means a person who has the proper authorization to access, handle, or remove Sensitive Information from devices that transmit or print such information.
- (b) “Information Systems” means systems used to store, process, and manage information, including computers, networks, and databases.
- (c) “Removable Storage Media” means devices such as flash drives, removable media, tablets, and cellular phones that can store electronic data and be physically removed from a workstation.
- (d) “Secure Storage Areas” means areas where sensitive information is stored that shall remain locked or digitally secured when staff are away from their work areas.

- (e) “Sensitive Information” means information (both hardcopy and electronic) that shall be protected from unauthorized access or disclosure. This includes private, non-public, or confidential data.
- (f) “Staff” means any individual who uses the technology resources of the Nation, including but not limited to employees, independent contractor personnel, interns, members of boards, committees or commissions, volunteers, guests, and visitors.
- (g) “Unauthorized Access” means access to Sensitive Information by individuals who do not have the proper authorization or clearance.
- (h) “Unauthorized Disclosure” means the release or sharing of Sensitive Information to individuals who are not authorized to receive it.

## 2.4. Digital Security Office Responsibilities

2.4-1. The Digital Security Office shall ensure processes are in place to:

- (a) Identify Sensitive Information (hardcopy and electronic) that shall be protected from unauthorized access or disclosure.
- (b) Identify workstations that shall be shut down at the end of the workday and those to remain powered on at night to receive security updates.
- (c) Laptops/tablets/cellular phones containing Sensitive Information shall be secured per the **Mobile Device policy**.

## 2.5. Staff Responsibilities

2.5-1. Oneida Staff shall ensure that:

- (a) Sensitive or private/non-public electronic information is secured and/or removed from unauthorized disclosure or access when they leave their work areas. Staff who work with Sensitive Information shall have means to store information in a secure area when not in use. Staff shall check with their immediate supervisor or Oneida management if an employee is not sure what information shall be secured or what lockable storage is available.
- (b) Their desk and work area is clear (clear desk) of papers and removable storage media when leaving their work area unsecured. In addition, monitors shall be cleared (clear screen) to protect against unauthorized access to information or Information Systems. Screen savers shall be automatically activated after a period of inactivity. See the **Workstation Security policy** for more information.
- (c) Papers and electronically stored Sensitive Information (e.g., flash drives, removable media, tablets, cellular phones) shall be secured when Staff leave their work area. Storage areas containing Sensitive Information shall remain locked or digitally secured when Staff are away from their work areas. Keys to secure storage areas shall not be left in the lock or accessible by unauthorized personnel.
- (d) Devices that transmit or print (e.g., Fax machines, printers) Sensitive Information shall have the documents immediately removed from the device by authorized staff to prevent unauthorized disclosure or access.
- (e) Documents waiting to be shredded shall not be accessible by unauthorized staff.
- (f) Violations to this rule may be subject to disciplinary action, up to and including termination.

## 2.6. References

- (a) 2.6.1. COBIT EDM03.07, APO07.05, APO12.02, APO12.07, APO14.02, DSS06.07
- (b) 2.6.2. GDPR Article 25, 32

- (c) 2.6.3. HIPAA 164.308(a)(1)(ii)(A), 164.308(a)(3)(ii)(B), 164.308(a)(4)(ii)(B)
- (d) 2.6.4. ISO 27001 A.7.7
- (e) 2.6.5. NIST SP 800-37 3.1, 3.3
- (f) 2.6.6. NIST SP 800-53 AC-11, MP-2, MP-4
- (g) 2.6.7. NIST Cybersecurity Framework ID.AM-6, ID.GV-4, ID.RA-3, PR.AC-2, PR.AT-1, DE.DP-2
- (h) 2.6.8. PCI 9.4.1, 12.1.1

*End.*

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Original effective date: [add effective date established by authorized entity] (Certified by LOC on )



## Statement of Effect

### *Technology Resources Law Rule No. 3 – Asset Management*

#### ***Summary***

The Technology Resources Law Rule No. 3 – Asset Management establish a comprehensive framework for the effective management, tracking, and security of Information Technology assets within the organization.

*Submitted by: Clorissa N. Leeman, Senior Staff Attorney, Legislative Reference Office*

*Date: March 5, 2026*

#### ***Analysis by the Legislative Reference Office***

The Administrative Rulemaking law provides authorized agencies the opportunity to promulgate rules interpreting the provisions of any law enforced or administered by it; provided that, a rule may not exceed the rulemaking authority granted under the law for which the rule is being promulgated. [1 *O.C. 106.4-1*]. Rulemaking authority is defined as the delegation of authority to authorized agencies found in the Nation’s laws, other than the Administrative Rulemaking law, which allows authorized agencies to implement, interpret and/or enforce a law of the Nation. [1 *O.C. 106.3-1(i)*]. An authorized agency is defined as any board, committee, commission, department, program or officer of the Nation that has been granted rulemaking authority.[1 *O.C. 106.3-1(a)*].

The Technology Resources law regulates the usage of technology resources and processed data owned and operated by the Nation. [2 *O.C. 215.1-1*]. It is the policy of the Nation to provide its community and employees access to the tools necessary to participate in a technological society. [2 *O.C. 215.1-2*]. Allowing limited personal use of these tools helps enhance the quality of the workplace and helps the Nation to retain highly qualified and skilled workers and officials, as well as to develop the technological skills of the community. *Id.* Pursuant to this law, users are permitted limited use of technology resources of the Nation for personal needs if the use does not interfere with the authorized duties of the user or official business of the Nation. *Id.* The Technology Resources law does not create a right to use technology resources of the Nation for personal use. [2 *O.C. 215.1-2(a)*]. The Technology Resources law in no way limits use of technology resources to fulfill authorized duties. [2 *O.C. 215.9-1*].

The Technology Resources law provides that the Digital Technology Services (“DTS”) is delegated administrative rulemaking authority in accordance with the Administrative Rulemaking law to promulgate rules to govern technology resources of the Nation. [2 O.C. 215.1-2(b)].

The purpose of the Technology Resources Law Rule No. 3 – Asset Management (“the Rule”) is to establish a comprehensive framework for the effective management, tracking, and security of Information Technology assets within the organization. [Rule 3.1-1]. The Rule addresses:

- Asset Management [Rule 3.4];
- Enforcement [Rule 3.5]; and
- References [Rule 3.6].

### ***Conclusion***

There are no legal bars to adopting the Technology Resources Law Rule No. 3 – Asset Management.

### Financial Analysis for Asset Management

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	N/A	\$0.00
Personnel	N/A	\$0.00
Office	N/A	\$0.00
Documentation Costs	N/A	\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation	Estimated 3 months to 9 months	
Other, please explain		
Total	Annual Net Revenue	\$0.00

## Summary Report for Asset Management Rule

Original effective date: Ten days after rule adoption.

Amendment effective date:

**Name of Rule:** Asset Management

**Name of law being interpreted:** Technology Resources Law

**Rule Number:** 3

**Other Laws or Rules that may be affected:** n/a

**Brief Summary of the proposed rule:** Establish a comprehensive framework for the effective management, tracking, and security of IT assets within Oneida Nation.

**Statement of Effect:** Obtained after requesting from the Legislative Reference Office.

**Financial Analysis:** See Attached.

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***Note:** In addition- the agency must send a written request to each entity which may be affected by the rule- asking that they provide information about how the rule would financially affect them. The agency must include each entity's response in the financial analysis. If the agency does not receive a response within 10 business days after the request is made, the financial analysis can note which entities did not provide a response.*



## Title 2. Employment – Chapter 215 TECHNOLOGY RESOURCES LAW Rule #003 – Asset Management

- 3.1 Purpose and Authority
- 3.2 Adoption, Amendment and Repeal
- 3.3 Definitions
- 3.4 Asset Management
- 3.5 Enforcement
- 3.6 References

### 3.1 Purpose and Authority

3.1-1. *Purpose.* The purpose of this rule is to establish a comprehensive framework for the effective management, tracking, and security of Information Technology assets within the organization. This ensures the protection of sensitive data, compliance with applicable laws and regulations, and the efficient use of technology resources to support the mission and operations of the Nation.

3.1-2. *Authority.* The Technology Resources law delegates rulemaking authority to the Digital Technology Services Department pursuant to the Administrative Rulemaking law.

### 3.2. Adoption, Amendment and Repeal

3.2-1. This rule was adopted by the Oneida Business Committee in accordance with the procedures of the Administrative Rulemaking law.

3.2-2. This rule may be amended or repealed by the Digital Technology Services Department and/or the Oneida Business Committee pursuant to the procedures set out in the Administrative Rulemaking law.

3.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

3.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule shall control.

3.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to Information Technology Asset Management.

### 3.3. Definitions

3.3-1. This section shall govern the definitions of words and phrases used within this rule. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Active discovery tool” means a tool used to identify devices connected to the network.
- (b) “Asset disposal” means the process of securely removing sensitive data from an asset before disposal, based on the data’s sensitivity level (Public, Sensitive, Confidential).
- (c) “Asset media” means small memory storage assets tracked by Data Owner rather than location, including CD/DVD disks and portable storage devices (USB flash drives).
- (d) “Asset tracking database” means a system used to track assets, including all information from the Asset Transfer Form and the date of asset change. It shall be maintained, accurate, and up-to-date.

- (e) “Asset transfer checklist” means a form filled out by the Data Owner and approved by an authorized representative when an asset is transferred. It includes details such as asset type, ID number, asset name, description, current and new locations, and data owner.
- (f) “Asset types” means categories of devices that shall be tracked, including desktop workstations, firewalls, handheld devices, mobile computers, electronic storage devices, printers, copiers, fax machines, multifunction machines, routers, scanners, servers, software (application and operating system), and network switches.
- (g) “Asset value” means the cost threshold for tracking assets.
- (h) “Data owner” means the person responsible for an asset, typically the most common user for workstations or the primary person responsible for maintenance or supervision for other equipment.
- (i) “Digital security office” means the area responsible for approving technology used to erase confidential data to ensure it is not readable.
- (j) “DTS” means Digital Technology Services.
- (k) “Enterprise software” means software used to configure systems to allow the use of small storage devices on specific Information Systems.
- (l) “Resource owners” means individuals responsible for checking the Database regularly to ensure all applicable assets are included.
- (m) “Software inventory tools” means tools used to identify and classify operating system and application software on devices.
- (n) “Storage device data owner agreement” means an agreement signed by staff to handle portable storage devices and CD/DVD disks responsibly and in accordance with the rule.
- (o) “Supported software” means software applications and operating systems currently supported and receiving vendor updates, which are added to the Database.
- (p) “Unauthorized assets” means assets not approved or tracked by the organization, which shall be removed, quarantined, or updated in the inventory.
- (q) “Unsupported software” means software that is no longer supported, which shall be removed or classified as unsupported in the database.

### 3.4. Asset Management

3.4-1. Asset Types. The following devices shall be tracked if they meet the rule requirements:

- (a) Desktop workstations;
- (b) Firewalls;
- (c) Handheld devices;
- (d) Mobile computers;
- (e) Electronic storage devices;
- (f) Printers, copiers, fax machines, multifunction machines;
- (g) Routers;
- (h) Scanners;
- (i) Servers;
- (j) Software (application and operating system); and
- (k) Network switches.

3.4-2. *Asset Value*. Assets with a value below a certain threshold set by Accounting shall not be tracked. However, all data-storing assets shall be tracked, including:

- (a) Hard drives;
- (b) Temporary storage drives;

- (c) Data tapes (including system backups); and
- (d) Other storage devices like CD/DVD disks and USB flash drives are covered for disposal and secure storage purposes.

#### 3.4-3. *Asset Media.*

- (a) Small memory storage assets are tracked by the data owner, not location. Enterprise software should configure systems to allow specific Information Systems to use these assets, including:
  - (1) CD/DVD disks; and
  - (2) Portable storage devices (USB flash drives).
- (b) If permitted for staff, the data owner or area supervisor shall authorize these devices. Staff shall handle these devices responsibly and follow the following guidelines:
  - (1) Do not place sensitive data on them without authorization. If sensitive data is placed, obtain special permission and keep the device secure.
  - (2) Do not use these devices to transport executable programs from outside the network without authorization and scanning with approved anti-virus and malware scanners. Only use programs on the DTS department's approved list.
  - (3) Staff shall sign the storage device data owner agreement, agreeing to handle these devices per rule. This form is submitted when staff begin working with the Nation's data or receive portable storage devices or data backup drives.

#### 3.4-4. *Asset Tracking Requirements.*

- (a) All assets shall have a unique identifier, such as an internal tracking number or a manufacturer-provided ID and a means to track them.
- (b) An asset tracking database shall track assets, including all information from the Asset Transfer Form and the date of asset change.
- (c) The asset tracking system shall be maintained, accurate, and up-to-date, including all hardware and software assets, whether connected to the network or not. Unauthorized assets shall be removed, quarantined, or updated in the inventory. When an asset is acquired, it will be assigned an ID and added to the asset tracking system.
- (d) All assets shall have an assigned owner.
- (e) Supported software applications and operating systems shall be added to the database.
- (f) Unsupported software shall be removed or classified as unsupported.

#### 3.4-5. *Transfer Procedure.*

- (a) When an asset is transferred, the data owner shall complete an asset transfer checklist and obtain approval from their supervisor or designated approver. The data owner is responsible for the asset. For workstations, this is typically the primary user. For other equipment, it is the individual responsible for its maintenance or oversight.
- (b) The data owner shall complete the asset transfer checklist, indicating if the asset is new, moving to a new location, being transferred to a new data owner, or being disposed of. The following information shall be included on the asset transfer checklist:
  - (1) Asset Type
  - (2) ID number;
  - (3) Asset Name;
  - (4) Asset Description;
  - (5) Current Location;
  - (6) Designated Data Owner;
  - (7) New Location;

- (8) New Data Owner; and
- (9) Locations of Sensitive Data.
- (c) *Approval*. Once completed and signed by the data owner, a designated representative shall sign the form.
- (d) *Data entry*. The completed form is given to the database manager, who ensures the information is entered into the database within one (1) week.
- (e) *Database*. An active discovery tool shall identify devices connected to the network. Software inventory tools shall classify operating system and application software. The database shall be updated based on these tools' results. Automated tools shall update the database where possible. Resource owners shall regularly check the database to ensure all applicable assets are included.

#### 3.4-6. *Asset Transfers*.

- (a) This rule applies to any asset transfers, including:
  - (1) Asset purchase;
  - (2) Asset relocation;
  - (3) Change of asset data owner (e.g., when staff leave or are replaced); and
  - (4) Asset disposal.
- (b) In all cases, the asset transfer checklist shall be completed.

#### 3.4-7. *Asset Disposal and Repurposing*.

- (a) Procedures for secure disposal or repurposing of equipment and resources shall be established before tenant assignment or jurisdictional transport.
- (b) Sensitive data shall be removed before asset disposal. The user's manager shall determine the data's maximum sensitivity level.
- (c) Actions to be made based on data sensitivity:
  - (1) *Public*. No requirement to erase data, but normally erase using any means (e.g., reformatting or degaussing).
  - (2) *Sensitive*. Erase data using any means (e.g., reformatting or degaussing).
  - (3) *Confidential*. Erase data using approved technology to ensure it is unreadable, as approved by the Digital Security Manager.

### 3.5. Enforcement

3.5-1. Any staff member found to have violated this rule may be subject to disciplinary action, up to and including termination.

### 3.6. References

3.6-1. References include:

- (a) COBIT APO01.06, APO09.03, BAI09.01, BAI09.02-03, DSS04.07, DSS05.04-05, DSS06.06
- (b) GDPR Article 25, 32
- (c) HIPAA 164.308(a)(1)(ii)(B)
- (d) ISO 27001 A.5.17, A.8.3-5, A.8.18
- (e) NIST SP 800-37 3.1, 3.3
- (f) NIST SP 800-53 CM-8, PL-4
- (g) NIST Cybersecurity Framework ID.AM, PR.PT, DE.DP-2, DE.CM-1-2, RS.RP-1
- (h) PCI 1.1.2

*End.*

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Original effective date: [add effective date established by authorized entity] (Certified by LOC on )

### Financial Analysis for Security Awareness

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	N/A	\$0.00
Personnel	N/A	\$0.00
Office	N/A	\$0.00
Documentation Costs	N/A	\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation	Estimated 3 months to 9 months	
Other, please explain		
Total	Annual Net Revenue	\$0.00



## Statement of Effect

### *Technology Resources Law Rule No. 4 – Security Awareness Training*

#### *Summary*

The Technology Resources Law Rule No. 4 – Security Awareness Training ensure that security awareness and training measures safeguard Information Resources, maintaining their availability, confidentiality, and integrity.

*Submitted by: Clorissa N. Leeman, Senior Staff Attorney, Legislative Reference Office*

*Date: March 5, 2026*

#### *Analysis by the Legislative Reference Office*

The Administrative Rulemaking law provides authorized agencies the opportunity to promulgate rules interpreting the provisions of any law enforced or administered by it; provided that, a rule may not exceed the rulemaking authority granted under the law for which the rule is being promulgated. [1 *O.C. 106.4-1*]. Rulemaking authority is defined as the delegation of authority to authorized agencies found in the Nation’s laws, other than the Administrative Rulemaking law, which allows authorized agencies to implement, interpret and/or enforce a law of the Nation. [1 *O.C. 106.3-1(i)*]. An authorized agency is defined as any board, committee, commission, department, program or officer of the Nation that has been granted rulemaking authority.[1 *O.C. 106.3-1(a)*].

The Technology Resources law regulates the usage of technology resources and processed data owned and operated by the Nation. [2 *O.C. 215.1-1*]. It is the policy of the Nation to provide its community and employees access to the tools necessary to participate in a technological society. [2 *O.C. 215.1-2*]. Allowing limited personal use of these tools helps enhance the quality of the workplace and helps the Nation to retain highly qualified and skilled workers and officials, as well as to develop the technological skills of the community. *Id.* Pursuant to this law, users are permitted limited use of technology resources of the Nation for personal needs if the use does not interfere with the authorized duties of the user or official business of the Nation. *Id.* The Technology Resources law does not create a right to use technology resources of the Nation for personal use. [2 *O.C. 215.1-2(a)*]. The Technology Resources law in no way limits use of technology resources to fulfill authorized duties. [2 *O.C. 215.9-1*].

The Technology Resources law provides that the Digital Technology Services (“DTS”) is delegated administrative rulemaking authority in accordance with the Administrative Rulemaking law to promulgate rules to govern technology resources of the Nation. [2 O.C. 215.1-2(b)].

The purpose of the Technology Resources Law Rule No. 4 – Security Awareness Training (“the Rule”) is to ensure that security awareness and training measures safeguard Information Resources, maintaining their availability, confidentiality, and integrity. [Rule 4.1-1]. The Rule addresses:

- Requirements and Responsibilities [Rule 4.4];
- Enforcement [Rule 4.5]; and
- References [Rule 4.6].

### ***Conclusion***

There are no legal bars to adopting the Technology Resources Law Rule No. 4 – Security Awareness Training.

## Summary Report for Security Awareness Rule

Original effective date: Ten days after rule adoption.

Amendment effective date:

**Name of Rule:** Security Awareness Training

**Name of law being interpreted:** Technology Resources Law

**Rule Number:** 4

**Other Laws or Rules that may be affected:** n/a

**Brief Summary of the proposed rule:** A robust security program requires that staff are trained in security policies, procedures, and technical controls. Oneida Nation staff who manage digital information must possess the skills required for their roles.

**Statement of Effect:** Obtained after requesting from the Legislative Reference Office.

**Financial Analysis:** See Attached.

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**Note:** *In addition- the agency must send a written request to each entity which may be affected by the rule- asking that they provide information about how the rule would financially affect them. The agency must include each entity's response in the financial analysis. If the agency does not receive a response within 10 business days after the request is made, the financial analysis can note which entities did not provide a response.*



## Title 2. Employment – Chapter 215 TECHNOLOGY RESOURCES LAW Rule #004 – Security Awareness Training

- 4.1 Purpose and Authority
- 4.2 Adoption, Amendment and Repeal
- 4.3 Definitions
- 4.4 Requirements & Responsibilities
- 4.5 Enforcement
- 4.6 References

### 4.1 Purpose and Authority

4.1-1. *Purpose.* A robust security program necessitates that staff are trained in security policies, procedures, and technical controls. Oneida Nation staff who manage digital information shall possess the skills required for their roles. The aim of this Security Awareness and Training Rule is to ensure that security awareness and training measures safeguard Information Resources, maintaining their availability, confidentiality, and integrity.

4.1-2. *Authority.* The Technology Resources Law delegates rulemaking authority to the Digital Technology Services Department pursuant to the Administrative Rulemaking law.

### 4.2. Adoption, Amendment and Repeal

4.2-1. This rule was adopted by the Oneida Business Committee in accordance with the procedures of the Administrative Rulemaking law.

4.2-2. This rule may be amended or repealed by the Digital Technology Services Department and/or the Oneida Business Committee pursuant to the procedures set out in the Administrative Rulemaking law.

4.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

4.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule shall control.

4.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to security awareness training as outlined in the Technology Resources Law.

### 4.3. Definitions

4.3-1. This section shall govern the definitions of words and phrases used within this rule. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Department” means the DTS Digital Technology Services department which is responsible for overseeing information security policies and procedures.
- (b) Digital Security Office: The area designated to oversee the security of Digital Information Resources, ensuring the security program is well-supported with adequate resources and budget.
- (c) Information Resources: Digital data and information systems that are used, managed, and protected by the organization.

- (d) **Security Awareness and Training Plan (Plan):** A documented strategy outlining the process for staff security training, education, and awareness to ensure they understand their roles and responsibilities in protecting Information Resources.
- (e) **Information Security Management System (ISMS):** A systematic approach to managing sensitive company information so that it remains secure. It includes people, processes, and IT systems by applying a risk management process.
- (f) **Social Engineering Attacks:** Manipulative tactics used by attackers to trick individuals into divulging confidential or personal information that may be used for fraudulent purposes. Examples include phishing, phone scams, and impersonation calls.
- (g) **BYOD (Bring Your Own Device):** A Rule that defines the use of personal devices (such as smartphones, tablets, and laptops) for work purposes, which introduces specific security risks and responsibilities.
- (h) **Cloud Computing Security:** Measures and protocols designed to protect data, applications, and services hosted in the cloud from threats and vulnerabilities. This includes addressing multi-tenant environments, nationality issues, and different cloud delivery models.
- (i) **Skills Gap Analysis:** An assessment process to identify the difference between the skills required for a job and the actual skills possessed by employees. This helps in developing targeted training programs to bridge the gap.
- (j) **Secure Authentication:** Methods used to verify the identity of a user, ensuring that only authorized individuals can access sensitive information. This includes passwords, biometrics, and multi-factor authentication.
- (k) **Security Incidents:** Events that indicate a possible breach of information security policies or failure of safeguards, which may compromise the confidentiality, integrity, or availability of information resources.
- (l) **DTS Department:** The department responsible for preparing and distributing information security manuals and ensuring staff are aware of security policies and procedures.

#### **4.4. Requirements and Responsibilities**

##### **4.4-1. Management Responsibilities**

- (a) Oneida Nation management shall prioritize effective security awareness and training.
- (a) Management shall implement a robust security program with a strong awareness and training component.
- (b) The Digital Security Office shall be designated to oversee the security of Digital Information Resources.
- (c) The Digital Security Office shall ensure the security program is well-supported with adequate resources and budget.

##### **4.4-2. Digital Security Office Responsibilities**

- (b) Develop, implement, and maintain a Security Awareness and Training Plan (Plan).
- (c) Ensure the Plan documents the process for staff security training, education, and awareness.
- (d) Ensure staff understand their roles and responsibilities in protecting Information Resources.

- (e) Maintain continuous and engaging communication relevant to the information security management system (ISMS).

#### 4.4-3. Training and Awareness:

- (a) Provide regular training, reference materials, and reminders to staff.
- (b) Training topics shall include:
  - (1) Oneida Nation's responsibilities for protecting Information Resources.
  - (2) Risks to Information Resources.
  - (3) Identifying social engineering attacks (e.g., phishing, phone scams).
  - (4) Secure use of Information Resources.
  - (5) Information security policies, procedures, and best practices.

#### 4.4-4. Training Requirements:

- (a) New users shall attend an approved security awareness training class within 90 days of being granted access to Information Resources.
- (b) Staff shall receive role-specific training and verify their understanding and compliance.
- (c) Staff shall be trained to identify, report, and prevent security incidents.
- (d) Staff shall understand the importance of secure authentication and proper handling of sensitive information.
- (e) Security policies, procedures, and manuals shall be readily available for staff reference.
- (f) Staff shall attend annual security awareness training, with attendance records maintained.
- (g) Staff shall sign an acknowledgment of understanding Oneida Nation's security policies and procedures.

#### 4.4-5. Additional Training Components:

- (a) The DTS Department shall prepare and distribute information security manuals.
- (b) Cloud computing security awareness training shall address multi-tenant, nationality, and cloud delivery models.
- (c) Staff shall be aware of BYOD risks and responsibilities.
- (d) Staff shall understand actions for standalone, lost, and misplaced equipment.

#### 4.4-6. Digital Security Office Duties:

- (a) Conduct a skills gap analysis to identify training needs and develop an education roadmap.
- (b) Maintain a communication process for new security programs and updates.
- (c) Ensure staff responsible for implementing security safeguards receive formal training.
- (d) Provide periodic security reminders to keep staff updated on threats and best practices.
- (e) Collect and incorporate training feedback into future sessions.

### **4.5. Enforcement:**

- (a) Any Staff member found to have violated this rule may be subject to disciplinary action, up to and including termination.

### **4.6. References:**

- a) COBIT EDM01.03, APO02.08, APO07.12-13, APO12.02, APO12.07, APO13.07, MEA02.11
- b) GDPR Article 25, 32
- c) HIPAA 164.308(a)(5)(i), 164.308(a)(5)(ii)(A), 164.308(a)(5)(ii)(D)
- d) ISO 27001 7.3, A.5.23, A.6.3, A.8.7, A.8.16
- e) NIST SP 800-37 3.3, 3.4, 3.5, 3.7
- f) NIST SP 800-53 AT-2, AT-3, CP-3, IR-2, PM-13, SI-3, SI-4(24), SR-1
- g) NIST Cybersecurity Framework ID.GV-1, PR.AT-1-5, DE.DP-1, RS.RP-1, RS.MI-2
- h) PCI 6.2.2, 9.1.1, 12.10.4, A3.1.4

*End.*

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Original effective date: [add effective date established by authorized entity] (Certified by LOC on )

### Financial Analysis for Third Party Providers

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	N/A	\$0.00
Personnel	N/A	\$0.00
Office	N/A	\$0.00
Documentation Costs	N/A	\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation	Estimated 3 months to 9 months	
Other, please explain		
Total	Annual Net Revenue	\$0.00

## Summary Report for Third Party Providers Rule

Original effective date: Ten days after rule adoption.

Amendment effective date:

**Name of Rule:** Third Party Providers

**Name of law being interpreted:** Technology Resources Law

**Rule Number:** 8

**Other Laws or Rules that may be affected:**

**Brief Summary of the proposed rule:** Establish guidelines to limit and control third party service providers to minimize risks such as revenue loss, liability, loss of trust, and embarrassment to Oneida Nation, while ensuring the responsible use of the Tribe's information and resources.

**Statement of Effect:** Obtained after requesting from the Legislative Reference Office.

**Financial Analysis:** See Attached.

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**Note:** *In addition- the agency must send a written request to each entity which may be affected by the rule- asking that they provide information about how the rule would financially affect them. The agency must include each entity's response in the financial analysis. If the agency does not receive a response within 10 business days after the request is made, the financial analysis can note which entities did not provide a response.*



## Statement of Effect

### *Technology Resources Law Rule No. 8 – Third Party Providers*

#### *Summary*

The Technology Resources Law Rule No. 8 – Third Party Providers establishes guidelines to limit and control third party service providers to minimize risks such as revenue loss, liability, loss of trust, and embarrassment to Oneida Nation, while ensuring the responsible use of company information and resources.

*Submitted by: Clorissa N. Leeman, Senior Staff Attorney, Legislative Reference Office*

*Date: March 5, 2026*

#### *Analysis by the Legislative Reference Office*

The Administrative Rulemaking law provides authorized agencies the opportunity to promulgate rules interpreting the provisions of any law enforced or administered by it; provided that, a rule may not exceed the rulemaking authority granted under the law for which the rule is being promulgated. [1 O.C. 106.4-1]. Rulemaking authority is defined as the delegation of authority to authorized agencies found in the Nation's laws, other than the Administrative Rulemaking law, which allows authorized agencies to implement, interpret and/or enforce a law of the Nation. [1 O.C. 106.3-1(i)]. An authorized agency is defined as any board, committee, commission, department, program or officer of the Nation that has been granted rulemaking authority. [1 O.C. 106.3-1(a)].

The Technology Resources law regulates the usage of technology resources and processed data owned and operated by the Nation. [2 O.C. 215.1-1]. It is the policy of the Nation to provide its community and employees access to the tools necessary to participate in a technological society. [2 O.C. 215.1-2]. Allowing limited personal use of these tools helps enhance the quality of the workplace and helps the Nation to retain highly qualified and skilled workers and officials, as well as to develop the technological skills of the community. *Id.* Pursuant to this law, users are permitted limited use of technology resources of the Nation for personal needs if the use does not interfere with the authorized duties of the user or official business of the Nation. *Id.* The Technology Resources law does not create a right to use technology resources of the Nation for personal use. [2 O.C. 215.1-2(a)]. The Technology Resources law in no way limits use of technology resources to fulfill authorized duties. [2 O.C. 215.9-1].

The Technology Resources law provides that the Digital Technology Services (“DTS”) is delegated administrative rulemaking authority in accordance with the Administrative Rulemaking law to promulgate rules to govern technology resources of the Nation. [2 O.C. 215.1-2(b)].

The purpose of the Technology Resources Law Rule No. 8 – Third Party Providers (“the Rule”) is to establish guidelines to limit and control third party service providers to minimize risks such as revenue loss, liability, loss of trust, and embarrassment to Oneida Nation, while ensuring the responsible use of company information and resources. [Rule 8.1-1]. The Rule addresses:

- Digital Security Department Responsibilities [Rule 8.4];
- Scope [Rule 8.5];
- Third Party Service Provider Requirements [Rule 8.6];
- Enforcement [Rule 8.7]; and
- References [Rule 8.8].

### ***Conclusion***

There are no legal bars to adopting the Technology Resources Law Rule No. 8 – Third Party Providers.



## Title 2. Employment – Chapter 215 TECHNOLOGY RESOURCES LAW Rule #008 – Third Party Providers

- 8.1 Purpose and Authority
- 8.2 Adoption, Amendment and Repeal
- 8.3 Definitions
- 8.4 Digital Security Dept Responsibilities
- 8.5 Scope
- 8.6 Third Party Service Provider Reqs
- 8.7 Enforcement
- 8.8 References

### 8.1 Purpose and Authority

8.1-1. Purpose. Third party service providers are integral to supporting Oneida Nation's infrastructure and information services. In some cases, these providers may collect, store, and maintain Sensitive Information. This rule establishes guidelines to limit and control third party service providers to minimize risks such as revenue loss, liability, loss of trust, and embarrassment to Oneida Nation, while ensuring the responsible use of company information and resources.

8.1-2. Authority. The Technology Resources Law delegates rulemaking authority to the Digital Security Department pursuant to the Administrative Rulemaking law.

### 8.2 Adoption, Amendment and Repeal

8.2-1. This rule was adopted by the Oneida Nation Business Committee in accordance with the procedures of the Administrative Rulemaking law.

8.2-2. This rule may be amended or repealed by the Digital Security Department and/or the Oneida Nation Business Committee pursuant to the procedures set out in the Administrative Rulemaking law.

8.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

8.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule shall control.

8.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to third party providers as outlined in the Technology Resources Law.

### 8.3 Definitions

8.3-1. This section shall govern the definitions of words and phrases used within this rule. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) Third Party Service Provider: Any external entity contracted to collect, store, process, manage, or dispose of Oneida Nation's information.
- (b) Sensitive Information: Confidential or proprietary data owned by Oneida Nation or its customers.
- (c) Information Resources: DTS systems, networks, applications, and data managed by Oneida Nation.

- (d) Digital Security Office: The department or personnel responsible for overseeing DTS operations and third party assessments.
- (e) Cyber Security Risk Assessment (CSRA): A process of identifying, analyzing, and prioritizing potential threats and vulnerabilities to an organization's information systems, data, and digital infrastructure to reduce the likelihood and impact of cyberattacks.

#### **8.4 Digital Security Office Responsibilities**

8.4-1. The Digital Security Office shall ensure:

- (a) Maintain a list of all third party service providers and their services as they relate to digital technology.
- (b) Retain records of assessments and audits of third party service providers.
- (c) Assign a DTS point of contact to ensure compliance with this rule.
- (d) Monitor and enforce third party adherence to applicable Oneida Nation policies and agreements.
- (e) Cyber security risk assessments are conducted during the purchasing process and repeated as necessary such as when the scope of products, services, or technology changes.

#### **8.5 Scope**

8.5-1. This rule applies to all Oneida Nation Staff responsible for reviewing, purchasing, installing, operating, or maintaining digital information resources, and to all third party service providers handling Oneida Nation information.

8.5-2. Third party service providers with remote or on-site access to Oneida Nation systems shall comply with this rule, regardless of location.

#### **8.6 Third Party Service Provider Requirements**

8.6-1. Due Diligence.

- (a) Prior to engagement, Oneida Nation Staff shall conduct due diligence on third party service providers, including background checks, business history, and experience with similar engagements.

8.6.2. Rule Compliance.

- (a) Service providers shall comply with all applicable Oneida Nation policies, including but not limited to:
  - (1) Acceptable Use Rule
  - (2) Password Policy
  - (3) Vendor Remote Access Rule

8.6.3. Agreement Specifications.

- (a) Agreements with service providers shall include:
  - (1) Confidentiality clauses protecting Oneida Nation and customer information.
  - (2) Controlled access to Information Resources.
  - (3) Methods for protecting Information Resources.
  - (4) Acceptable processes for return, destruction, or disposal of Oneida Nation information at agreement end.
  - (5) Restriction of information use to the purpose of the agreement only.
  - (6) Prohibition on using or sharing Oneida Nation information for other purposes.

(7) Defined service levels (SLA) and change control processes.

(b) Service providers shall notify Oneida Nation within five (5) working days of a security breach, with Oneida Nation reserving the right to terminate the agreement. If customer information is involved, the provider shall cover remediation costs, including customer notifications and one year of free credit monitoring.

#### 8.6.4. Staff Management

(a) Service providers shall provide and update a list of staff working on Oneida Nation services within 24 hours of changes.

(b) On-site provider staff shall obtain and display Oneida Nation identification badges, returning them upon departure.

(c) Staff handling Sensitive Information shall be cleared and have access activated only when needed, deactivated post-service.

#### 8.6.5. Access Controls

(a) Remote access accounts shall be enabled only during use and disabled when not needed, with unique credentials per client.

(b) Access to Information Systems shall be monitored and comply with the Oneida Nation Password policy.

(c) Major activities shall be logged in the Third Party Service Provider Log, including personnel changes, password updates, and milestones.

#### 8.6-6. Security and Incident Reporting.

(a) Service provider personnel shall report security incidents to Oneida Nation immediately.

(b) Incident management responsibilities shall be outlined in the agreement if applicable.

(c) Health information handling requires online and print descriptions of security and privacy safeguards.

#### 8.6-7. Termination Procedures.

(a) Upon staff departure or agreement termination, Sensitive Information shall be returned or destroyed within 24 hours, with written certification provided.

(b) All Oneida Nation badges, access cards, and equipment shall be surrendered immediately, with exceptions documented by management.

#### 8.6-8. Auditing and Ethical Use.

(a) Service providers shall comply with state and Oneida Nation auditing requirements.

(b) Agreements shall include security controls (e.g., encryption, access restrictions) to prevent data breaches or misuse.

## 8.7 Enforcement

8.7-1. Any Oneida Nation Staff member violating this rule may face disciplinary action, up to and including termination.

## 8.8. References

(a) COBIT APO09.05, APO10.05, APO12.02, APO13.07, BAI02.05-06, DSS01.05, DSS05.07

(b) GDPR Article 25, 26, 28, 32

(c) HIPAA 164.308(a)(1)(ii)(A), 164.308(b)(4), 164.502(b)(1), ARRA 13404(b), ARRA 13405(b)

- (d) ISO 27001 8.1, A.8.12, A.8.21, A.8.30
- (e) NIST SP 800-37 3.3, 3.7
- (f) NIST SP 800-53 CM-4, IR-4, PM-30, PS-7, RA-9, SA-4, SA-10-12, SA-15, SA-17, SR-1
- (g) NIST Cybersecurity Framework ID.AM-4-6, ID.BE-4, ID.RA-4, ID.RM-1, ID.SC-3-4, DE.CM-6
- (h) PCI 12.5.2, A1.1.1, A2.1.2-3, PCI Software Security Framework

*End.*

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Original effective date: [add effective date established by authorized entity] (Certified by LOC on )

### Financial Analysis for Generative AI Usage

Type of Cost	Description/Comment	Dollar Amount
Start Up	N/A	\$0.00
Personnel	N/A	\$0.00
Office	N/A	\$0.00
Documentation	N/A	\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation	Estimated 3 months to 9 months	
Other, please explain		
Total	Annual Net Revenue	\$0.00



## Statement of Effect

### *Technology Resources Law Rule No. 9 – Generative AI Usage*

#### *Summary*

The Technology Resources Law Rule No. 9 – Generative AI Usage outlines proper use of Artificial Intelligence (AI) technologies while working for the Nation.

*Submitted by: Clorissa N. Leeman, Senior Staff Attorney, Legislative Reference Office*

*Date: March 5, 2026*

#### *Analysis by the Legislative Reference Office*

The Administrative Rulemaking law provides authorized agencies the opportunity to promulgate rules interpreting the provisions of any law enforced or administered by it; provided that, a rule may not exceed the rulemaking authority granted under the law for which the rule is being promulgated. [1 O.C. 106.4-1]. Rulemaking authority is defined as the delegation of authority to authorized agencies found in the Nation’s laws, other than the Administrative Rulemaking law, which allows authorized agencies to implement, interpret and/or enforce a law of the Nation. [1 O.C. 106.3-1(i)]. An authorized agency is defined as any board, committee, commission, department, program or officer of the Nation that has been granted rulemaking authority.[1 O.C. 106.3-1(a)].

The Technology Resources law regulates the usage of technology resources and processed data owned and operated by the Nation. [2 O.C. 215.1-1]. It is the policy of the Nation to provide its community and employees access to the tools necessary to participate in a technological society. [2 O.C. 215.1-2]. Allowing limited personal use of these tools helps enhance the quality of the workplace and helps the Nation to retain highly qualified and skilled workers and officials, as well as to develop the technological skills of the community. *Id.* Pursuant to this law, users are permitted limited use of technology resources of the Nation for personal needs if the use does not interfere with the authorized duties of the user or official business of the Nation. *Id.* The Technology Resources law does not create a right to use technology resources of the Nation for personal use. [2 O.C. 215.1-2(a)]. The Technology Resources law in no way limits use of technology resources to fulfill authorized duties. [2 O.C. 215.9-1].

The Technology Resources law provides that the Digital Technology Services (“DTS”) is delegated administrative rulemaking authority in accordance with the Administrative Rulemaking law to promulgate rules to govern technology resources of the Nation. [2 O.C. 215.1-2(b)].

The purpose of the Technology Resources Law Rule No. 9 – Generative AI Usage (“the Rule”) is to establish proper use of Artificial Intelligence (AI) technologies while working for the Nation. [Rule 8.1-1]. This Rule sets out to protect employees, clients, suppliers, customers, and the Nation from harm, while leveraging AI to enhance efficiency, innovation, and competitive advantage. *Id.*

The Rule addresses:

- Digital Security Department Responsibilities [Rule 9.4];
- Scope [Rule 9.5];
- Usage Options [Rule 9.6];
- Prohibited Activities [Rule 9.7];
- Enforcement [Rule 9.8];
- References [Rule 9.9].

### ***Conclusion***

There are no legal bars to adopting the Technology Resources Law Rule No. 9 – Generative AI Usage.

## Summary Report for Generative AI Usage Rule

Original effective date: Ten days after rule adoption.

Amendment effective date:

**Name of Rule:** Generative AI Usage

**Name of law being interpreted:** Technology Resources Law

**Rule Number:** 9

**Other Laws or Rules that may be affected:**

**Brief Summary of the proposed rule:** With the increasing popularity of generative AI chatbots such as OpenAI's ChatGPT and DeepSeek, as well as other AI tools and applications, this rule outlines the proper use of such technologies while working at Oneida Nation.

**Statement of Effect:** Obtained after requesting from the Legislative Reference Office.

**Financial Analysis:** See Attached.

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**Note:** *In addition- the agency must send a written request to each entity which may be affected by the rule- asking that they provide information about how the rule would financially affect them. The agency must include each entity's response in the financial analysis. If the agency does not receive a response within 10 business days after the request is made, the financial analysis can note which entities did not provide a response.*



## Title 2. Employment – Chapter 215 TECHNOLOGY RESOURCES LAW Rule #009 – Generative AI Usage

- 9.1 Purpose and Authority**
- 9.2 Adoption, Amendment and Repeal**
- 9.3 Definitions**
- 9.4 Digital Security Dept Responsibilities**
- 9.5 Scope**
- 9.6 Usage Options**
- 9.7 Prohibited Activities**
- 9.8 References**

### **9.1 Purpose and Authority**

9.1-1. Purpose. With the increasing popularity of generative AI services such as OpenAI's ChatGPT and DeepSeek, as well as other AI tools and applications, it has become necessary to outline the proper use of such technologies while working at Oneida Nation. While we remain committed to adopting new technologies to aid our mission when possible, we also understand the risks and limitations of AI and want to ensure responsible use. Our goal is to protect employees, clients, suppliers, customers, and the Nation from harm, while leveraging AI to enhance efficiency, innovation, and competitive advantage.

9.1-2. Authority. The Technology Resources Law delegates rulemaking authority to the Digital Security Department pursuant to the Administrative Rulemaking law.

### **9.2 Adoption, Amendment and Repeal**

9.2-1. This rule was adopted by the Oneida Nation Business Committee in accordance with the procedures of the Administrative Rulemaking law.

9.2-2. This rule may be amended or repealed by the Digital Security Department and/or the Oneida Nation Business Committee pursuant to the procedures set out in the Administrative Rulemaking law.

9.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

9.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule shall control.

9.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to the use of AI technologies.

### 9.3 Definitions

9.3-1. This section shall govern the definitions of words and phrases used within this rule. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) AI Generated Content: Content created by AI tools.
- (b) AI Tools: Systems that use artificial intelligence to generate content, analyze data, or automate tasks, including but not limited to generative AI chatbots (e.g., ChatGPT), image generators, and data analysis platforms.
- (c) Approved AI Tools: AI tools authorized for use by Oneida Nation staff.
- (d) Digital Security Department: The department responsible for overseeing the implementation and maintenance of digital security policies and procedures.
- (e) Proprietary Company Data: Confidential or sensitive information owned by Oneida Nation.

### 9.4 Digital Security Office Responsibilities

9.4-1. The Digital Security Office shall ensure:

- (a) Rules, policies, and procedures manage the process of using AI tools responsibly.
- (b) Rules, policies, and procedures prevent staff from sharing proprietary company data with AI tools.
- (c) Procedures advise staff on the proper use of AI tools and the importance of verifying AI-generated content. This includes providing mandatory annual training on AI tool usage, risks, and verification processes.
- (d) Rules, Policies, and procedures indicate when AI tools shall be supplemented with additional access controls. Examples of additional access controls include multi-factor authentication, encryption, or restricting access to authorized personnel only.

### 9.5 Scope

9.5-1. This rule applies to all Oneida Nation employees and contractors and to all work associated with Oneida Nation that those employees perform, whether on or off company premises.

9.5-2. Employees using AI tools on personal devices or remote networks shall comply with Digital Security Department guidelines for secure access and data protection.

### 9.6 Usage Options

9.6-1. Limited Use.

- (a) Limited use of AI tools approved by the Digital Technology Services Department will be allowed while performing work for Oneida Nation with the approval of your supervisor. Oneida Nation system credentials should be used to create an account with this technology. Company data may be submitted (copied, typed, etc.) into this platform.
- (b) Employees wishing to use AI tools shall inform their supervisor for prior approval explaining how the tool will be used.
- (c) All AI-generated content shall be reviewed for accuracy before relying on it for work purposes. If a reliable source cannot be found to verify factual information generated by the AI tool, that information cannot be used for work purposes. Verification requires

cross-checking AI-generated content against reliable, independent sources or expert review, documented as part of the approval process.

#### 9.6.2 Acceptable Use Examples:

- (a) For general-knowledge questions meant to enhance your understanding of a work-related topic.
- (b) To brainstorm ideas related to projects you are working on.
- (c) To create formulas for Excel spreadsheets or similar programs.
- (d) To develop or debug code, to be verified before deployment.
- (e) To draft an email or letter.
- (f) To summarize online research or to create outlines for content projects to assist in full coverage of a topic. Only content written by employees may be included in a final product.
- (g) To generate initial drafts of reports or presentations.
- (h) To translate work-related documents for review.

#### 9.6.2. Restricted Use.

- (a) Use of AI tools will be allowed while performing work for Oneida Nation only with prior approval by the Digital Security Department. Oneida Nation system credentials should not be used to create an account with this technology. Company data should not be submitted (copied, typed, etc.) into these platforms. Restricted Use applies to experimental or unvetted AI tools, requiring additional Digital Security Department evaluation for security and compliance.
- (b) Employees wishing to use AI tools shall inform their supervisor for prior approval explaining how the tool will be used.
- (c) All AI-generated content shall be reviewed for accuracy before relying on it for work purposes. If a reliable source cannot be found to verify factual information generated by the AI tool, that information cannot be used for work purposes. Verification requires cross-checking AI-generated content against reliable, independent sources or expert review, documented as part of the approval process.

#### 9.6.3. Ethical Use.

- (a) Employees shall use AI tools in accordance with all Oneida Nation's conduct and antidiscrimination policies. These technologies shall not be used to create content that is inappropriate, discriminatory, or otherwise harmful to others or the company. Such use will result in disciplinary action, up to and including termination. Employees shall report suspected unethical use of AI tools to the Digital Technology Services Department or a designated ethics officer within 24 hours.

## 9.7 Prohibited Activities

9.7-1. Employees shall not engage in dangerous, illegal, or discriminatory activities or otherwise violate applicable law or regulations. This includes generating or distributing content that:

- (a) Relates to child sexual abuse or exploitation.
- (b) Facilitates violent extremism or terrorism.
- (c) Facilitates non-consensual intimate imagery.
- (d) Facilitates self-harm.
- (e) Facilitates illegal activities or violations of the law, such as providing instructions for synthesizing or accessing illegal or regulated substances, goods, or services.

(f) Violates the rights of others, including privacy and intellectual property rights, such as using personal data or biometrics without legally required consent.

(g) Tracks or monitors people without their consent.

(h) Makes automated decisions that have a materially detrimental impact on individual rights without human supervision in high-risk domains, such as such as employment decisions, healthcare services, financial allocations, or tribal governance processes affecting individual rights.

9.7-2. Employees shall not compromise the security of others' or Oneida Nation's services. This includes generating or distributing content that facilitates:

(a) Spam, phishing, or malware.

(b) Abuse of, harm to, interference with, or disruption to [Company Name]'s or others' infrastructure or services.

(c) Circumvention of abuse protections or safety filters, such as manipulating the model to contravene our policies.

9.7-3. Employees shall not engage in sexually explicit, violent, hateful, or harmful activities. This includes generating or distributing content that facilitates:

(a) Hatred or hate speech.

(b) Harassment, bullying, intimidation, abuse, discrimination, or the insulting of others.

(c) Violence or the incitement of violence.

(d) Sexually explicit content, such as content created for the purpose of pornography or sexual gratification.

9.7-4. Employees shall not engage in misinformation, misrepresentation, or misleading activities which includes fraud, scams, or other deceptive actions.

9.7-5. Employees shall not use AI tools in ways that perpetuate bias or discrimination, such as generating content that unfairly targets or misrepresents individuals or groups

## 9.8. Enforcement

- (a) Any violation of this rule will result in disciplinary action, up to and including termination.

## 9.9. References

- (a) HIPAA Rule 45 CFR § 164.502, 45 CFR § 164.308, 45 CFR § 164.508

*End.*

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Original effective date: [add effective date established by authorized entity] (Certified by LOC on )

**PUBLIC MEETING NOTICE – 9am, Mon., April 6, 2026 • <https://bit.ly/oneidasecrules>**

In accordance with the Administrative Rulemaking Law, the Digital Technology Services Department is hosting this Public Meeting to gather feedback from the community regarding THE FOLLOWING PROPOSED RULES to the Technology Resources Law

- 001–Acceptable Use
- 002–Clear Desk
- 003–Asset Management
- 004–Security Awareness
- 005 – Password Management
- 006 – Incident Response
- 007–Vendor Remote Access
- 008–Third Party Provider
- 009–Generative AI Usage


**This is a proposal to adopt rules which would:**

- Establish clear standards for responsible and secure use of digital technology.
- Promote data protection and reduce the risk of unauthorized access or data breaches.
- Ensure proper tracking and disposal of IT assets.
- require ongoing security awareness training for employees.
- Define procedures for identifying, reporting, and responding to cybersecurity incidents.
- Regulate secure access and evaluate risk for vendors and third-party providers.
- Govern the ethical and secure use of generative AI technologies.

**Who would be affected:**

- Employees and Contractors
- Vendors and Third-Party Providers

**PUBLIC COMMENT PERIOD OPEN UNTIL  
TUESDAY, APRIL 14, 2026  
DTS DIGITAL SECURITY  
909 PACKERLAND DR. • GREEN BAY, WI 54303  
InfoSec@OneidaNation.org • 920.869.4357**



During the public comment period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to the Digital Technology Services Department.

Date: 4/6/2026

Location: Microsoft Teams / Skenandoah Complex Room H

Meeting Start: 9 AM

Meeting End: 9:31 AM

Notes: No comments were received during this meeting.

Attendee List

<b>Full Name</b>	<b>Phone or Email</b>
Jesse Kujawa	<a href="mailto:Jkujawa@oneidanation.org">Jkujawa@oneidanation.org</a>
Elvis Walkin	<a href="mailto:Ewalkin@oneidanation.org">Ewalkin@oneidanation.org</a>
Ron Lawrence	<a href="mailto:Rlawrenc@oneidanation.org">Rlawrenc@oneidanation.org</a>
Garrett Tiser	<a href="mailto:Gtiser@oneidanation.org">Gtiser@oneidanation.org</a>

# June 2026

June 2026

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July 2026

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MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Jun 1	2 3:00pm Indian Preference in Contracting Law Amendments (Microsoft Teams Meeting) - Grace L. Elliott	3 8:30am LOC Prep Meeting (Microsoft Teams Meeting); 9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting); 1:30pm LOC Work Session (Microsoft Teams Meeting)	4	5 3:00pm Research Law Development (Microsoft Teams Meeting) - Grace L. Elliott
8	9	10 5:30pm LOC Community Meeting (NHC Cafeteria) - LOC	11 12:15pm PUBLIC MEETING: Boards, Committees, and Commissions Law Amendments and Ten Day Notice Policy Amendments (Microsoft Teams Meeting)	12
15	16	17 8:30am LOC Prep (Microsoft Teams Meeting); 9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting); 1:30pm LOC Work Session (Microsoft Teams Meeting)	18	19
22	23	24	25	26
29	30	Jul 1	2	3