

**POKAGON BAND OF POTAWATOMI INDIANS
REPRESENTATIONS OUTREACH BOARD CODE**

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CHAPTER 1

General

Section 1.01 Short Title

This Code shall be known and may be cited as the "Representations Outreach Board Code."

Section 1.02 Authority

The Tribal Council enacts this Code pursuant to the legislative powers of the Tribal Council as enumerated in Article IX, subsections 2(a), and (i) of the Constitution; and the duties of the Tribal Council stated in Article IX, subsections 1(c) and (h) of the Constitution.

Section 1.03 Findings

The Tribal Council finds as follows:

(a) The Tribal Council established the Native Imagery and Language Workgroup to provide recommendations to the Tribal Council on the use of Native American imagery and language by non-Native American institutions, organizations, and entities; and

(b) The Native Imagery and Language Workgroup prepared a report for Tribal Council, which:

(1) concluded that the use of Native American imagery and language by non-Native American institutions, organizations, and entities: (i) has a detrimental effect on the self-esteem, self-confidence, and emotional well-being of Native Americans; (ii) has a negative effect on non-Native Americans; and (iii) promotes harmful stereotypes of Native Americans; and

(2) recommended that the Tribal Council condemn the use of Native American / Indian mascots and Native American themed imagery, symbols, logos and nicknames by non-Native American institutions, organizations, and entities, including sports teams (both school sanctioned and league affiliated), universities, colleges, and schools (parochial, private and public) throughout the United States; and

(c) On March 4, 2021, through Tribal Council Resolution No. 21-03-04-02, the Tribal Council, on behalf of the Band approved a Native American Imagery Position Statement, which:

(1) recognized that the use of Native American / Indian mascots and Native American themed imagery, symbolisms, logos, and nicknames by non-Native American institutions, organizations, and entities, including sports teams (both school sanctioned and league affiliated), universities, colleges, and schools (parochial, private and public) throughout the

United States has a detrimental effect on Native Americans and promotes harmful stereotypes of Native Americans; and

(2) condemned the use of Native American / Indian mascots and Native American themed imagery, symbolisms, logos, and nicknames by non-Native American institutions, organizations, and entities, including sports teams (both school sanctioned and league affiliated), universities, colleges, and schools (parochial, private and public) throughout the United States; and

(3) encouraged all non-Native American institutions, organizations, and entities, including sports teams (both school sanctioned and league affiliated), universities, colleges, and schools (parochial, private and public) throughout the United States to eliminate the use of Native American / Indian mascots and Native American themed imagery, symbolisms, logos, and nicknames; and

(d) It is necessary to establish the Board to:

(1) continue the evaluation of issues related to the use of Native American imagery, representations and language by non-Native American institutions, organization, and entities; and

(2) raise awareness on issues related to the use of Native American imagery, representations and language by non-Native American institutions, organizations, and entities; and

(3) prepare and issue responses to requests from non-Native American institutions, organizations, and entities, including the media, relating to the Native American Imagery Position Statement or uses of Native American imagery, representations, and languages; and

(4) evaluate whether amendments to the Native American Imagery Position Statement are necessary or desirable, and if so, recommend such amendments for the Tribal Council.

Section 1.04 Purpose

The purpose of this Code is to establish the Board consistent with the findings set forth in Section 1.03 and to vest the Board with the rights, duties and powers stated in this Code.

Section 1.05 Construction

(a) This Code, to the extent reasonable, shall be read and interpreted in a manner consistent with the Constitution, but in the event of any inconsistency, the Constitution shall control.

(b) To the extent this Code conflicts with any provision of any other Band law, this Code shall govern.

(c) This Code shall be liberally construed to accomplish the purpose set forth in Section 1.04 of this Code.

Section 1.06 Severability

If a court of competent jurisdiction shall adjudge any provision of this Code, or application of this Code, to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, which shall continue in full force and effect.

Section 1.07 Governmental Immunity

The Board is an instrumentality of the Band government and shall be vested with all the rights, privileges, and immunities of the Band, including the sovereign immunity of the Band from suit absent an express waiver by the Tribal Council. Board members shall be deemed officers of the Band government and shall be immune from suit to the fullest extent permitted by applicable law with respect to Band officials.

Section 1.08 Definitions

As used in this Code:

- (a) “Band” means the Pokagon Band of Potawatomi Indians.
- (b) “Board” means the Representations Outreach Board.
- (c) “Board Officers” means the Chairperson, Secretary, and Treasurer of the Board.
- (d) “Citizen” means a duly enrolled member of the Band.
- (e) “Code” means this Representations Outreach Board Code.
- (f) “Committee Procedures Handbook” means the Band’s Committee Procedures Handbook.
- (g) “Constitution” means the Band’s Constitution.
- (h) “Native American Imagery Position Statement” means the position of the Band stated in Tribal Council Resolution No. 21-03-04-02, as may be amended or superseded by the Tribal Council, relating to the use of Native American / Indian mascots and Native American themed imagery, symbolisms, logos, and nicknames by non-Native American institutions, organizations, and entities, including sports teams (both school sanctioned and league affiliated), universities, colleges, and schools (parochial, private and public) throughout the United States.
- (i) “Tribal Council” means the governing body of the Band established pursuant to Article X of the Constitution.

(j) “Tribal Council Procedures Act” means the Band’s Tribal Council Procedures Act.

CHAPTER 2

Board

Section 2.01 Establishment

(a) The Tribal Council establishes the Board, which shall be composed of seven (7) Citizens.

(b) Consistent with Article X, subsection 5(c)(iv) of the Constitution, the Tribal Council Chairperson, or a Tribal Council member designated by the Tribal Council Chairperson, shall serve as an ex-officio non-voting member of the Board, and the Chairperson’s presence shall not be counted in determining whether a quorum exists.

(c) The Board shall not have any alternate members.

Section 2.02 Eligibility

To be eligible for appointment to the Board under subsection 2.01(a) of this Code, a Citizen shall:

(a) be at least eighteen (18) years of age; and

(b) possess expertise, knowledge, skills, and professional and personal experience which will contribute to the fulfillment of the purposes and duties of the Board.

Section 2.03 Officers

(a) The Tribal Council shall appoint one (1) of the Board members to serve as the Board Chairperson.

(b) The Board shall elect a Secretary and Treasurer from among the Board members, but a Board member shall not hold more than one Board Officer position at the same time.

(c) The term of each Board Officer position shall coincide with such person’s term of appointment to the Board.

(d) The Board Officers shall perform the duties as set forth in the Committee Procedures Handbook.

Section 2.04 Term

(a) The term of the Board members identified in subsection 2.01(a) of this Code shall be three (3) years, but the terms of initial appointments shall be staggered pursuant to the Tribal Council Procedures Act.

(b) The term of the Board member identified in subsection 2.01(b) of this Code shall be coterminous with the Board member's term of office.

(c) There shall be no limit on the number of terms that may be served on the Board, consecutively or otherwise.

(d) Appointment to the Board shall not confer any right or create any contract between the Board member and the Band.

Section 2.05 Resignation

(a) A Board member serving on the Board under subsection 2.01(a) of this Code may resign from the Board by submitting a signed and dated letter of resignation to the Board Chairperson or Board Secretary. The resignation shall be effective as of the date tendered unless provided otherwise in the resignation letter. The Board shall forward a copy of the resignation letter to the Tribal Council Chairperson.

(b) The Tribal Council Chairperson, or the Chairperson's designee serving on the Board, may resign by submitting a signed and dated letter of resignation to the Tribal Council Chairperson or the Tribal Council Secretary, which resignation shall be effective as the date tendered unless provided otherwise in the resignation letter. A copy of the resignation letter shall be provided to the Board Secretary.

Section 2.06 Removal

Notwithstanding any other provision of Band law or the Committee Procedures Handbook, all Board members shall serve at the pleasure of the Tribal Council and may be removed by the Tribal Council with or without cause or notice.

Section 2.07 Vacancy

(a) Upon a vacancy in a Board position identified in subsection 2.01(a) of this Code, the Tribal Council shall fill any such vacancy pursuant to the Tribal Council Procedures Act.

(b) Upon a vacancy in the Board position identified in subsection 2.01(b) of this Code, the Tribal Council Chairperson shall endeavor to fill the vacancy as soon as practicable.

Section 2.08 Compensation

Board members may be compensated for service to the Board at rates established by the Tribal Council pursuant to the Committee Procedures Handbook.

CHAPTER 3

Duties and Authority

Section 3.01 Duties

Subject to the provisions of this Code, and in addition to all other requirements under Band law and the Committee Procedures Handbook, the Board shall:

- (a) continue the evaluation of issues related to the use of Native American imagery, representations and language by non-Native American institutions, organization, and entities;
- (b) raise awareness on issues related to the use of Native American imagery, representations and language by non-Native American institutions, organizations, and entities;
- (c) prepare and issue responses to requests from non-Native American institutions, organizations, and entities, including the media, relating to the Native American Imagery Position Statement or uses of Native American imagery, representations, and languages, subject to subsection 3.02(c)(4) of this Code;
- (d) evaluate whether amendments to the Native American Imagery Position Statement are necessary or desirable, and if so, recommend such amendments to the Tribal Council;
- (e) develop and submit to the Tribal Council a work plan in accordance with the Committee Procedures Handbook;
- (f) develop and submit to the Finance Board, with a copy to the Tribal Council, a budget in accordance with the Committee Procedures Handbook; and
- (g) provide or submit to the Tribal Council the reports in accordance with the Committee Procedures Handbook.

Section 3.02 Authority

- (a) All rights, powers, or privileges not expressly delegated to the Board pursuant to this Code shall be reserved to and held by the Tribal Council.
- (b) The authority of the Board shall be limited to actions that are reasonably necessary to carry out the duties stated in Section 3.01 of this Code.
- (c) Notwithstanding any other provision of this Code, the Board shall have no authority to:
 - (1) enter into any contract, or any other binding agreement;
 - (2) supervise or discipline any Band employee;

- (3) expend funds or commit any funds with respect to any matter, except in accordance with an approved budget and Band law;
- (4) act contrary to the Native American Imagery Position Statement, including issuing or expressing any response contrary or inconsistent with the same; or
- (5) exercise any regulatory or legislative power of the Tribal Council.

Section 3.03 Assistance

(a) The Board may obtain assistance from Band employees in accordance with Section 12.03 of the Committee Procedures Handbook.

(b) Upon request of the Board, the Tribal Council may designate one or more Band employees from one or more Band departments to assist the Board in the performance of its duties under Section 3.01 of this Code, including:

- (1) attending all Board meetings except as otherwise authorized or directed by the employee's supervisor;
- (2) evaluating issues related to the use of Native American imagery, representations and language by non-Native American institutions, organization, and entities;
- (3) identifying opportunities and developing initiatives to raise awareness on issues related to the use of Native American imagery, representations and language by non-Native American institutions, organizations, and entities;
- (4) receiving requests from non-Native American institutions, organizations, and entities, including the media, relating to the Native American Imagery Position Statement or uses of Native American imagery, representations, and languages;
- (5) obtaining direction from the Board on preparing and issuing responses to requests from non-Native American institutions, organizations, and entities, including the media, relating to the Native American Imagery Position Statement and uses of Native American imagery, representations, and languages, subject to subsection 3.02(c)(4) of this Code;
- (6) assisting the Board in recommending to the Tribal Council any necessary or desirable amendments to the Native American Imagery Position Statement;
- (7) assisting the Board in developing and submitting to the Tribal Council a work plan in accordance with the Committee Procedures Handbook;
- (8) assisting the Board in developing and submitting to the Finance Board, with a copy to the Tribal Council, a budget in accordance with the Committee Procedures Handbook; and

(9) assisting the Board in providing or submitting to the Tribal Council the reports in accordance with the Committee Procedures Handbook.

Section 3.04 Confidentiality

No Board member shall use or disclose, for any purpose other than the performance of the Board member's official duties relating to the Board, any confidential information obtained in connection with participating on the Board.

LEGISLATIVE HISTORY

Representations Outreach Board Code enacted on August 9, 2021 by Res. No. 21-08-09-07.