

BYLAWS – BAD RIVER INDIAN EDUCATION COMMITTEE

ARTICLE I: NAME

Section 1: The name of this committee shall be the Bad River Indian Education Committee.

ARTICLE II: PURPOSE

Section 1: The purpose of this committee shall include, but not necessarily be limited to:

1. To work cooperatively with other organizations to further Indian Education.
2. To afford due consideration to and expression of opinion upon questions affecting the membership.
3. To consider and deal by all lawful means with problems of Indian education.
4. To do anything necessary and proper for the accomplishment of any purpose herein set forth or that shall be recognized as proper and lawful objectives.

Section 2: In furtherance of these purposes and objectives, but not in limitation thereof, the committee will have the power to:

1. Assess the educational needs of Indian students.
2. Plan, develop, implement and evaluate programs intended to fulfill these needs
3. Secure funding through local, state and federal agencies for educational programs with approval of the Bad River Tribal Council.
4. To participate in local, state and federal programs as determined by the rules and regulations set forth by such programs.
5. To collect and disseminate relevant information on Indian Education.
6. To promote activities relating to Indian Education and the heritage of the Ojibwe people.
7. To further training of its membership.
8. To provide administrative direction to the Johnson O'Malley program and policies for the Bad River Tribe.
9. To engage in any activity that will enhance the efficient progress of the committee and inform the public of its scope and character.

ARTICLE III: MEMBERSHIP

Section 1: Any Indian adult who has children attending any school within the boundaries of the Ashland School District and resides within the boundaries of the Ashland School District.

Section 2: Any adult guardian of an Indian student attending a school within the boundaries of the Ashland School District.

Section 3: Any Indian adult who shows a special concern for Indian Education.

ARTICLE IV: OFFICERS

Section 1: The elected officers of this committee shall be a Chairperson, Vice Chairperson, Secretary and 4 regular board members.

Section 2: Officers shall be elected annually by a majority of the members present at the annual meeting.

Section 3: Each elective officer shall take office immediately upon election and shall serve for a term of one year and until a successor is duly elected and qualified.

Section 4: Vacancies in any office shall be filled for the balance of the term thereof by a majority vote of the membership present at the next regular monthly meeting.

ARTICLE V: EXECUTIVE BOARD

Section 1: The Executive Board shall be comprised of the elected officers of the Indian Education Committee.

Section 2: The Executive Board may in its discretion appoint such other subcommittees as may be necessary. The rules and bylaws of this committee apply to the subcommittee whenever applicable.

Section 3: The Executive Board shall exercise such additional powers as deemed necessary and essential for the conduct of its business, provided that these bylaws, the constitution and bylaws of the Bad River Band of Chippewas or the applicable laws of local, state, or federal agencies or governments are adhered to.

ARTICLE VI: MEETINGS

Section 1: Annual. There shall be an annual meeting of the membership during the month of April for receiving and making annual reports (including financial reports), the transaction of other business and the election of officers.

Section 2: In addition to the annual meeting, the Committee shall conduct regular meetings at such time and place as the Executive Board, by a majority of its members may determine.

Section 3: Special Meetings. Special meetings of the Committee may be called at any time by order of the Executive Board Chairperson, or upon written request of a majority of the Executive Board Members. This request shall state the time, place and purpose of

the meeting. No business shall be transacted at a special meeting other than that referred to in the call.

Section 4: All Executive Board Members in attendance at any meeting shall constitute the voting membership at a meeting. Each member shall be entitled to only one vote upon each matter submitted to a vote at any meeting.

Section 5: Quorum. Four members of the Executive Board shall constitute a quorum at all regular, special and annual meetings.

Section 6: Notice Written or printed notice of meetings shall be made a sufficient number of days prior to the meeting to enable all members and the general public the opportunity to attend. In no case shall less than three days (72 hours) notice be given. Emergency special meetings may be exempted from the requirements of this section upon consent of four committee members.

Section 7: Order of Business. The order of business and rules of order shall be established and approved by a majority vote of the committee.

Section 8: Absences. Any member of the committee who is unable to attend a meeting, shall notify the Executive board through one of its officers, prior to the meeting if at all possible, and state the reasons(s) he or she is unable to attend. Absences due to serious illness or a personal matter of emergency nature shall be excused and recorded in the minutes. Notification of the intent to attend and the reason(s) why attendance is not possible shall be announced at the beginning of the meeting, if known. If there are any objections, the matter shall be resolved by a majority vote of the members present. Such notification and recording must be made no later than the next subsequent meeting in order for the absence to be excused.

ARTICLE VII: DUTIES OF OFFICERS

Section 1: Chairperson. The Chairperson shall:

1. Preside over all meetings of the committee.
2. Call special meetings of the committee.
3. Perform all acts and duties usually performed by an executive and presiding officer.
4. Sign all such papers of the committee as he or she may be authorized or directed to sign, provided however that the Executive Board may authorize any person to sign any or all checks, contracts and other instruments in writing on behalf of the committee.

Section 2: Vice Chairperson. The Vice Chairperson Shall:

1. In the absence or disability of the Chairperson, perform the duties of the Chairperson.
2. Perform such other duties as may be assigned by the Executive Board.

Section 3: Secretary. The Secretary shall:

1. Keep a complete record of all meetings of the committee.
2. Have general charge and supervision of the books and records of the committee.
3. Sign such papers pertaining to the committee as may be authorized or directed by the Executive Board.
4. Serve all notices required by law and shall perform such other duties as may be assigned by the Executive Board.

Section 4: Regular Board Members. Regular Board Members shall:

1. Attend all meetings concerning JOM programs relevant to the needs of the committee.
2. Perform such other duties as may be assigned by the Executive Board.

Section 5: All Members. All members shall:

1. Act in their official capacities in a manner that brings credit to the Education Committee and furthers its goals as outlined in these bylaws.
2. Not act in a manner as representing the Education Committee or Executive Board unless he or she has been properly accorded the authority to do so.

Section 6: Although the duties outlined in this article are mandatory, they are not necessarily all inclusive.

ARTICLE VIII: VACANCIES AND REMOVAL

Section 1: Should any committee member miss two consecutive regular meetings, unless excused per Article VI Section 8, the office may be declared vacant.

Section 2: Any elected or appointed officer may be removed at will by a majority vote of the Education Committee, or for cause.

Section 3: Cause. Cause may include, but is not limited to:

1. Betrayal of executive information.
2. The corrupt use of power.
3. Neglect of duty.
4. Misappropriation of funds.
5. Official Misconduct.
6. Alteration or falsification of records.
7. Authorship of statements prejudicial to the reputation of members.
8. Violation of these bylaws, rules and policies of the Education Committee.
9. Violation of the rules, bylaws, constitution or policies of the Bad River Tribe.

Section 4: The procedures for removal shall be written into policy by the Executive Board after adoption of this article.

ARTICLE IX: ELECTIONS

Section 1: Any Executive Board Member shall be eligible for re-election.

Section 2: Executive Board Members shall remain in office until their successors are duly elected and qualified.

Section 3: Nominations shall be made for specific offices.

Section 4: No person shall be elected to more than one office.

Section 5: A majority vote of the persons present at the annual meeting shall be required to elect.

ARTICLE X: AMENDMENTS

Section 1: These bylaws may be amended, repealed or altered, in whole or in part by a 2/3 affirmative vote of the members in attendance at a properly posted meeting; provided that a copy of the proposed amendment(s) and the time and place of meeting shall be posted and/or distributed in a manner and in sufficient time to permit all concerned persons the opportunity to attend the meeting adequately prepared to vote.

Section 2: The Executive Board shall review these bylaws at least once a year to determine if any amendments are required in response to changing conditions.

ARTICLE XI: CONFLICTS WITH BYLAWS

Section 1: If these bylaws in any part or as a whole conflict with the bylaws of the Bad River Tribal Council in such a manner as to prevent the Executive Board from carrying out its duties, the Tribal Council bylaws shall take precedence until such time as these bylaws can be amended to remove the conflict.

ARTICLE XII: CONFLICT OF INTEREST

Section 1: No member shall act in his/her official capacity solely for the purpose of personal gain or prestige.

Section 2: The Executive Board may establish more specific policies on this matter by an affirmative vote of four or more members.

ARTICLE XIII: GRIEVANCE

Section 1: Grievances from students, parents, community members, tribal representatives, employees and/or persons working directly with federal or tribally funded education programs relating to the Johnson O'Malley or Title VII Programs shall be heard first by the Bad River Indian Education Committee.

Section 2: Complaints and/or grievances about the program(s) shall be made in writing to the Bad River Indian Education Committee. The BRIEC shall notify the complainant in writing within 10 working days of receipt of the complaint or grievance regarding a meeting date to hear the complaint or grievance. Such meeting shall be held no earlier than 5 working days and no later than 30 calendar days after mailing notification to the complainant. The findings of the BRIEC shall be communicated in writing to the complainant within 5 working days after the hearing.

Section 3: Failure of the complainant to appear before the BRIEC at the hearing shall make the original complaint null and void.

Section 4: If the complaint or grievance is not resolved to the satisfaction of the complainant, he/she may appeal in writing to the tribal governing body within 5 working days of receiving the written recommendation of the BRIEC.

Section 5: If the complaint or grievance is not resolved to the satisfaction of the complainant by the tribal governing body, he/she may appeal to the Bad River Tribal Court within 5 working days of receiving the written recommendation of the tribal governing body. The Tribal Court's decision shall be final.

Section 6: In such cases where there exists another interested party due to contractual agreements, subcontractual agreements, or federal and/or program rules and regulations, the BRIEC, tribal governing body or Bad River Tribal Court shall also work in concert with those parties to resolve the complaint.

ARTICLE XIV: EDUCATION COMMITTEE

Section 1: The Education Committee shall have supervision and control of the affairs of the Education Committee, shall determine its policies or changes therein within the limits of the bylaws, shall actively prosecute its objectives, and shall have discretion in the disbursement of funds.

Section 2: The Education Committee shall have the power to recommend for employment, define duties, and fix compensation.

Amendments to the original bylaws of 10-10-74

- 3-4-77 Grievance Procedure added
- 7-12-78 All articles (approved by Tribal Council 8-10-78)
- 9-10-80 Article VI, Sections 3, 4, 8
Article VIII, Section 1
Article XIII, All
- 6-13-06 Article II, Section 2 (3) add: "with approval Council"
Section 2 (8) change "administer ... " to "provide administrative ..."
Article VI, Section 8 delete sentence two
Article VII, Delete Sections 3, 5, 6, renumber remaining sections
Article VIII, delete sections 1, 7, 8, renumber remaining sections
Article XII, delete section 2