



**HO-CHUNK NATION CODE (HCC)
TITLE 7: CULTURAL AND NATURAL RESOURCES
SECTION 4 – HO-CHUNK NATION LANGUAGE AND
CULTURE CODE**

ENACTED BY LEGISLATURE: March 17, 2015

Last Amended and Restated: August 9, 2016

CITE AS: 7 HCC § 4

TABLE OF CONTENTS

Chapter I: General Provisions

| | |
|-----------------------------------|---|
| 1. Authority | 3 |
| 2. Preamble | 4 |
| 3. Adoption and Declaration | 4 |
| 4. Purpose | 5 |

Chapter II: Recognition of the Ho-Chunk Language

| | |
|----------------------|---|
| 5. Recognition | 7 |
|----------------------|---|

Chapter III: Definitions

| | |
|----------------------|---|
| 6. Definitions | 7 |
|----------------------|---|

Chapter IV: Eminent Persons/Elders

| | |
|-------------------------------|----|
| 7. Importance of Elders | 10 |
|-------------------------------|----|

Chapter V: Ho-Chunk Language an Integral Part of All School Curriculum

| | |
|--|----|
| 8. Ho-Chunk as Required Instruction | 10 |
| 9. Ho-Chunk Instruction Implementation Requirements | 10 |
| 10. Memorandum of Understanding | 10 |

Chapter VI: Ho-Chunk Language and Culture Committee

| | |
|---|----|
| 11. Establishment | 11 |
| 12. Composition | 11 |
| 13. Quorum | 11 |
| 14. Vacancies of Inactive Ho-Chunk Language | |

| | |
|---|----|
| And Culture Committee Member(s) | 12 |
| 15. Voting | 12 |
| 16. Duties, Obligations and Responsibilities | 12 |
| 17. Officers and Election of Officers | 13 |
| 18. Duties of Officers | 13 |
| 19. Delegation of Power | 14 |
| 20. Removal of Officers | 14 |
| 21. Meetings | 14 |
| 22. Special Meetings | 15 |
| 23. Meeting Minutes | 15 |

Chapter VII: Government, Family and Community Involvement

| | |
|----------------------------------|----|
| 24. Government Involvement | 15 |
| 25. Family Involvement | 16 |
| 26. Community Involvement | 16 |

Chapter VIII: Internal Research and Studies Require Tribal Approval

| | |
|---|----|
| 27. Internal Research and Studies | 16 |
|---|----|

**Chapter IX: Trademark and Copyright Ownership of Ho-Chunk Language
Publication Materials**

| | |
|---|----|
| 28. Trademark and Copyright Ownership | 16 |
| 29. Rights Retained | 16 |
| 30. Tribally Financed Publications and Materials | 17 |
| 31. Non-Tribally Financed Publications and Materials | 17 |

Chapter X: Funding for Language Policy Implementation

| | |
|---------------------------|----|
| 32. Federal Funding | 17 |
| 33. Tribal Funding | 17 |

Chapter XI: Policy Amendments

| | |
|-----------------------------|----|
| 34. Policy Amendments | 17 |
|-----------------------------|----|

Chapter XII: Severability

| | |
|------------------------|----|
| 35. Severability | 18 |
|------------------------|----|

CHAPTER I GENERAL PROVISIONS

1. Authority.

a. The authority to establish these policies to be effective within scattered regions where Ho-Chunk Nation tribal members reside is derived from the following:

(1) The Constitution of the Ho-Chunk Nation;

(a) Article V, Section 2(a) of the Ho-Chunk Nation Constitution grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes.

(b) Article V, Section 2(r) of the Ho-Chunk Nation Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions.

(c) Article V, Section 2(s) of the Ho-Chunk Nation Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation.

(2) All Treaties between the Ho-Chunk Nation (formerly known as the Wisconsin Winnebago Tribe) and the United States Government.

(3) The Native American Languages Act of 1990 (Public Law 101-477, October 30, 1990).

(4) The Indian Self-Determination and Education Assistance Act (Public Law 93-638; 88 Stat. 2203; 25 U.S.C. 450 and 450a).

(5) The American Indian Religious Freedom Act (92 Stat. 469; Public Law 95-341; 42 U.S.C. 1996).

(6) The Indian Child Welfare Act of 1978 (Public Law 95-608; 92 Stat. 3069; 25 U.S.C. 1901) Education Amendments of 1978 Act (Public Law 95-561; 25 U.S.C.).

(7) The Indian Education Act of 1988 (25 U.S.C. 2651 (4)).

(8) Wisconsin American Indian Education Act (Act 31), Wisconsin State Legislature, 1989, Wis. State Stats. 115 (Wis. Admin. Code, Public Instruction, Chapter PI 34), 118.01(c) 7-8, 118.19(8), 121.02(1) (h), and 121.02(1) (L) 4.

(9) Article 13 and 14 of the United Nations Declaration on the Rights of Indigenous People, 107th Plenary Meeting September 13, 2007.

(10) Article 27 of the International Covenant on Civil and Political Rights of the Universal Declaration of Human Rights, General Assembly, March 23, 1976.

2. Preamble.

The purpose of this Code shall be to affirm formal protections of the Ho-Chunk language and to the Ho-Chunk People as they exercise their right to perpetuate its use in everyday life. In addition, this Code affirms the implementation of the Ho-Chunk language, programming and other support agents essential to its teaching and learning as the foremost priority for the Ho-Chunk Government within the jurisdiction and the boundaries of the Ho-Chunk Nation's ancestral lands and territories and as protected within the Constitution of the Ho-Chunk Nation.

In addition, this Code shall establish a Ho-Chunk Language and Culture Committee and to reaffirm our constitutionally mandated commitment to the promotion, preservation, enhancement of our language, culture and traditions as a blessing for our future generations. This Code will further affirm the importance, value and authority of the official spoken word within the Ho-Chunk Nation, within our communities, within our homes and its perpetuation among future generations.

3. Adoption and Declaration. The Ho-Chunk Nation formally adopts the following rights and measures as outlined during the United Nations Declaration on the Rights of Indigenous Peoples held on September 13, 2007:

The Ho-Chunk Nation asserts its basic language rights which include:

- The right to be educated in our Native Tongue, the Ho-Chunk Language.
- The right to have the Ho-Chunk Language recognized in the Ho-Chunk Nation Constitution and laws of the Ho-Chunk Nation.
- The right to live free from discrimination on the grounds of the Ho-Chunk Language.

The Ho-Chunk Nation will protect and promote the following measures in regards to the Ho-Chunk Language:

- Guarantee the right to mother-tongue education for enrolled Ho-Chunk Nation children.
- Allocate the funding and resources needed to preserve and develop the Ho-Chunk Language and particularly education.
- Translate laws and key political texts into the Ho-Chunk Language so that enrolled Ho-Chunk Tribal members may better participate in the political and legal fields.
- Establish Ho-Chunk Language-immersion programs for both Ho-Chunk enrolled Tribal children and adults.
- Raise the prestige of the Ho-Chunk Language by promoting its use in public administration and academic institutions.
- Use the Ho-Chunk Language vigorously and pass it down through our generations.

In keeping with Article 27 of the International Covenant on Civil and Political Rights of the Universal Declaration of Human Rights adopted by the General Assembly of the United

Nations, the Ho-Chunk Nation declares all persons within our tribal jurisdiction belonging to non-Ho-Chunk racial, ethnic, political or linguistic minorities shall not be denied the right to enjoy their own culture, practice their own religion, or use their own language. We, the people of the Ho-Chunk Nation rely on the reciprocal adherence to this doctrine by the member state of the United States specifically as the doctrine pertains to the right of language use.

4. Purpose.

The purpose of this act is to establish a Ho-Chunk Language Code and to re-affirm our commitment to the promotion, preservation and enhancement of our language, culture and traditions to all enrolled members of the Ho-Chunk Nation and future generations. Because we believe that education is the transmission of culture and that all our people must have genuine freedom of access to education, we assert that all aspects of the educational process shall reflect the beauty of our Ho-Chunk values, way of life, and the appreciation of our environment.

The Native American Languages Act of 1990, Section 104 declares it is the policy of the United States to:

1. preserve, protect and promote the rights of the freedom on Native Americans to use, practice and develop Native American languages;
2. allow exceptions to teacher certification requirements for Federal programs, and programs funded in whole or in part by the Federal Government, for instruction in Native American language when such teacher certification requirements hinder the employment of qualified teachers who teach in Native American languages, and to encourage state and territorial governments to make similar exceptions;
3. encourage and support the use of Native American languages as the medium of instruction in order to encourage and support –
 - A. Native American language survival,
 - B. educational opportunity,
 - C. increased student success and performance,
 - D. increased student awareness and knowledge of their culture and history; and
 - E. increased student and community pride;
4. encourage state and local education programs to work with Native American parents, educators, Indian Tribes, and other Native American governing bodies in implementation of programs to put this policy into effect;
5. recognize the right of Indian Tribes and other Native American governing bodies to use the Native American languages as a medium of instruction in all schools funded by the Secretary of the Interior;

6. fully recognize the inherent right of Indian tribes and other Native American governing bodies, States, territories, and possessions of the United States to take action on, and give official status to, their Native American languages for the purpose of conducting their own business;
7. support the granting of comparable proficiency achieved through course work in a foreign language, with recognition of such Native American language proficiency by institutions of higher education as fulfilling foreign language entrance or degree requirements; and
8. encourage all institutions of elementary, secondary, and higher education, where appropriate, to include Native American languages in the curriculum in the same manner as foreign languages and to grant proficiency in Native American languages the same full credit as proficiency in foreign languages. (Public Law 101-477, October 30, 1990).

In addition, the Ho-Chunk Nation adopts the rights and liberties established within Article 13 and 14 of the United Nations Declaration on the Rights of Indigenous People, herein stated as:

The Ho-Chunk Nation has the right to revitalize, use develop and transmit to future generations our histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain our own names for communities, places and persons.

States shall take effective measures to ensure that this right is protected and also to ensure that the Ho-Chunk Nation can understand and be understood in political, legal, and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

The Ho-Chunk Nation has the right to establish and control their educational systems and institutions providing education in our own languages, in a manner appropriate to our cultural methods of teaching and learning.

Ho-Chunk Nation enrolled tribal members as individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

States shall, in conjunction with the Ho-Chunk Nation, take effective measures, in order for enrolled tribal members, particularly children, including those living outside their communities, to have access, when possible, to an education in our own culture and provided in our own Ho-Chunk language.

CHAPTER II RECOGNITION OF THE HO-CHUNK LANGUAGE

5. Recognition.

This law recognizes that the Ho-Chunk language is the indigenous and official language of the Ho-Chunk Nation. Be it known that the Ho-Chunk language shall be recognized as our first language, and the English language shall be recognized as our second language. The Ho-Chunk language may be used in the conduct of government – General Council, Executive, Legislative, and Judicial - although in deference to, and out of respect to speakers of the English language, English may be utilized in official matters of government.

This law declares that the Ho-Chunk language is a living and vital language that has the ability to match any other in the world for expressiveness and beauty. It is capable of lexical expansion into modern conceptual fields such as politics, economics, mathematics and science. Ho-Chunk Nation tribal members assert they are fully capable of developing fluency in our mother tongue and further assert that a higher level of Ho-Chunk mastery will promote and sustain the continued existence of our customs, traditions, religious, and spiritual freedoms, the foundation of the Ho-Chunk Nation.

The Ho-Chunk Nation, therefore have enacted this law to reaffirm our Nation’s commitment to the promotion, preservation, and enhancement of our Ho-Chunk people and shall hereafter be in effect within the boundaries of the Ho-Chunk Nation’s ancestral lands and territories and as protected within the Constitution of the Ho-Chunk Nation.

CHAPTER III DEFINITIONS

6. Definitions

1. “Chairperson” means the Chairperson of the Ho-Chunk Nation Language and Culture Committee who will perform the duties, obligations, and responsibilities that include but are not limited to the *Language and Culture Code (7 HCC § 4)*, Constitution or other relevant law(s) enacted by the Ho-Chunk Nation Legislature.

2. “Child” means an individual who is not married and has not attained eighteen (18) years of age and for purposes of this Code must be an Enrolled or eligible for Enrollment with the Ho-Chunk Nation, pursuant to the *Tribal Enrollment Membership Act (2 HCC §7)*.

3. “Code” means the *Ho-Chunk Nation Language and Culture Code (7 HCC § 4)*.

4. “Constitution” means the Constitution of the Ho-Chunk.

5. “Committee” means the Ho-Chunk Language and Culture Committee.

6. “Committee member” means a member of the Ho-Chunk Language and Culture Committee.

7. “Copyright” means the exclusive and protected right of the Ho-Chunk Nation to reproduce, publish, or sell an original work of authorship and any other tangible medium including a book or manuscript, musical score or recording, script or dramatic production, painting or sculpture, or language or cultural materials of the Ho-Chunk Nation.

8. “Culture” means the sum of attitudes, customs, and beliefs that distinguishes the Ho-Chunk Nation from other people. Culture is transmitted, through language, material objects, ritual, institutions, and art, from one generation to the next.

9. “Department” means a Department or Division within the Ho-Chunk Nation.

10. “Director” means the Ho-Chunk Language Division of the Department of Heritage Preservation.

11. “Duties” mean obligations by Election Board Members to perform a task by their respective Districts.

12. “Elder” is a Tribal Elder age sixty (60) or older who is an enrolled tribal member of the Ho-Chunk Nation.

13. “Elite Elder” is a Tribal Elder age seventy (70) or older who is an enrolled tribal member of the Ho-Chunk Nation.

14. “Ex-Officio” is an invited member of the *Ho-Chunk Nation Language and Culture Committee* who is not a voting member and sits at the discretion of the Code.

15. “Family” means any member of a group of individuals living under one roof with one head of household.

16. “Government” means the four (4) branches of Government the Executive, Legislative, Judicial and General Council as outlined within the *Constitution of the Ho-Chunk Nation*.

17. “Ho-Chunk Legislature” means the duly elected legislative body governing the Ho-Chunk Nation.

18. “Indian” means and includes any individual who is a duly enrolled member of a federally recognized Indian Tribe.

19. “Indian Land” means the territory of the Ho-Chunk Nation shall include all lands held by the Nation or by the United States for the benefit of the Nation or the People, and any additional lands acquired by the Nation or by the United States for the benefit of the Nation or the People, including but not limited to air, water, surface, subsurface, natural resources and any interest

therein, notwithstanding the issuance of any patent or right-of-way in fee or otherwise, by the governments of the United States or the Ho Chunk Nation, existing or in the future.

20. "Indian Tribe" generally means and includes any Indian Tribe, Band, or other organized group or community, including Alaska Native Village or unit defined or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. § 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

21. "Language" means the language of the Ho-Chunk Nation.

22. "Legislature" means members of the Legislature officially convened to exercise Constitutional powers pursuant to the *Constitution of the Ho-Chunk Nation*.

23. "Meetings" means as stated within the *Open Meetings Act 2 HCC § 2*.

24. "Minutes" means as stated within the *Open Meetings Act 2 HCC § 2*.

25. "Nation" means the Ho-Chunk Nation.

26. "Nation Lands" mean any land owned in fee by the Ho-Chunk Nation and land held in trust for the Nation or individual members of the Nation by the United States government.

27. "Obligation" means the social, moral and legal obligations as outlined within this Code.

28. "Responsibilities" means being held answerable, or accountable for all responsibilities as outlined within the Code.

29. "Social Media" means the Ho-Chunk Nation official electronic media outlets including, but not limited to, the Nation's internet web site, Facebook page, or similar means for communication.

30. "Term" means the length of time a voting member's term begins and end.

31. "Tribal Member" means an enrolled member of the Ho-Chunk Nation as defined by the Constitution of the Ho-Chunk Nation.

32. "Trademark" means a recognizable and registered sign, design or expression which identifies products or services of the Ho-Chunk Nation.

33. "Trust Land" means a parcel of land held in trust by the Bureau of Indian Affairs.

34. "Vice-Chairperson" means the Vice-Chairperson of the Ho-Chunk Nation Language and Culture Committee who will perform the duties as the Chairperson in meetings only, if said Chairperson is unable to perform the duties and responsibilities required by the *Ho-Chunk Nation*

Language and Culture Code (7 HCC § 4), that include but are not limited to, Constitution or other relevant law(s) enacted by the Ho-Chunk Nation Legislature.

CHAPTER IV EMINENT PERSONS/ELDERS

7. Importance of Elders. We recognize that among our Ho-Chunk people there are certain traditional persons who possess knowledge beyond that of academics with degrees. These people of knowledge are recognized by the general membership as eminent persons. It shall be the policy of Ho-Chunk Nation to encourage the use of tribal "elders" to the greatest extent possible in providing Ho-Chunk language instruction.

a. This policy includes instruction in other areas, such as: oral histories; history; crafts; dances; music, etc.

b. The use of tribal elders in program planning, program development and evaluation is also encouraged.

c. All Elders will be paid in accordance with their appropriate Legislatively approved Ho-Chunk Nation job description and the *Ho-Chunk Nation Appropriations and Budget Act 2 HCC § 4*.

CHAPTER V HO-CHUNK LANGUAGE AN INTEGRAL PART OF ALL SCHOOL CURRICULUM

8. Ho-Chunk as Required Instruction. It shall be the policy of the Ho-Chunk Nation to require Ho-Chunk language instruction for Ho-Chunk and other Indian students in grade levels beginning with preschool through the 12th grade, or require the language be used as the medium of instruction in a Ho-Chunk immersion school system.

a. Ho-Chunk language instruction is optional at the adult education and post-secondary levels at the discretion of the Ho-Chunk Language and Culture Committee.

9. Ho-Chunk Instruction Implementation Requirements. This policy shall require the local education agencies (school districts) to implement Ho-Chunk language instruction as an integral part of the regular/required curriculum in all schools serving more than three percent (3%) Indian children (grades preschool-12), who desire this instruction.

a. This policy shall include Ho-Chunk children and other Indian children attending all preschool programs, including the Ho-Chunk Nation Tribal Head Start Programs, subject to the discretion of the Ho-Chunk Language and Culture Committee.

10. Memorandum of Understanding. A Memorandum of Understanding agreement between the Ho-Chunk Nation and named school district shall stipulate all duties, responsibilities, obligations, and criteria, general and financial responsibilities and shall be negotiated on a yearly basis

beginning in the month of April. Starting date for all agreements will be July 1st and end June 30th in accordance with the Ho-Chunk Nation fiscal year as stated within the *Ho-Chunk Nation Appropriations and Budget Act 2 HCC § 4*.

CHAPTER VI HO-CHUNK LANGUAGE AND CULTURE COMMITTEE

11. Establishment. The Ho-Chunk Language and Culture Committee shall be appointed by the Ho-Chunk Nation Legislature Administration Committee to establish policy and make decisions regarding the Ho-Chunk language and culturally related issues as defined in Section 16 Duties, Obligations and Responsibilities. In the absence of the Language and Culture Committee, the Traditional Court shall exercise the Duties and Responsibilities of the Committee as described in this Code. The Traditional Court shall not adhere to the remaining Sections under this Chapter which govern the Committee when carrying out the Duties and Responsibilities of the Committee.

12. Composition. The Ho-Chunk Language, Culture and Traditions Committee shall be composed of Ho-Chunk Nation Elite Elders, Elders and Ex-Officio representatives from programs or projects currently providing Ho-Chunk language instruction and cultural preservation for the Ho-Chunk Nation.

a. The Committee will consist of seven (7) voting members, Three (3) Elite Ho-Chunk Elders, Four (4) Ho-Chunk Elders and will be formally appointed by the Ho-Chunk Nation Legislature. The Language and Culture Division Director will preside as Chairperson with no voting privileges. The Committee may appoint any necessary nonvoting Ex-Officio members as they deem necessary in order to establish policy and make decisions regarding Ho-Chunk language and culturally related issues as defined within this Code.

b. Committee vacancies will be posted in accordance with the *Legislative Organization Act (2 HCC § 11)*.

c. The Ho-Chunk Language and Culture Committee members shall serve for a three (3) year staggered term. The term of the Ho-Chunk Language and Culture Committee members shall begin on January 1 following appointment at the November meeting of the Ho-Chunk Language and Culture Committee. Ho-Chunk Language and Culture Committee members who are appointed to fill a vacancy caused by resignation, death or removal of a member shall serve for the remainder of the 3-year term. Ho-Chunk Language and Culture Committee members may be reappointed without limit to number of terms.

13. Quorum

a. At least Five (5) of the appointed voting Ho-Chunk Language and Culture Committee members of the Seven (7) appointed voting members shall be present to establish quorum.

14. Vacancies of Inactive Ho-Chunk Language and Culture Committee Member(s).

a. Any Ho-Chunk Language and Culture Committee member who misses three (3) consecutive meetings without an excuse will be automatically removed from office.

The Ho-Chunk Language and Culture Committee will be subject to the Nation's *Code of Ethics Act (2 HCC § 1)*.

15. Voting. At all Ho-Chunk Language and Culture Committee meetings, each appointed Committee member shall have one vote with the exception of the Chairperson.

a. The Chairperson will only preside during duly called meetings of the Ho-Chunk Language and Culture Committee in order for the Committee to conduct business and have no voting rights.

b. Ex-Officio Members of the Committee will have no voting rights and will serve at the discretion of the Committee. There is no established number of Ex-Officio members and the Committee has the right to invite representatives from each of the programs or projects currently providing Ho-Chunk Language instruction and cultural preservation of for the Ho-Chunk Nation.

c. No proxy votes shall be permitted by any Ho-Chunk Language and Culture Committee member. A majority vote of the Ho-Chunk Language and Culture Committee at a dully called meeting in which quorum is established shall represent binding action of the Ho-Chunk Language and Culture Committee.

d. Any action taken by the Ho-Chunk Language and Culture Committee that results in a tie vote shall not represent binding action and may be readdressed by the committee as it deems necessary.

16. Duties, Obligations and Responsibilities. The Ho-Chunk Language and Culture Committee will adhere to all duties and responsibilities as outlined within the Code, the Constitution and any other laws, ordinances, resolutions and statutes as deemed necessary by the legislature. Duties, Obligations and Responsibilities of the Ho-Chunk Language and Culture Committee shall include, but not be limited to, the following:

a. To serve as the primary planning, screening and review Committee for all issues relating to the Ho-Chunk language, Ho-Chunk history and Ho-Chunk cultural instruction or activities on the scattered regions where Ho-Chunk Nation tribal members reside.

b. To assist the Ho-Chunk Tribal government in the formulation of policies and procedures pertaining to the Ho-Chunk language, Ho-Chunk history and Ho-Chunk cultural activities on the scattered regions where Ho-Chunk Nation tribal members reside, other religious activities, and such activities as promoted by the Language and Culture Division of the Ho-Chunk Nation Department of Heritage Preservation.

- c. The Ho-Chunk Language and Culture Committee shall work cooperatively with other tribal committees and tribal individuals to insure that all cultural matters, shall be protected in negotiations and all agreements with any external entity. The Ho-Chunk Language and Culture Committee shall submit recommendations to the Department of Heritage Preservation for final approval.
- d. To assist in program planning coordination and program development efforts (both federally and privately funded) concerning the Ho-Chunk language and culture activities.
- e. To review and determine the criteria for Ho-Chunk language competencies and fluency and to develop and plan screening procedures.
- f. To review and approve all Ho-Chunk culturally related curriculum (textbooks, workbooks and other instructional materials, modern communication media productions) to be used to provide instruction to Ho-Chunk people in the Ho-Chunk language, history and culture.
- g. To review and approve all Ho-Chunk language, Ho-Chunk history and Ho-Chunk culture-related research studies and proposals submitted by outside entities, colleges, universities, private groups and individuals, and recommend approval or non-approval to the Ho-Chunk Nation Legislature and; includes the responsibility to review and reserve approval regarding outside requests for ethno botanical information, and cultural and socio-economic information on belief systems.
- h. To screen and determine Ho-Chunk language competence for Ho-Chunk speaking individuals desiring to obtain college credit from colleges and universities for speaking a second language as required by the institutes of higher education and for those individuals aspiring to be language instructors in accordance with subsection (e) of this Section.
- i. To review and reserve approval on all other assignments and tasks related to the Ho-Chunk language, Ho-Chunk history and Ho-Chunk cultural activities as may be referred to the Committee.

The Committees duties, obligations, and responsibilities are thoroughly outlined within this section and the Executive Branch shall maintain all rights and responsibilities as defined by the Ho-Chunk Nation Constitution.

17. Officers and Election of Officers. Chairperson shall be selected in accordance with the Code. The Chairperson shall serve a two (2) year term concurrent to that of the Vice-Chairperson. The Vice-Chairperson shall be selected from among the appointed Ho-Chunk Language and Culture Committee members by a majority vote and serve a two (2) year term concurrent to that of the Chairperson.

18. Duties of Officers.

- a. Chairperson. The Ho-Chunk Language and Culture Committee Chairperson shall preside over all meetings and proceedings of the Ho-Chunk Language and Culture

Committee and shall have the authority given to him or her by the Constitution and Legislature. The Chairperson shall oversee all administrative and financial transactions by the Ho-Chunk Language and Culture Committee.

b. Vice-Chairperson. The Vice-Chairperson shall serve in the Chairperson's capacity if the Chairperson is unable to perform his or her duties. At such time the Vice-Chairperson shall have all the authority of the Chairperson at meetings and elections only. The Vice-Chairperson will oversee any other duties as the Chairperson may direct.

c. Ex-Officio Members shall serve in an informal capacity and at the discretion of the voting Committee members.

19. Delegation of Power.

a. The Chairperson shall preside at all meetings and maintain all authority as delegated by the Constitution, Code and any other laws, ordinances, resolutions and statutes as deemed necessary by the Legislature in order for the Ho-Chunk Language and Culture Committee to fulfill its duties and obligations to the Ho-Chunk Nation. Unless he or she designated the Vice-Chairperson to preside in his or her absence to fulfill the duties and obligations to the Ho-Chunk Nation.

20. Removal of Officers.

a. Any officer elected or appointed by the Ho-Chunk Language and Culture Committee may be removed from their respective office for just cause by the Ho-Chunk Language and Culture Committee with a majority vote or by the Ho-Chunk Language and Culture Committee Chairperson. Violations of the Constitution, Code, or any other applicable law(s) shall constitute just cause. The Ho-Chunk Language and Culture Committee shall report to the Ho-Chunk Legislature any and all facts and circumstances which come to the attention of the Chairperson regarding conduct of the Ho-Chunk Language and Culture Committee Members. In the Chairperson's judgment which reasonably be construed as a violation of the Constitution, Code, By-Law(s) or any other applicable law(s) shall constitute just cause.

21. Meetings.

a. Regular Meetings.

1. All meetings of the Committee shall be open to the public and any member of the tribe may express concerns on the language and culture issues question during the times of the scheduled meetings.

2. The regular meeting of the Ho-Chunk Language and Culture Committee shall be held at least quarterly at the time, date and place designated by the Ho-Chunk Language and Culture Committee. **There will be a 15 minute grace period to receive a full stipend.**

3. The Ho-Chunk Language and Culture Committee will be subject to the *Open Meetings Act* (2 HCC § 2), *Finance Manual* (5 HCC § 5) and other applicable laws.

22. Special Meetings. Special Meetings of the Ho-Chunk Language and Culture Committee may be called by the Chairperson, when the Vice-Chairperson is delegated the duties of the Chairperson, or a majority vote by the Ho-Chunk Language and Culture Committee.

23. Meeting Minutes.

a. Meeting Minutes of each meeting are to be kept by Division of Language and Culture of the Ho-Chunk Department of Heritage Preservation. The activities of the Committee shall be published in the tribal media/publications and/or otherwise distributed to the tribal membership as required in accordance with the *Open Meetings Act* (2 HCC § 2). The approved minutes shall include a record of all motions, proposals, resolutions or any other formal matter voted upon, including the result of the vote. The approved minutes of regular meetings shall be made available to the public.

b. Executive Session minutes shall not be made available to the public without approval of the Ho-Chunk Language and Culture Committee with exception of Legislators who shall have access to all minutes including executive session minutes. Photocopying of executive session minutes shall not be permitted other than for the purpose of use by the Ho-Chunk Language and Culture Committee or Legislature.

The Ho-Chunk Language and Culture Committee will maintain confidentiality of all language and culture information consistent with this Code and other applicable laws of the Ho-Chunk Nation.

CHAPTER VII GOVERNMENT, FAMILY AND COMMUNITY INVOLVEMENT

24. Government Involvement. The Ho-Chunk language is the official language of the Ho-Chunk Nation and will be used in the business of government, Legislative, Executive, and Judiciary, in official matters of government with recognition of the respect and need to utilize the English Language when necessary.

The Ho-Chunk Nation Constitution and all laws of the Ho-Chunk Nation will be translated into the Ho-Chunk language and available through Ho-Chunk Nation approved social media.

The Ho-Chunk language will be used as a language of communication and interaction in community events sponsored by the Ho-Chunk Nation.

The Ho-Chunk Nation Government will ensure all traffic signs, business signs, office signs, and any other public signs within our communities, enterprises and facilities will be printed in the Ho-Chunk language and English language translation of the word, phrase, sentence or title.

25. Family Involvement. It shall be the policy of the Ho-Chunk Nation to encourage Family to teach their children to become proficient in both the Ho-Chunk language and English. It shall further be the policy of the Ho-Chunk Nation to involve Families and the communities to the greatest extent possible, in the instruction of the Ho-Chunk Language Division within the Ho-Chunk Nation Department of Heritage Preservation and Ho-Chunk Nation Education Department.

26. Community Involvement. It shall be the policy of the Ho-Chunk Nation to encourage community involvement to teach our children to become proficient in both the Ho-Chunk language and English. It shall further be the policy of the Ho-Chunk Nation to involve the communities to the greatest extent possible, in the instruction of the Ho-Chunk Language Division within the Ho-Chunk Nation Department of Heritage Preservation and Ho-Chunk Nation Education Department.

CHAPTER VIII INTERNAL RESEARCH AND STUDIES REQUIRE TRIBAL APPROVAL

27. Internal Research and Studies. With regard to internal research, scientific investigations and study requests by tribal affiliated individuals, groups, organization, colleges and universities, about or pertaining to the Ho-Chunk Nation. The Language and Culture Committee shall have exclusive authority to approve all internal and external research regarding the Ho-Chunk language. Any other educational research and related studies shall be maintained in accordance with the *Tribal Research Code (3 HCC § 3)*.

CHAPTER IX TRADEMARK AND COPYRIGHT OF HO-CHUNK LANGUAGE AND PUBLICATION MATERIALS

28. Trademark and Copyright Ownership. All publication rights shall reside with the Ho-Chunk Nation as copyright owner. The Ho-Chunk Nation shall retain exclusive publishing rights to a single publisher for a period of fifty (50) years to be renewable for successive fifty (50) year periods. Regarding royalties, the Ho-Chunk Language and Culture Committee shall negotiate, case by case, prior to submitting its recommendation to the Ho-Chunk Nation Legislature. The following are areas the Ho-Chunk Nation Legislature will obtain and maintain all legal trademark and copyrights:

a. All printed publications and documents including books, photographs, photo collections, oral history collections, orthographies, language/grammar guides, teacher guides, curriculum materials, and, masters and doctoral theses obtained from the scattered regions where Ho-Chunk Nation tribal members reside.

b. Film, video, audio and photography productions.

29. Rights Retained. Ho-Chunk tribal members as individuals shall enjoy full freedom of speech and the publication rights including the right to negotiate and retain royalties, except that the individual shall consult with the Ho-Chunk Language and Culture Committee regarding publication and productions of religious ceremonies.

30. Tribally Financed Publications and Materials. The Ho-Chunk Nation shall reserve the right to acquire ownership and copyrights to all written publications (documents), audio/visual productions and artifacts resulting from work or data collection, all of which have been financed in whole or in part with tribal funds, and have been collected or obtained on the scattered regions where Ho-Chunk Nation tribal members reside. Tribally financed publications, audio/visual productions and related publications must include a statement that, "This project/publication has been financed in whole or in part by the Ho-Chunk Nation."

31. Non-Tribally Financed Publication and Materials. Concerning ownership of non-tribally financed research and studies by non-tribal affiliated groups or individuals conducted on the scattered regions where Ho-Chunk Nation tribal members reside which result in written publications, films and artifacts collection: publishing rights royalties and ownership of copyrights shall be negotiated and determined hereafter upon initial review and approval of the research or study proposal by the Ho-Chunk Language and Culture Committee on behalf of the Ho-Chunk Nation Legislature as set forth in other sections of this policy.

CHAPTER X FUNDING FOR LANGUAGE POLICY IMPLEMENTATION

32. Federal Funding. The Ho-Chunk Nation Legislature recognize that the Department of Interior has the responsibility to provide funds for such priority tribal education programs as the Ho-Chunk Language Policy Program under the authority of the Snyder Act (Public Law 93-638 and Public Law 95-561), and to request sufficient appropriations from Congress. From time to time, the Ho-Chunk Nation shall submit budget requests for language policy implementation to the Bureau of Indian Affairs-Department of Interior and to other federal agencies such as the U.S. Department of Education which share in the federal trust responsibility to provide education services in perpetuity to the Federally Recognized Tribes.

33. Tribal Funding. The Legislature shall give priority consideration to all financial budget requests for the implementation, instruction, and the perpetuation of the Ho-Chunk language in the workplace along with the submission of the annual budget per the *Ho-Chunk Nation Appropriations & Budget Process Act (2 HCC § 4)*.

CHAPTER XI POLICY AMENDMENTS

34. Policy Amendments. The Ho-Chunk Language and Culture Committee may revise and update these policies as deemed necessary, with final approval by the Ho-Chunk Nation Legislature.

CHAPTER XII SEVERABILITY

35. Severability. If any provision or provisions of this Act shall in the future be declared invalid by the Judiciary, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

Legislative History:

- | | |
|----------|--|
| 10/21/14 | Legislature adopts resolution 10-21-14II placing the draft Language and Culture Code out for forty-five day public comment. |
| 03/17/15 | Legislature adopts resolution 03-17-15N enacting the Ho-Chunk Nation Language and Culture Code. |
| 08/09/16 | Legislature adopts resolution 08-09-16J authorizing quick passage amendments to the Ho-Chunk Nation Language and Culture Code granting Traditional Court the Duties and Responsibilities of the Language and Culture Committee in the absence of said Committee. |