

WAKANAKISING ODAWAK STATUTE # 2011-004
BULLYING PROHIBITION

SECTION I. PURPOSE

The purpose of the Statute is to prohibit the act of bullying on the lands of the Tribe.

SECTION II. DEFINITIONS

- A. “Bullying” means the repeated use, by one or more minor and/or adults, of a written, verbal or a physical act or gesture or any combination thereof, directed at a victim that causes physical or emotional harm to the victim or damage to the victim’s property or places the victim in reasonable fear of harm to themselves or damage to their property. Bullying can also be defined as the use of information and communication technologies to support deliberate, repeated, and hostile behavior by an individual or group that is intended to harm others.

- B. “Minor” means a person under the age of 18 years.

- C. “Tribe means the Little Traverse Bay Bands of Odawa Indians

- D. “Tribal property” means property either owned of leased by the Tribe or property that is held in trust for the benefit of the Tribe.

- E. “Victim” means a person whom bullying, retaliation or stalking has been perpetrated against.

SECTION III. PROHIBITION OF BULLYING

- A. Bullying shall be prohibited on any Tribal property and shall be deemed a civil offense.

- B. A law officer has the authority to issue a notice of violation citation when:

Bullying Prohibition

1. When the violation is committed in the officer's presence;
2. If an officer investigating the violation has reasonable cause to believe that the alleged perpetrator involved has committed a violation.

C. Retaliation against a person who reports bullying, provides information during an investigation of bullying, witnesses or has reliable information about bullying shall be prohibited and shall be deemed a civil offense.

D. Minors or adults who knowingly make a false accusation of bullying or retaliation shall be subject to a civil offense.

SECTION IV. PARENTAL RESPONSIBILITY

A. The parent of any juvenile has a continuous responsibility to exercise reasonable control and supervision over the juvenile and prevent the juvenile from committing or participating in the commission of any bullying act.

B. A law officer has the authority to issue a notice of violation citation to parents for lack of reasonable control and supervision over their juveniles.

SECTION VI. SEVERABILITY

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION VII. EFFECTIVE DATE

Effective upon signature of the Executive or thirty (30) days from Tribal Council approval which ever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on January 23, 2011 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Marvin Mulholland	X			
Belinda Bardwell	X			
Melvin L. Kiogima	X			
Gerald V. Chingwa	X			
Rita Shananaquet				X
Aaron Otto	X			
John Bott	X			
Regina Gasco Bentley	X			
Julie Shananaquet	X	1		

Date: 1-23-11

Julie A. Shananaquet, Legislative Leader

Date: 1-23-11

Regina Gasco Bentley, Secretary

Received by the Executive Office on 1-27-11 by _____

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 2-22-11

Ken Harrington, Tribal Chairperson

