

**WHITE EARTH RESERVATION TRIBAL AND COMMUNITY COLLEGE
CHARTER**

Pursuant to the authority granted by the Constitution of the White Earth Nation, the White Earth Reservation Tribal Council, as the governing Body of the White Earth Reservation, does hereby charter the White Earth Reservation Tribal and Community College as a nonprofit educational institution wholly owned by the White Earth Band and authorized to engage in those activities prescribed herein.

ARTICLE I - ESTABLISHMENT; CHARTER:

The White Earth Reservation Tribal and Community College is hereby established as a nonprofit educational institution wholly owned and operated by the White Earth Nation.

ARTICLE II - MISSION:

The mission of the White Earth Reservation Tribal and Community College is to enhance and contribute to the personal and professional growth of the employees of the White Earth Reservation and the White Earth Tribal members through educational and comprehensive training programs that will lead to permanent employment.

Further, the mission of the White Earth Reservation Tribal and Community College is to increase the opportunity for all tribal members to learn and thrive; by preserving tribal identity and providing a culturally relevant learning environment that will enable them to achieve their goals and overcome the barriers to those goals.

ARTICLE III - GOVERNANCE AND AUTHORITY OF THE BOARD OF TRUSTEES:

The White Earth Reservation Tribal Council hereby establishes the White Earth Reservation Tribal and Community College Board of Trustees as the governing body of the White Earth Tribal and Community College and delegates the authority to the Board of Trustees to establish all rules and regulations, consistent with the provisions of this Charter and Constitution:

Section 1. To enter into agreements and to incur liabilities including contracts for services with the United States Federal Government, the State of Minnesota, or other public or private entities in connection with, or incidental to, the accomplishment of any one or more of the purposes of the constitution.

Section 2. To acquire and hold, real or personal property by purchase, lease, gift, devise, bequest, or otherwise; and to sell, convey, pledge, encumber, lease or otherwise dispose of all or any part of its assets.

Section 3. To establish and maintain such bank accounts as may be necessary and proper to the purposes of the college.

Section 4. To promulgate such rules and regulations as necessary and proper to the purposes of the college.

Section 5. To establish standards for admission, attendance and graduation and to prescribe the course of study to be followed, to charge tuition, board charges, rents, student organization fees or other such fees and charges as necessary to operate the college.

Section 6. To issue, upon the recommendation of the faculty, diplomas to such persons as have satisfactorily completed the required courses of study at the college and to confer the appropriate degrees.

Section 7. To acquire, construct, lease, improve, equip, complete, control, maintain and operate any learning center suitable for use as an educational facility, including but not limited to classrooms, dormitories, dining halls or offices.

ARTICLE IV - MEMBERSHIP IN THE BOARD OF TRUSTEES:

Section 1. Selection; officers: The White Earth Reservation Tribal and Community College Board of Trustees shall be composed of seven (7) members, at least six (6) of whom shall be enrolled members of the White Earth Reservation. The Chairman and Secretary/Treasurer of the Reservation Tribal Council shall be permanent standing members of the Board. The Reservation Tribal Council shall appoint five members of the Board to four (4) year terms. The Chairperson and Secretary/Treasurer of the Board shall be selected annually from among the Board membership.

X **Section 2. Removal of Board Members:** A member of the Board of Trustees, with the exception of the Chairman and Secretary/Treasurer of the Reservation Tribal Council, may be removed by the Reservation Tribal Council from the Board, with or without cause, whenever such removal is in the best interests of the college.

ARTICLE V - RESPONSIBILITIES OF THE BOARD OF TRUSTEES:

The Board of Trustees shall have the overall responsibility for the operations of the college, which shall include the following specific responsibilities:

Section 1. To report and be responsible to the Reservation Tribal Council for the fulfillment of the purposes of the constitution. The Board of Trustees shall prepare and submit a written Annual Report to the Reservation Tribal Council, or as otherwise requested by the Reservation Tribal Council, which shall also be delivered verbally by the Chairman of the Board or such other representative as is designated by the Board.

Section 2. To maintain and safeguard the funds of the college in accordance with reasonable and prudent financial accounting standards and practices, and utilize such funds solely for the purposes of the college. The Reservation Tribal Council shall notify the Board of Trustees as to what accounting firm shall be engaged to perform the annual examination and audit in accordance with the Single Audit Act.

Section 3. To determine the policies and procedures to be followed by the college in accordance with, and in pursuit of, the purposes set forth in this Charter, and to employ or to retain the appropriate, qualified personnel or outside assistance as necessary to define or recommend proper and effective policies and procedures.

Section 4. To administer the routine and special affairs of the college through the employment of qualified and competent educational and administrative personnel, and to extend preference in such employment to qualified Indians in accordance with the requirements of the Indian Self-Determination and Education Assistance Act of 1975, 25 U.S.C. § 450e.

Section 5. To conduct the college's business in an authorized and lawful manner, and to retain qualified and competent legal counsel for consultation and for the

representation and promotion of the college's legal positions.

Section 6. To communicate with appropriate committees and representatives of the Reservation Tribal Council, United States Congress, and all federal, state and local agencies toward the promotion of the interests and objectives of the college.

ARTICLE VI - MEETINGS:

The following procedures shall apply to meetings of the Board of Trustees:

Section 1. Regular Meetings: The Board of Trustees shall hold a regular meeting on the first Tuesday of each month, or as otherwise scheduled by a majority of Board members. The Board shall meet no less than once each quarter.

Section 2. Notice of Meetings: Notice is not required for regular meetings and may be waived by any Board member for special meetings. The physical presence of a Director or President at a meeting shall constitute a waiver of notice.

Section 3. Quorum: A quorum for any meeting of the Board of Trustees shall require four (4) members.

Section 4. Executive Session: The Board of Trustees may, following the conclusion of regular business at a duly-convened meeting, hold an executive session for the discussion of matters of a confidential or sensitive nature. The Board may require the attendance of the College Director or President or its legal counsel at the executive session. The subject of executive sessions will not be generally disclosed.

ARTICLE VII - LIMITATIONS:

Section 1. Inurement of Income: No part of the net income of the college shall inure to the benefit of, or be distributable to, any member of the Board of Trustees, officers, trustees or other private persons except that the Board of Trustees shall be empowered, consistent with the provisions of Article III herein, to pay reasonable compensation for services rendered.

Section 2. Operational Limitations: Notwithstanding any other provision of this Charter, the college shall not conduct any activity which is itself not permitted to be carried on by (1) an institution which is exempt from federal income tax under Section 501 [c] [3] of the Internal Revenue Code of 1954 or corresponding provisions of future applicable tax laws.

Section 3. Dissolution: Upon the dissolution of the college, the Board of Trustees shall, after paying or making provisions for the payment of all of the liabilities of the college, dispose of any assets still held by the college in a manner consistent with the purposes and responsibilities set forth in this Constitution, or to such organization or organizations which are organized and operated exclusively for the charitable, educational, religious or scientific purposes as shall at the time qualify as an exempt organization or organizations under section 501 [c] [3] of the Internal Revenue Code of 1954 or corresponding provisions of future applicable tax laws.

ARTICLE VIII - SOVEREIGN IMMUNITY:

The sovereign immunity of the White Earth Band of Minnesota Chippewa shall extend to all official actions of the college, the Board of Trustees, and all agents and employees of the college during the course of their official duties. No Director or President shall be held personally liable, and shall be indemnified against liability by the college, for any action or decision made by that Director or President in good faith belief that the action or decision made by that Director or President was in the best interests of the college and within the scope of their responsibility and authority.

ARTICLE IX - AMENDMENT OR REVOCATION:

This Charter may be amended or revoked by Resolution of the Reservation Tribal Council.

We do hereby certify that the foregoing Ordinance was duly presented and adopted by Resolution #19-98-002 by a vote of 2 for, 0 against, with a quorum of being present at a Special Meeting of the White Earth Reservation Tribal Council held on FEB. 5, 1998 in White Earth, Minnesota.

Eugene McArthur
Eugene McArthur, Chairman

Erma Vizenor
Erma Vizenor, Sec./Treasurer
Acting Sec. Treas.

**WHITE EARTH TRIBAL COUNCIL
A/K/A WHITE EARTH BUSINESS
WHITE EARTH BAND OF CHIPPEWA INDIANS**

RESOLUTION NO. 038-00-003

Whereas: The White Earth Band of Chippewa Indians dba White Earth Reservation Business Committee aka White Earth Reservation Tribal Council is the duly elected governing body for the White Earth Reservation pursuant to Articles VI, Sec. 1 of the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe, as amended, and organized under section 16 of the Act of June 18, 1934 (48 Stat. 984); and

Whereas: It is consistent with the purpose "to promote the general welfare of the members of the Tribe" for the White Earth Reservation Tribal Council to support the White Earth Tribal and Community College in their efforts to provide services to students on the White Earth Reservation; and

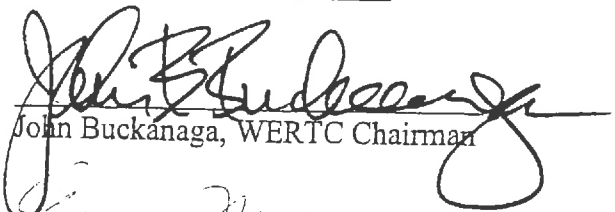
Whereas: The White Earth Tribal and Community College is hereby requesting the White Earth Tribal Council to recognize them as an established non-profit educational institution wholly owned and operated by the White Earth Reservation of Minnesota Chippewa; and

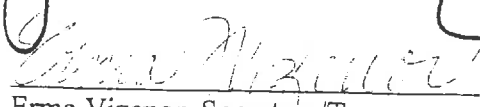
Whereas: The White Earth Tribal and Community College will provide adult education and post-secondary educational services to enrolled members of the White Earth Reservation and to other eligible Indians and non-Indian residents of the area; and

Whereas: The White Earth Tribal and Community College is hereby requesting the White Earth Tribal Council to recognize the revised White Earth Tribal and Community College Charter and By-Laws, which will supercede the initial Charter approved on February 5, 1998 (Resolution No. 29-98-003); and

Therefore Be It Resolved, that the White Earth Reservation Tribal Council adopts the revised White Earth Tribal and Community College's Charter and By-Laws.

We do hereby certify that the foregoing resolution was duly acted upon by a vote of 4 for, 0 against, 0 silent, a quorum being present at a meeting of the White Earth Reservation Tribal Council held on May, 18, 2000 at White Earth, Minnesota.


John Buckanaga, WERTC Chairman


Erma Vizenor, Secretary/Treasurer