
SPEAK WHAT'S ON YOUR MIND

On April 17, 2009 the Osage Congress passed 15 ONC §10 *et seq.* which was titled the Speak What's on Your Mind Act. This law and corresponding portions of this Handbook do not apply to Minerals Council, Gaming Commission or Gaming Enterprise Board employees.

The Osage Nation government shall not make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech or the press, or the right of the people peaceably to assemble and to petition for redress of grievances.

All official delegates of the Osage Nation shall accurately represent the official policies and positions of the Osage Nation government to the best of their abilities. When called upon to provide their own individual opinions or positions, all such delegates shall state explicitly that such information is not representative of the position of any administrative body within the Osage Nation government and shall not allow such an interference to occur.

Notwithstanding the provisions of any Osage Nation ethics code requiring Osage Nation employees to refrain from abusive conduct, personal charges, or verbal affronts upon the character, motives or intents of other officials and Osage citizens, no policy or practice of the Osage Nation government shall:

- Abridge or impair the right of employees of the Osage Nation to express their personal opinions, provided that when called upon to do so an employee shall state explicitly that such information is not representative of the position of any administrative body;
- Abridge or impair the right of an employee to freely express a political opinion, provided that expression is made when not acting in their official capacity;
- Limit in any way the right of free association with any group or individual;
- Limit the free expression of ideas and thoughts when not acting in their official capacity;

No policy or practice of Osage Nation government shall allow for the punishment, demotion, reprimand or any other retaliation against an employee for exercising the rights guaranteed by the Osage Nation Constitution and affirmed by this Act.

- The prohibitions contained in this Act shall not be interpreted to absolve an employee of their duty to fulfil the responsibilities of their position, and to do so in a manner consistent with the goals and objectives set forth by their superiors.
- The prohibitions contained in this Act shall not be interpreted to absolve an employee of their duty to protect confidential information and documents of the Osage Nation when entrusted with them in their capacity as an employee.

Due process in the Osage Nation courts shall be provided to any employee of the Osage Nation whose rights of free speech or association are abridged in violation of this Act. The Osage Nation

courts are granted jurisdiction over employment actions involving freedom of speech and freedom of association after administrative remedies are exhausted.

Policy

It is the policy of the Osage Nation Executive that:

The Osage Nation Executive Branch encourages Osage citizens and the employees of the Nation to fully participate in the governmental processes of the Nation. The rights of freedom of speech and association will be protected within the Nation as long as they do not impede the rights of another or occur during business hours. No employee may represent the Nation, or give the impression that they represent the Nation, without the express permission of the Principal Chief, the Speaker of the Congress, or the Chief Justice of the Osage Nation Supreme Court.

Procedure for Reporting a Violation

- A written report must be submitted to HR within ten (10) days of violation.
- HR will open an investigation within three (3) business days into the allegation.
- If the allegation is found to have no merit, the investigation will be dropped.
- If the allegation is found to have merit, HR may issue a disciplinary action, up to and including termination.
- Cases may be referred to the AG for prosecution.