

## **NEBRASKA INDIAN COMMUNITY COLLEGE**

### **EDUCATIONAL PURPOSES AND OBJECTIVES**

Nebraska Indian Community College ("NICC") certifies that it is a nonprofit educational institution. NICC is a co-educational public, regionally accredited community college headquartered in Niobrara, Nebraska.

**History.** NICC began in July, 1973 as the American Indian Satellite Community College ("AISCC") under a grant from the Fund for the Improvement of Post-secondary Education. The grant was administered through Northeast Technical Community College in Norfolk, Nebraska, to provide post-secondary education on the Omaha, Santee Sioux, and the Winnebago reservations. AISCC established classrooms and administrative offices in communities on each reservation, with the central office located in Winnebago. In 1979, the schools of the American Indian Higher Education Consortium, of which NICC is a member, succeeded in persuading Congress to pass and fund Public Law 95-471, the Tribally Controlled Community College Act. NICC and other tribally controlled community colleges thus became eligible for direct funding from the federal government. With this newly available financial resource, the institution established itself as a fully independent two-year college. NICC was granted a charter by the governments of each of the Nebraska Indian tribes.

In serving its clientele, NICC has had a substantial impact by making a variety of cultural, educational, and social resources available in isolated and economically underdeveloped areas. The college libraries at each campus are developing collections of resources important to the history and culture of each tribe, and the nation.

In June 1981, the North Central Association of Colleges and Schools (NCA) approved the college for accreditation at the associate degree granting level. NICC is a nonprofit corporation incorporated in the State of Nebraska April 20, 1982. The institution was granted a charter by each of the three Nebraska Indian Tribes. A Board of Trustees composed of three members from each tribe was appointed by the individual Tribal Councils to govern the college. To reflect its independent status, the Board renamed the institution the “Nebraska Indian Community College.”

**Current Posture.** Today NICC serves the Omaha Tribe and the Santee Sioux Nation, and maintains an open door philosophy. Headquartered in Niobrara, NE, NICC operates three sites, two reservation sites, one in on the Omaha Tribe's Reservation in Macy, NE and on the Santee Sioux Nation's Reservation in Santee, NE. The final site is an urban site located in South Sioux City, NE.<sup>1</sup>

**Qualifications.** NICC has not previously been found qualified as a noncommercial educational entity, so it herein describes NICC’s educational objective and how the proposed station will be used to advance an educational program that will further that objective according to 47 C.F.R. Section 73.503.

NICC’s Charter of Incorporation (copy attached) provides that NICC’s purposes (in pertinent part) are:

- A. “To provide, establish and operate on an non-profit basis, educational institutions on the Winnebago, Omaha, and Santee Sioux Reservations of Nebraska;

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<sup>1</sup> Source: Wikipedia and applicant’s knowledge.

- B. “To voluntarily aid, support, and assist...other corporations, community chests, funds and foundations organized exclusively for charitable, religious, scientific, literary, or educational purposes...”
- C. To...(1) “voluntarily furnish management, administrative, and other advice, support training, and assistance to members of the Winnebago, Omaha, and Santee Sioux Tribes of Nebraska in order to enable them to develop necessary skills to operate successfully and administer educational institutions,” and (2) “obtain information and conduct research, studies, and analysis and prepare and publish reports as to any and all matters that may be of use in furthering the expansion of educational institutions operated by Indians, including information, research, studies, analyses, and reports as to services, skills, sources of financing and any and all other matters.”

**Educational Format.** NICC will operate the station with a noncommercial educational format in compliance with the requirements of 47 C.F.R. Section 73.503. NICC’s station may be used to transmit programs directed to its students for use in connection with the regular courses as well as routine and administrative material pertaining thereto and may transmit educational, cultural, and entertainment programs to the public. The station shall furnish a nonprofit and noncommercial broadcast service. No *promotional* announcement *on behalf of for profit entities* shall be broadcast at any time in exchange for the receipt, in whole or in part, of consideration to the licensee, its

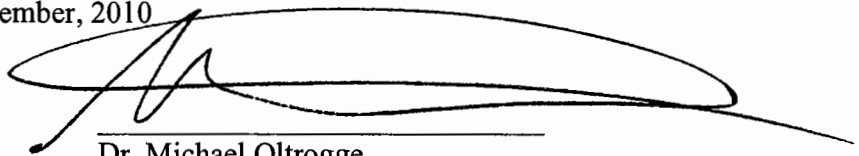
principals, or employees. However, acknowledgements of contributions will be made, where appropriate. *The scheduling of any announcements and acknowledgements shall not interrupt regular programming.*

NICC=s educational format for the new noncommercial educational radio station will be designed to help educate the Winnebago, Omaha, and Santee Sioux Native American residents of the station's proposed service area. NICC will ascertain the needs and interests of the community and the issues facing the community. As these needs are ascertained, programming will be produced to specifically address these needs. In addition, the proposed station will be used to advance the educational goals of educational and charitable institutions and organizations in the service area.

Free air time will also be offered to community service organizations, churches, and local government agencies to educate the community of the services available in the service area and how they apply to the needs of the community.

NICC further certifies that its governing documents permit NICC to advance an educational program and that there is no provision in any of those documents that would restrict the applicant from advancing an educational program or complying with any Commission rule, policy, or provision of the Communications Act of 1934, as amended.

Executed this \_\_\_\_ day of December, 2010



Dr. Michael Oltrogge  
President

**ATTACHMENT  
COPY OF ARTICLES OF INCORPORATION  
NEBRASKA INDIAN COMMUNITY COLLEGE**

## Page 1

Articles of Incorporation  
of  
NEBRASKA INDIAN COMMUNITY COLLEGE  
Winnebago

Perpetual

629383

Filing 5.00  
Recording 12.00

RA  
Henry J. James  
Winnebago, NE 68071

RECEIPT C- 65228OFFICE OF SECRETARY OF STATE }  
STATE OF NEBRASKA } s sFILED AND RECORDED APR 20 1982S/N ALLEN J. BEERMANN  
SECRETARY OF STATEFILM ROLL 82-13 PAGE 586

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CHARTER OF INCORPORATION  
Of the  
NEBRASKA INDIAN COMMUNITY COLLEGE

WE, THE UNDERSIGNED, for the purpose of forming a non-profit corporation for educational purposes pursuant to Article IV, Section 1 of the Constitution of the Winnebago Tribe of Nebraska, Article IV, Section 1 of the Constitution of the Omaha Tribe of Nebraska, and Article IV, Section 1 of the Constitution of the Santee Sioux Tribe of Nebraska, both independently and in concert, do hereby certify:

ARTICLE I

NAME

The name of this Corporation shall be: Nebraska Indian Community College.

ARTICLE II

DURATION

The duration of this Corporation shall be perpetual.

ARTICLE III

PRINCIPLE OFFICE

The principle office of the Corporation shall be located at Winnebago, Nebraska. The designated agent for purposes of service of process shall be Henry J. James.

ARTICLE IV

PURPOSES

The purpose for which the Corporation is formed are:

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- A. To provide, establish, and operate on a non-profit basis, educational institutions on the Winnebago, Omaha, and Santee Sioux Reservations of Nebraska.
- B. To voluntarily aid, support, and assist by gifts, contributions, or otherwise, other corporations, community chests, funds, and foundations organized exclusively for charitable, religious, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals, no part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation.
- C. To either directly or indirectly and either along or in conjunction or cooperation with others, whether such others be persons or organizations of any kind or nature, such as corporations, firms, associations, trusts, institutions, foundations, or governmental bureaus, departments, or agencies, do any and all lawful activities which may be necessary, useful, or desirable for the furtherance, accomplishment, fostering, or attainment of the foregoing purposes, including but not limited:
  - (1) To voluntarily furnish management, administrative, and other advice, support training, and assistance to members of the Winnebago, Omaha, and Santee Sioux Tribes of Nebraska in order to enable them to develop necessary skills to operate successfully and administer educational institutions;
  - (2) To obtain information and conduct research, studies, and analysis and prepare and publish reports as to any and all matters that may be of use in furthering the expansion of educational institutions operated by Indians, including information, research, studies, analyses, and reports as to services, skills, sources of financing, and any and all other matters.

### ARTICLE V

#### POWERS

In furtherance, but not in limitation, of the foregoing purposes, the Corporation shall have power and authority:

- A. To receive and administer funds and contributions received by gift, deed, bequest, or devise, and otherwise to acquire money, securities, property rights, and services



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of every kind and description, and to hold, invest, expend, contribute, use, sell, or otherwise dispose of any money, securities, property rights, or services so acquired for the purposes above mentioned;

- B. To borrow money and to make, accept, endorse, execute, and issue bonus, debentures, promissory notes, and other corporate obligations, for money borrowed, or in payment for property acquired or for any of the purposes of the corporation, and to secure payment of any such obligation by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or part of the property rights, or privileges of the Corporations;
- C. To invest and reinvest its funds in such mortgage, bonds, notes, debentures, shares of preferred and common stock, and any other securities of any kind whatsoever, and property, real, personal, or mixed, tangible or intangible, all as the Corporation's Board of Trustees shall deem advisable and as may be permitted by law;
- D. To develop programs of study and grant degrees, diplomas or certificates of completion thereof, in accordance with the policies from time to time as established by the Board of Trustees;
- E. To sue and be sued in its corporate name upon any contract, claim, or obligation arising out of furtherance of the above purpose, provided that neither the Winnebago, Omaha, or Santee Sioux Tribes of Nebraska shall be liable for the debts or obligations of the Corporation except as they may hereafter expressly so obligate themselves in writing; and
- F. To do all such other acts as are necessary or convenient to accomplish the objects and purposes herein set forth to the same extent and as fully as any natural person could or might do and as are not forbidden by law or by this Charter of Incorporation or by the By-Laws of the Corporation.

## ARTICLE VI . .

LIMITATIONS

- A. All of the foregoing purposes and powers and all other purposes and powers in which the Corporation is permitted

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to engage by this Charter of Incorporation shall be exclusively for such public charitable and educational purposes as are within the meaning of Section 505(c)(3) of the Internal Revenue Code of 1954 as it is currently and shall hereafter be in force and effect.

- B. No part of the net earnings of the Corporation shall inure to the benefit of any member or individual, and no substantial part of the activities of the Corporation shall consist of carrying on propaganda or otherwise attempting to influence legislation. Upon any dissolution of the Corporation, no member shall be entitled to any distribution or division of its remaining property or its proceeds, and the balance of all money and other property received by the Corporation from any source, including its operations, after the payment of all debts and obligations of the Corporation of whatsoever kind and nature, shall be used or distributed, exclusively for purposes within those set forth in Article IV of this Charter and within the intendment of Section 501(c)(3) of the Internal Revenue Code of 1954, as the same may be amended from time to time.

### ARTICLE VII

#### MEMBERSHIP

Membership in the Corporation shall be open only to persons who meet the qualifications of membership prescribed in the By-Laws, provided that members of the Winnebago, Omaha, and Santee Sioux Tribes of Nebraska and students enrolled in the Nebraska Indian Community College shall be broadly and effectively represented in the membership of the Corporation.

### ARTICLE VIII

#### BOARD OF DIRECTORS

Complete management and control of the Corporation shall be vested in the Board of Trustees. The Board of Trustees shall be composed of three tribal members from each of the three involved Indian tribes. The Winnebago Tribal Council, the Omaha Tribal Council, and the Santee Sioux Tribal Council shall each either appoint, or cause to be elected, three tribal members to serve as members of the Board of Trustees. Additionally, each respective Tribal Council shall appoint or cause to be elected, one alternate tribal member to serve in

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the absence of any one of its three members on the Board of Trustees. The terms of service on the Board of Trustees shall be on a staggered basis as more fully described in the By-Laws of the corporation.

The names and addresses of those to serve as incorporating trustees are:

<u>NAME</u>	<u>ADDRESS</u>
Henry J. James	Niobrara, Nebraska 68760
Roger Trudell	Niobrara, Nebraska 68760
Danny Webster	Macy, Nebraska 68039
Lawrence Gilpin	Macy, Nebraska 68039
Reuben Snake	Winnebago, Nebraska 68071
Virgil Free	Winnebago, Nebraska 68071
Ruby Bellanger	Winnebago, Nebraska 68071

## ARTICLE IX

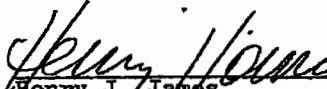
AMENDMENT


The provisions of this Charter of Incorporation shall be amended only by a three-quarters majority vote of all members of the Board of Trustees.

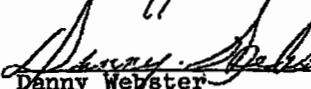
## ARTICLE X

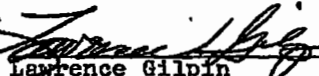
REGULATION OF INTERNAL AFFAIRS

Regulation of the internal affairs and organization of the Corporation which are not inconsistent with law and this Charter shall be governed by the By-Laws.


  
Henry J. James  
Niobrara, Nebraska 68760


  
Roger Trudell  
Niobrara, Nebraska 68760

  
Danny Webster  
Macy, Nebraska 68039

  
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