ENROLLMENT ORDINANCE
Ordinance # 04-200-01

Article 1. Purpose; Findings.

1.01. *Purpose.* The purposes of this ordinance are to establish the Tribal enrollment procedures and policies and to create an Enrollment Commission as a legislative subordinate organization with certain delegated powers.

1.02. *Findings*. The Tribal Council of the Little River Band of Ottawa Indians finds that:

a. It is vested with the authority to promote, protect and provide for the public health, peace, morals, education and welfare of the Band and its members; to govern the conduct of the Band's Members and others within its jurisdiction; and to take necessary and proper action to carry out the sovereign legislative powers of the Band. (Constitution of the Little River Band, Article IV, Sections 7(a)(1) – (2) and Section 7(j));

b. The Tribal Ogema is vested with the authority to oversee the administration and management of the Tribal government and its enterprises, consistent with the laws, ordinances and resolutions of Tribal Council. (Constitution of the Little River Band, Article V, Sections 5(a)(2) and (8)); and

c. The Constitution directs that the Tribal Council shall establish ordinances governing membership, including enrollment and disenrollment (Article II, Section 4).

Article 2. Adoption; Amendment; Repeal; Severability.

2.01. *Adoption.* This Ordinance is adopted by resolution 02-0529-03 and subsequently amended by:

a. Resolution #02-0723-02, adopting amendments;
b. Resolution #03-0924-305, adopting amendments;
c. Resolution #03-1105-372, adopting amendments;
d. Resolution #04-0114-13, adopting amendments;
e. Resolution #04-0616-264, adopting amendments;
f. Resolution #04-1027-427, adopting amendments to correct process related to the enrollment file review;
g. Resolution #05-0615-254, adopting amendments to allow access by the Election Board to addresses for mailing ballots to the Membership;
h. Resolution #05-0824-410, permanently adopting emergency amendments.
i. Resolution #11-0907-324, adopting emergency amendments to reduce the number of Commissioners to three.

j. Resolution #12-0229-053, permanently adopting emergency amendments.
k. Resolution #15-0408-096, adopting amendments to formatting and regarding enrollment cards.
l. Resolution #15-0930-297, adopting emergency amendments to reset the number of commissioners from three (3) to five (5).

2.02. *Amendment.* This Ordinance may be amended by the Tribal Council in accordance with the procedures set forth in the Administrative Procedures Act, Ordinance #04-100-07.

2.03. *Repeal.* This Ordinance may be repealed by the Tribal Council in accordance with the procedures set forth in the Administrative Procedures Act, Ordinance #04-100-07.

2.03. *Severability.* If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

2.04. *Ratification of Prior Enrollment Decisions.* Nothing in this Ordinance is intended to modify or invalidate enrollment decisions made or approved by the Enrollment Officer or Enrollment Commission under authority of Ordinance #94-1018-01 prior to the effective date of this Ordinance.

Article 3. Definitions.

3.01. *General.* For purposes of this Ordinance, certain terms are defined in this Article. The word "shall" is always mandatory and not merely advisory.

3.02. *Enrollment Officer* means the individual responsible for maintaining the records relating to enrollment in the Enrollment Department. The Enrollment Officer may delegate responsibilities to employees of the Enrollment Department.

3.03. *Records* or *enrollment files* means any item or information about or collected from individuals, including, but not limited to, birth certificates, genealogy reports, or other documents that contain the individual's name.

3.04. *Relinquishment* means an act by which an enrolled member voluntarily and officially gives up the right of Tribal membership. It is an action that can only be taken by the individual.

Article 4. Persons Entitled to Membership.

4.01. *Eligibility for Membership.* An individual is eligible for membership in the Tribe, if he or she possesses at least one-fourth (1/4) degree Indian blood, of which at least one-eighth (1/8) degree must be Grand River Ottawa or Michigan Ottawa blood and:

a. Is a lineal descendant of a member of the historic Grand River Bands who resided in Manistee, Mason, Wexford or Lake Counties in the State of Michigan, who was listed on the schedule of Grand River Ottawa in the Durant Roll of 1908 as approved by the Secretary of the Interior on February 18, 1910; or,

b. Is a lineal descendant of individuals listed on the 1870 Annuity Payrolls of Chippewas and Ottawas of Michigan listed under the following Ottawa Chiefs:

Kewacushkum	Pay-quo-tush	Me-tay-wis
Shaw-be-quo-ung	Penayse	Kaw-gay-gaw-bowe
Maw-gaw-ne-quong	Ching-gawa-she	Aken Bell; and,

c. Is not currently enrolled in any other federally recognized Indian Tribe, band, or group.

4.02. *Notations on Durant Roll of 1908.* The notations of 'red' and 'blue' markings on the Durant Roll of 1908 shall not be utilized for the purpose of determining eligibility for membership.

4.03. *Supplemental Reference Information in 1870 Annuity Payroll and the Durant Roll of 1908.* The Durant Roll of 1908 is built upon the information in the 1870 Annuity Payroll and contains references to that document as well as to the supplemental reference material as identified in the "Number Column" in the Durant Roll of 1908. The supplemental reference material in the Number Column shall be utilized in the determination of eligibility for enrollment and maintained by the Enrollment Department. Provided that, an applicant shall be responsible for obtaining any reference information identified in the 1870 Annuity Payroll or the Durant Role of 1908 that may reference other historical materials and annuity or rolls created by a federal agency.

4.04. *Durant Roll of 1908 - Presumption of 4/4 Blood Quantum.* Where there is no other information within the Durant Roll of 1908, and its included supplementary information, indicating blood quantum other than of the Tribe or band identified, the persons is presumed to be 4/4 blood quantum of that Tribe or band identified.

Article 5. Enrollment Procedure.

5.01. *Application Forms.* Application forms to be filed by or for applicants for enrollment will be furnished by the Enrollment Officer upon written or oral request. All applications for enrollment shall be filed with the Enrollment Office.

5.02. *Separate Application for Each Individual.* A separate application is required for each individual seeking enrollment or for whom enrollment is sought. A parent or legal guardian of a minor under the age of 18 may file an enrollment application on behalf of his

or her child(ren). Legal guardians of other legally incompetent persons may file enrollment applications on behalf of such persons; however, the Enrollment Officer may require proof of a guardian's status as a condition of approving an application submitted on behalf of such person. The Enrollment Officer shall send a letter of acknowledgment to the applicant upon receipt of an application.

5.03. *Burden of Proof.* The burden of proof is clear and convincing proof and rests with each person submitting an application for enrollment to establish the applicant's eligibility for enrollment pursuant to Article IV of this Ordinance.

5.04. *Documentary Evidence.* Documentary evidence such as original or certified copies of birth or death certificates, baptismal records, probate findings, DNA laboratory reports or census records may be used to support enrollment. Records of the tribe or of the Bureau of Indian Affairs may be used to establish eligibility. The Enrollment Officer may utilize documents submitted on behalf of one family member in determining another family member's eligibility. The Enrollment Commission shall establish, by regulation, standards of evidence that ensure the accuracy of the information being presented.

5.05. *Review of Application; Recommendation by Enrollment Officer.* The Enrollment Officer shall make every effort to complete his or her review of each application within one hundred twenty (120) days after receipt of the application and after any required verifications or certifications of Indian blood are received from other tribes, if required. The Enrollment Officer shall make a recommendation to the Enrollment Commission to either accept or reject the application. The Enrollment Officer may request additional information from the applicant prior to submission of a recommendation to the Enrollment Commission. All information requests of this nature shall include a sixty (60) day response deadline. The request for additional information shall be sent to the applicant via U.S. certified mail, return receipt requested. Failure to respond within the sixty (60) day deadline will result in the application being forwarded to the Enrollment Commission to be rejected. The Enrollment Officer shall review all information in the application and documentary evidence to verify the accuracy or authenticity of the information or documentary evidence.

5.06. *Review and Provisional Decision by Enrollment Commission.* The Enrollment Commission, with the assistance of any person authorized to assist in the enrollment processes, shall review each application and the recommendations of the Enrollment Officer, and make its provisional decision in writing stating the reason(s) for acceptance or rejection of the application. This decision shall be mailed to the applicant by U.S. certified mail, return receipt requested.

a. A provisional decision does not confer enrollment status, which is conferred only when a final decision is issued. A provisional decision identifies whether an applicant has met all eligibility requirements, and offers an opportunity for the

applicant to correct blood quantum determinations, or other matters in regards to the enrollment process.

b. An applicant who has no questions or corrections in regards to a provisional decision may send notice prior to the conclusion of the thirty (30) day waiting period to request that a final decision be issued.

5.07. *Review of Provisional Decision.* All applicants shall be given notice of a thirty (30) day deadline to request an appeal of a provisional decision of the Enrollment Commission. If an appeal is received, the Enrollment Commission shall meet in a hearing with the applicant and identify the reasons why an applicant was determined ineligible or how the degree of Indian blood was determined, provide a review of the evidence which was both accepted and rejected and explain what evidence, if any, would assist in the decision making process.

5.08. *Final Decision; Failure to Appeal.* The Enrollment Commission shall issue the final decision after the conclusion of the hearing which shall be forwarded to the applicant by U.S. Mail, return receipt requested. Failure to file an appeal of a provisional decision to the Enrollment Commission within the thirty (30) day appeal period shall result in the provisional decision being made final and results in forfeiture of the right to appeal the final decision to Tribal Court.

5.09. *Eligible Applicants.* Upon conclusion of the thirty (30) day appeal deadline, or on an applicant's request under Section 5.06(b), persons whose applications for enrollment are accepted shall be assigned an enrollment number and shall be issued an enrollment card.

5.10. *Ineligible Applicants.* If the Enrollment Commission has entered a final decision to reject an application for enrollment, the Commission shall set forth the reason(s) for rejection in writing, including any additional evidence which might be needed to approve such application, and provide written notice to the applicant of his or her right to re-submit the application at a later date or, if an appeal has been concluded in accordance with sections 5.07 and 5.08, the right to appeal the decision in accordance with Article 10 of this Ordinance. The notice required by this section shall be sent by U.S. Mail, return receipt requested.

5.11. *Increase in Blood Quantum.* If an applicant has appealed the Enrollment Commission's decision regarding an increase of blood quantum and a final decision has been entered not to increase it, the Commission shall set forth the reason(s) in writing, including any additional evidence which might be needed to approve a higher blood quantum, and provide written notice to applicant of his or her right to re-submit new information at a later date.

5.12. *Duty to Provide.* It is the member's responsibility to provide the Enrollment Department with any custody papers for children, or if the member has been incarcerated, with his or

her release papers.

5.13. *Address Updates*. Members must keep the Enrollment Department informed of any changes to mailing or physical addresses on a form to be provided by the Department. Such forms shall be notarized to be effective.

5.14. *Enrollment Cards*. On approval of an application for membership, the Department shall issue the Tribal Member an enrollment card signed by the Tribal Ogema. Cards bearing photographic identification shall be renewable every five years for no fee on renewal. Cards without photographic identification shall not bear an expiration date. The Department may charge a reasonable fee for replacement of lost or misplaced cards.

Article 6. Enrollment Commission.

6.01. *Creation.* An Enrollment Commission consisting of ~~three (3)~~ five (5) enrolled Tribal members shall be appointed by the Tribal Council in accordance with applicable Tribal laws and policies governing the appointment of members of Tribal commissions. The term of office for a member of the Enrollment Commission shall be for four (4) years unless the Tribal Council authorizes a longer term to stagger terms of office to assure the stability of the Commission.

6.02. *Officers; Meetings.* The members of the Enrollment Commission shall select one member to serve as Chairperson and one member to serve as Secretary of the Commission. The Enrollment Commission shall meet at least once a month or as often as necessary. The Enrollment Officer or Commission Chairperson shall call all meetings when it is determined that there is a need for a meeting. All other rules of procedure for the conduct of meetings shall be determined in accordance with any applicable Tribal Ordinances or policies governing the conduct of meetings.

Article 7. Maintenance of Roll.

7.01. *General.* The Enrollment Officer shall ensure that the roll of tribal members is kept current.

7.02. *Copies of the Roll.* The Enrollment Officer shall prepare a minimum of two (2) copies of the roll of those persons determined to be eligible for enrollment as described in this Article.

7.03. *Qualified Roll.* The Qualified Roll shall contain for each person a roll identification number, name, address, sex, date of birth, date of death, degree of Indian blood and degree of Grand River Ottawa or Michigan Ottawa blood. Upon the conclusion of the initial file review, and every two years thereafter, the Enrollment Department shall submit to the Enrollment Commission and Tribal Council in closed session a Qualified Roll to be

adopted. Upon adoption by the Tribal Council of the qualified roll, the enrollment application process shall require only proof of family relationship to a person listed on the qualified roll.

7.04. *Membership Roll.* A Membership Roll consisting of Tribal Members' names and Identification Numbers shall be updated at least annually at add newly enrolled members. This roll shall be made available for inspection by the Enrollment Department during regular business hours upon request.

Article 8. Disenrollment.

8.01. *Grounds for Disenrollment.* Grounds for disenrollment from the Tribe include:

a. Any enrolled member of the Tribe who applies for and becomes an enrolled member of any other federally recognized Indian Tribe, Band or group subsequent to his or her enrollment in the Little River Band of Ottawa Indians, shall forfeit his or her membership in the Little River Band of Ottawa Indians.

b. Any enrolled member of the Tribe may be disenrolled upon a determination that a prior decision was made based upon a mistake of fact.

8.02. *Mistake of Fact.* If the Enrollment Officer receives information that a person who is an enrolled member of the Tribe has been enrolled based upon a mistake of fact, the allegations must be placed in writing and signed by the person who is alleging the mistake. At the next regularly scheduled Enrollment Commission meeting, the Enrollment Officer shall provide the written information to the Commission.

a. *Commission Decision.* The Commission shall determine if the information received is credible and decide whether the Enrollment Officer shall conduct an investigation to determine if the allegations in the statement are true.

b. *Enrollment Officer Investigation.* If the Commission recommends an investigation, the Enrollment Officer shall conduct it in a timely manner.

8.03. *Procedure for Disenrollment.* Upon receiving notice that one or more of the grounds for disenrollment exist, the Tribal Enrollment Officer shall, after authorization from the Enrollment Commission:

a. Contact the member, or the member's parent or guardian, and inform such person of the fact they will be disenrolled, the reason for such person's disenrollment and opportunity to provide arguments and evidence why he or she should not be disenrolled;

b. The notice required under paragraph (a) shall be mailed to such person's last known address by U.S. certified mail, return-receipt requested, at least thirty (30) days prior to disenrolling such person;

c. If the notice to disenroll the member has not been signed within thirty (30) days after the notice has been sent to the person's last known address, certified mail, return receipt requested, then the Tribal Enrollment Officer shall post a legal notice in a newspaper that serves the last known location of the member for a period of five (5) consecutive days.

d. The Enrollment Officer shall submit a certificate of disenrollment, along with a written report, to the Enrollment Commission if the following requirements have been met.

1. Notice has been served on the member in accordance with Section 8.03(b)-(c);

2. An opportunity to provide arguments and evidence regarding disenrollment has been provided, or there was no response to the notice; and
3. The Enrollment Commission has verified the grounds for disenrollment.

e. If the Enrollment Commission determines that the disenrollment report is correct, the certification of disenrollment shall be entered;

f. Upon entering the certification for disenrollment, the Enrollment Officer shall provide the affected person(s), or such person(s)'s parent or guardian, notice of the Enrollment Commission's action and inform such person(s) of the appeals procedure pursuant to Article X of this Ordinance. The notice required by this section shall be sent by U.S. certified mail, return receipt requested.

g. A Tribal member who is disenrolled because it has been verified that such person has applied for and become an enrolled member of another federally recognized Indian Tribe, Band or group, that person shall be banned from re-applying for membership for a period of five (5) years.

Article IX. Relinquishment of Membership

9.01. *Relinquishment Procedure.* An individual may relinquish membership by submitting a written, signed and notarized statement to the Enrollment Officer requesting that his or her name be removed from the membership roll.

9.02. *Five Year Waiting Period.* Once an individual has relinquished his or her membership, that individual shall be banned from re-applying for enrollment for a period of five (5) years.

9.03. *Relinquishment by Legally Incompetent Members.* Membership of a minor or other incompetent person may be relinquished by the parents or legal guardian; however, in such an event, a minor may re-apply, within the five (5) year period, or upon reaching the age of eighteen (18). An incompetent person's relinquishment may be corrected by that individual by proving competency.

9.04. *Mandatory Acceptance.* The Tribal Enrollment Officer may not refuse a competent member's request to relinquish his or her membership, if such person's request is supported by a written, signed and notarized letter making that request.

Article 10. Appeal of Enrollment Decisions to Tribal Court.

10.01. *Appeal to Tribal Court.* All appeals from decisions of the Enrollment Commission shall be heard only by the Tribal Court.

10.02. *Right to Appeal.* Any person, including the parent or legal guardian of a minor or incompetent, who has been rejected for enrollment, accepted for enrollment but disagrees with the Indian blood quantum calculation, or is subject to disenrollment has a right to appeal the final decision of the Enrollment Commission after expiration of the request for review period in section 5.05.

10.03. *Burden of Proof on Appeal.* The applicant appealing a decision of the Enrollment Commission shall have the burden of proof on appeal.

10.04. *Deadline to Appeal.* All appeals shall be made in writing to the Tribal Court. An applicant shall have thirty (30) calendar days from the date of the adverse decision appealed from to file an appeal with the Tribal Court.

10.05. *Extension.* An applicant shall be granted a thirty day extension to file his or her appeal if a written request for an extension is filed with the Tribal Court within the thirty day period described in section 10.04.

10.06. *Documents to Be Forwarded to Tribal Court on Appeal.* The Enrollment Officer, upon receipt of notice by the Tribal Court Clerk, shall cause to be copied and submitted the following documents.

a. The application for enrollment and application file, including all evidence and documents contained therein.

b. The recommendation of the Enrollment Officer to the Enrollment Commission.

c. The minutes of the Enrollment Commission at which the decision regarding application for enrollment was made.

d. The letter forwarded to the applicant regarding the decision of the Enrollment Commission.

10.07. *Examination of the Record; Request for Briefs.* The Tribal Court shall permit all parties to examine records submitted on appeal and to provide briefs or other explanatory memorandum or responses to briefs or other explanatory memorandum.

10.08. *Issues Which can be Appealed.* The sole issues on appeal will be to determine if the Enrollment Commission made an error in rejecting the application for enrollment, disenrolling the applicant. The burden of proof shall remain with the individual affected by the decision of the Enrollment Commission.

10.09. *Tribal Court Decision.* The Tribal Court shall have jurisdiction to decide:

a. To uphold the Enrollment Commission's decision; or
b. To remand all cases where:

1. the Tribal Court determines that the Enrollment Commission has incorrectly interpreted or applied this ordinance or the regulations of the Enrollment Commission; or

2. the Tribal Court determines that new evidence is being submitted.

Article 11. Confidentiality.

11.01. *Use of Information; Advice to Individuals.*

a. Each individual who supplies or is asked to supply information about himself and his family shall be informed of the use or uses to which the information may be put, and what the consequences, if any, are of not supplying the information.

b. At minimum, the notice to the individual must state:

1. The authority which authorizes the solicitation of the information and that the disclosure of such information is voluntary;

2. That the principal purpose of such information is to determine the eligibility of that person and/or his relations for enrollment in the Little River Band of Ottawa Indians;

3. That the information may also be used to determine the eligibility of that person and/or his relations for benefits available from the state or federal

government which are made available to persons of certain Indian blood quantum;

4. The effect on him and/or his relations, if any, of not providing all or part of the information requested by the Enrollment Officer or Enrollment Commission;

5. The steps which will be taken to keep such information and the procedure for authorizing disclosure of information to persons not authorized to access such information under this ordinance.

11.02. *Assuring Integrity of Records.*

a. *Records Maintained in Manual Form.* When maintained in manual form, enrollment files shall be maintained, at a minimum, subject to the following safeguards, or safeguards affording comparable protection:

1. Areas in which the records are maintained or regularly used shall be posted with an appropriate warning stating that access to the records is limited to authorized persons.

2. During working hours,

A. the area in which the records area maintained or regularly used shall be occupied by authorized personnel, or

B. access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.

3. During non-working hours, access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.

b. *Records Maintained on Computer.* When maintained in computerized form, enrollment files and records shall be maintained, at a minimum, subject to safeguards based on those recommended in the National Bureau of Standards booklet "Computer Security Guidelines for Implementing Privacy Act of 1974" (May 30, 1975), and any supplements thereto, which are adequate and appropriate to assuring the integrity of records in the system.

11.03. *Conduct of Employees.*

a. *Persons Authorized to Review Records.* Unless disclosure to a particular person or persons is authorized pursuant to subsection (c) of this section, records contained

in individual enrollment files may only be handled and reviewed by the following persons:

1. the Enrollment Officer;

2. members of the Enrollment Commission;

3. members of the Tribal Court reviewing or hearing an appeal regarding a particular enrollment application or file;

4. Legal Counsel as requested by the Enrollment Commission or Enrollment Officer; and

5. Election Board for the verification of signatures regarding a petition for a Constitutional amendment.

6. The Election Board, or the contracted vendor authorized to develop ballots and related mailing and election related materials, is authorized to obtain, directly from the Enrollment Department electronic files, necessary information to conduct Elections. Provided that, the Election Board, and/or contracted vendor, shall identify, to the Enrollment Department, the information obtained, and shall agree that upon conclusion of the Election, that all electronic information shall be destroyed and not maintained by either the Election Board or their contracted vendor.

b. *Handling Records.* Employees or members of the Appeals Board or Tribal Court whose duties require handling of records subject to this ordinance shall, at all times, take care to protect the integrity, security and confidentiality of these records.

11.04. *Disclosure of Records.*

a. *Disclosure Prohibited.* No records contained in individual member's enrollment files may be disclosed by any means of communication to any person, or another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.

b. *Specific Exceptions.* The prohibition contained in paragraph (a) does not apply where the record would be:

1. A list of enrolled member's names and address may be included in a Directory prepared by the Enrollment Officer in accordance with Article 12 of this Ordinance. The Directory of members' names and addresses shall be provided to any Tribal member.

2. To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the United States Code.

3. To a recipient who has provided the enrollment officer advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the records are to be transferred in a form that is not individually identifiable.

4. To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual.

5. Pursuant to the order of the Tribal Court upon a showing of good cause.

6. To a Tribal program or department where the purposes of the request is for Tribal governmental purposes.

11.05. *Indian Child Welfare Information.* The Enrollment Commission shall develop regulations which assist the Binojeeuk Commission in carrying out its responsibilities under the Children's Code.

11.06. *Accounting for Disclosures.*

a. *Maintenance of an Accounting.* Where a record is disclosed to any person, or to another agency, under any of the specific exceptions provided by subsection 11.04, an accounting shall be made. The accounting shall record:

1. the date, nature, and purpose of each disclosure of a record to any person or to another agency; and
2. the name and address of the person or agency to whom the disclosure was made.

b. *Access to Accountings.* Accountings of all disclosures of a record shall be made available to the individual to whom the record relates at his request.

11.07. *Requests for Access to Records.*

a. *Written Requests.* A request for access to records contained in enrollment files shall be made in writing to the Enrollment Officer.

b. *Form of Decision.*

1. No particular form is required for a decision by the Enrollment Officer in granting access to records. The decision shall, however, advise the individual requesting the record as to where and when the record is available for inspection or where and when copies will be available. If fees are due for collecting and/or copying records, the individual shall also be notified of the amount of fees due.

2. A decision denying a request for access, in whole or part, shall be in writing and shall state the basis for denial of the request. The decision shall also contain a statement that the denial may be appealed to the Enrollment Commission. This appeal must be filed no later than twenty (20) days after the date of the denial. The notice required under this section shall be delivered in person or by U.S. certified mail, return receipt requested.

3. Access to records concerning adopted Members, including access by the adopted individual, shall be limited to the documents provided by or on behalf of the adoptee during the enrollment process. This subsection shall extend to all outside agencies requesting such records.

Article 12. Preparation of Tribal Member Directory.

12.01. *Tribal Member Directory.* The Enrollment Officer is authorized to prepare a Directory of Tribal Members. The Directory may include the name and address of each adult member of the Tribe.

12.02. *Notice of Preparation of Tribal Member Directory.* The Enrollment Officer shall send written notice regarding the preparation of the Tribal Member Directory to the last known address of each adult member of the Tribe. Such notice shall inform each adult member of the Tribe that a directory containing Tribal members' names and addresses will be published not less than sixty days after the date of such notice, unless the member notifies the Enrollment Officer that he or she does not wish to have his or her name and/or address included in such directory. Members shall also be given the option to provide additional information for inclusion in the directory, which shall be limited to the Member's:

a. Name in the English language;

b. Mailing address;

c. Telephone number; and

d. Email address.

12.03. *Availability of Tribal Member Directory.* A copy of the Tribal Member Directory shall

be provided to any Tribal member, subject to payment of any related shipping costs. The Enrollment Officer shall keep a record of the name and address of each person to whom a directory has been provided.

Article 13. Digital Copying of Enrollment Records; Sealing Enrollment Records.

13.01. *Sealing Records.* The Enrollment Department shall maintain the records regarding enrollment in the following manner.

a. Collect all files and records in a single area;

b. Collect all pending applications and place in a single area;

c. Place all files and records in a locked cabinet and secure all locks; and

d. Lock all rooms containing files.

13.02. *Digital Copies.* The Enrollment records have been reduced to digital copies which shall be maintained by the Enrollment Department. All files shall be updated with corrected information and additional documents as may be submitted from time to time.

13.03. *Utilization of File Documents.*

a. Upon return of the digital copies, the Information Services Department shall cause to make available, on-line, in a directory or other form, the digital records restricted to use by the Enrollment Department in the course of its regular duties and for access by no other persons.

b. The physical documents of the Enrollment Department shall continue to be maintained in a sealed manner and shall not be accessed by any person without a Tribal Court order.

Article 14. Existing and New Applications.

14.01. *Existing and New Applications.* All applications, whether submitted at the time of adoption of these amendments or after adoption of these amendments, shall be required to provide sufficient documentation regarding all relations, whether or not the relatives are already enrolled to determine the constitutional requirements of relation and degree of blood.

14.02. *Use of Existing Decisions.* The Enrollment Department and the Enrollment Commission are prohibited from utilizing existing enrollment decisions regarding relatives of applicants for enrollment to determine blood quantum or relation. The Enrollment Department and

the Enrollment Commission may utilize existing records collected by the Enrollment Department on other applications for enrollment for making determinations in an application.

14.03. *Extension of Time Lines for Reviewing Applications and Making Decisions.* The deadline set forth in section 5.05 regarding research and decisions made by the Enrollment Department is hereby extended by an additional ninety (90) days to allow for the development of information as a result of the restriction in section 14.02.

Article 15. File Review.

15.01. *General; Purpose.* Every two years the Enrollment Commission shall direct a file review to be conducted as defined in this Article. The purpose of the file review is to verify the accuracy of the data and decisions made in the prior two years.

15.02. *First Review.* The first review shall be conducted on the file of every member. The following files shall be excluded from this first review.

a. All files in which the member's application was reviewed under section 14.01;

b. All files for which a mistake of fact investigation was conducted since January 1, 2004;

c. All deceased members;

d. All disenrolled members;

e. All relinquished members; and

f. All denied applications.

15.03. *Review - Burden of Proof.* All files shall be reviewed with the burden of proof placed on the Enrollment Department. The following evidentiary guidelines shall be followed:

a. *Presumption of Accuracy.* Each file shall be presumed to be accurate.

b. *Presumption Regarding Original Documents.* Each document in a file shall be presumed to be either an original, or a copy of an original document. Errors on documents in a file must be clear and convincing in order to require re-submission or verification of accuracy.

c. *Application of Then Existing Rules.* No file shall be required to meet rules or requirements that were not in existence at the time of the original decision.

15.04. *Requirement to Locate Documents.* The Enrollment Department shall be responsible for taking all reasonable efforts to collect documents, verify documents, or identify other information which would tend to prove that the decision to approve membership is accurate. Reasonable effort means the utilization of available resources and technical skills and/or knowledge. Reasonable effort does not require the Enrollment Department to cause expenditures for documents or other activities that would not have been conducted by an applicant in the course of the original application. Reasonable effort does not include conducting DNA testing or other blood testing to prove paternity or family relationship. The Enrollment Department is not required to contact a member in a file review under this Article, but is encouraged to do so where that contact could identify otherwise missing information.

15.05. *Enrollment Officer Recommendation Regarding Review.* Every file review conducted under this Article may result in changes in a member's blood quantum or family tree. As a result, each file review shall be submitted with the following documents.

a. *Enrollment Officer Recommendation Report.* This report shall contain a narrative or other form of information presentation of the member's eligibility for enrollment qualifications, including blood quantum make-up, amount, descendant, and dual enrollment prohibition requirements.

b. *Certified Family Tree.* This family tree shall identify all necessary ancestors of a member, including references to the blood quantum and Durant Roll of 1908 or 1870 Annuity Payrolls notations. The family tree shall have the following signed certification:

I, [name of Auditor / Certifier], certify that I have reviewed the file of [member name], whose enrollment number is _____, and certify that the family tree listed above is accurate and sufficient document exists to prove the relationships listed above. [signed and dated]

15.06. *Enrollment Commission Review.* The Enrollment Commission shall, at a regular or special meeting, receive and review all Enrollment Officer recommendations. For each file, one of the following actions must be taken:

a. Re-affirmation certification of enrollment, including make-up of blood quantum and family tree;

b. Certification of increase in blood quantum, including make-up of blood quantum and family tree;

c. Certification of decrease in blood quantum, including make-up of blood quantum

and family tree; or

d. Certification of disenrollment - mistake of fact regarding descending from 9 Chiefs on the 1870 Annuity Payrolls or from a person listed as living within the 4 counties on the Durant Roll of 1908, including make-up of blood quantum and family tree.

15.07. *Notice of Decision.* For each decision made under section 15.06, the Enrollment Commission shall provide notice to the member and an opportunity to appeal the decision for a hearing before the Enrollment Commission. The notice must identify the decision is the result of a file review conducted under this Article, and that the member must file an appeal in writing within thirty (30) days of mailing of the notice. All decisions become final thirty (30) days after mailing of the notice if no written appeal is filed. Provided that, the member may file a written notice that he or she does not intend to appeal. Upon presentation to the Enrollment Commission, the decision shall become final.

15.08. *Hearing.* A hearing conducted under this Article shall be scheduled within thirty (30) days of receiving the written appeal on the Enrollment Commission agenda. Provided that, on extension of forty-five (45) days may be requested by either the member of the Enrollment Commission. The notice required by this section shall be sent by U.S. certified mail, return receipt requested.

15.09. *Written Decision.* Each Enrollment Commission decision shall consist of two parts. The certification required under section 15.06, and the notice mailed to the member which includes the findings and decision from the appeal hearing and the notice of the right to appeal the decision of the appeal hearing to the Tribal Court. No appeal to the Tribal Court regarding a decision of the Enrollment Commission may be made unless first appealed to the Enrollment Commission.

CERTIFICATION

I, Joseph Riley II, Tribal Council Recorder, do hereby certify that this is a true and correct copy of the Enrollment Ordinance permanently adopted by the Tribal Council on September 30, 2015.

9-30-2015
Date

Joseph Riley II, Tribal Council Recorder

[seal]