

**TRIBAL ORDINANCE 97-01
GRAND RIVER BANDS OF OTTAWA INDIANS
TRIBAL ENROLLMENT ORDINANCE**

Section 1. Persons Entitled to Membership.

As stated in the Constitution and By-laws, an individual is eligible for inclusion on the membership roll, if that individual meets the criteria listed below. If the criteria listed below is different from the membership criteria as stated in the Constitution and By-laws, then the membership criteria in the Constitution and By-laws shall be the criteria used in determining membership.

- (a) Is at least one-fourth (1/4) documented Indian blood; and,
- (b) traces to members of the Grand River Bands whose members are included on the Durant Roll of 1908 as approved by the Secretary of the Interior on February 18, 1910; or,
- (c) Traces to individuals on the 1870 Annuity Payrolls of Chippewas and Ottawas of Michigan listed under the following chiefs:

Ne-be-nay-ke-zhick	Pay-shaw-se-ga
Maw-beece	Kaw-gay-gaw-bo-we
Me-tay-wis	Naw-gaw-ne-quo-ung
Aish-ke-baw-gosh	Maish-ke-aw-she
Shaw-be-quo-ung	Ching-gwa-she
Pay-baw-me	Aw-ke-be-mo-say
Maish-key	Me-tay-o-mig
Aish-quay-o-say	A-ken-bell
Pe-Nay-Se	Waw-be-gay-kake
Pay-Quo-Tush	

Section 2. Dual Membership Prohibition.

- (a) A person who is enrolled in another federally recognized, federally reaffirmed, or state historic Indian Tribe or Band shall be subject to disenrollment from the Grand River Bands if he/she fails to relinquish membership in the other tribe after receiving notice of intent to disenroll.

- (b) Any member of the Grand River Bands of Ottawa Indians who applies for and is accepted as a member of another federally recognized, federally reaffirmed, or state historic Indian tribe or band shall be subject to disenrollment from the Grand River Bands.
- (c) **Identifying a Dual Enrollee.** To prevent a violation of Tribal law, the Tribe shall make an active effort to identify possible cases of dual enrollment.
 - (1) The enrollment officer shall attempt to locate a dual enrollee by:
 - (i) checking an applicant's status if one parent is enrolled with another tribe;
 - (ii) determining if an applicant meets membership requirements in another tribe;
 - (iii) contacting the other tribe for verification.
 - (2) An individual shall not be required to relinquish membership in one tribe before being officially enrolled in the Tribe. If a dual enrollee refuses to relinquish membership in the other tribe, the Tribe has grounds for a disenrollment action. If the Tribe has proof that a member is enrolled in another tribe and refuses to relinquish that membership, disenrollment procedures must then be followed (*See Section 8*).

Section 3. Availability of Application Forms.

- (a) Application forms to be filed by or for applicants for enrollment will be furnished by the enrollment officer, or other persons designated by the enrollment committee, upon written or oral request. The enrollment officer shall make an active effort to send application forms to persons who might be eligible for enrollment together with the notice of preparation of the roll. Instructions for completing and filing the applications shall be furnished with each form. The forms shall indicate prominently any deadline for filing application forms.
- (b) If no response is received from an individual within sixty days (60) days after the date the application is furnished, the enrollment officer shall make an active effort to contact that individual to determine the reason for the delay. If that delay results from the individual's inability to locate documents needed to complete the application, the enrollment officer may provide some assistance to enable that

individual to complete the application.

Section 4. Notice to Public of Roll Preparation.

- (a) The enrollment officer shall post and/or publish notices of the preparation of the membership roll to previous enrollees and other persons who might be eligible for inclusion on such roll. The Tribal Council shall inform the enrollment officer where to post and/or publish these notices.
- (b) Notices shall advise of the preparation of the roll and the relevant procedures to be followed including:
 - (1) the qualifications for enrollment;
 - (2) the deadline, if any, for filing application forms to be eligible for enrollment;
 - (3) how and where application forms may be obtained;
 - (4) the name, address, and telephone number of a person who may be contacted for further information; and,
 - (5) that the burden of proof rests upon the applicant to verify their eligibility for enrollment as a tribal member. Documentary evidence such as birth certificates, death certificates, baptismal records, copies of probate findings, affidavits to establish paternity, or other affidavits, may be used to complete an enrollment application. Records and/or documents of the tribe, or of the Bureau of Indian Affairs, may be used to help determine eligibility.
- (c) A list of all public notices shall be prepared by the enrollment officer. Such list shall record the location, publications, and dates published or posted.

Section 5. Enrollment Procedure.

- (a) A separate application is required for each individual seeking enrollment or for

whom enrollment is sought. Any person, including a minor, may file an enrollment application on behalf of his or her self. The Tribal Council shall allow any person to file an application on behalf of a minor or incompetent person based upon a showing of good cause. Any legal guardian as determined by a court of competent jurisdiction may file an enrollment application on behalf of a minor or incompetent person. The enrollment officer shall assign an application number to each application received.

- (b) The burden of proof rests with each person submitting an application for enrollment to establish the applicant's eligibility for enrollment pursuant to Section 2 of this Ordinance.
- (c) Documentary evidence such as birth certificates, death certificates, baptismal records, copies of probate findings, or affidavits, 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.
- (d) The enrollment officer shall make every effort to complete his/her review of each application. The enrollment officer shall make a recommendation to the enrollment committee to either accept or reject the application, or in unusual situations, request additional information from the applicant. An applicant may withdraw his/her application by providing a signed notarized statement requesting withdrawal of the application. When the enrollment officer receives this notice he/she will stop any review of the application and place the application in a withdrawal file. A person who withdraws his/her application may re-apply a any time.

Section 6. Creation and Role of the Enrollment Committee.

- (a) A (5) person committee will be appointed by the Tribal Council. A Tribal Council member cannot be a member of the enrollment committee or act as the enrollment officer. The enrollment officer cannot be a member of the enrollment committee.
- (b) The committee shall meet at least once a month, or as needed to review applications. A quorum shall consist of 3 persons. Three persons from the enrollment committee, with the assistance of any persons authorized by the Tribal Council to assist in the enrollment process, shall review all applications and make determinations in writing stating the reasons for acceptance or rejection for

enrollment. If at least one of the three committee members disagrees with the other two committee member's decisions, then the application must be reviewed by all five committee members and the majority of votes shall be controlling. Then, the enrollment committee shall make a report to Tribal Council indicating the appearance of eligibility for enrollment.

- (c) The Tribal Council shall have the responsibility of reviewing the report and, if appropriate, certifying each individual as a member. The Tribal Council may refer an application to the enrollment committee if it is determined by the Council that further review is necessary before certifying or denying certification for membership to an applicant.
- (d) Persons whose applications for enrollment are accepted by the Tribal Council shall be assigned a tribal enrollment number and shall be issued an enrollment card. The enrollment officer shall ensure that the roll of tribal members is kept current.
- (e) Persons whose applications for enrollment are denied by the Tribal Council shall receive a letter stating:
 - (1) The reason(s) for the enrollment committee's rejection of his/her application for enrollment;
 - (2) What additional evidence, if any, that might be needed to have the application accepted for enrollment; and,
 - (3) His/her right to appeal the decision.

Section 7. Appeal of Enrollment Declination.

- (a) The Grand River Bands of Ottawa Indians Tribal Council will determine all rulings for the appeal of declination or disenrollment matters until such time that the Tribal Court is established.
- (b) Any person who has been rejected for enrollment has a right to an appeal from adverse enrollment action. The burden of proof of establishing eligibility at the appeal process is on the applicant.
- (c) All appeals shall be in writing. An applicant shall have 60 calendar days from the date of the declination notice to file an appeal in writing.

- (d) An applicant shall be granted a 60 day extension of the appeal time, if a written request for such an extension is received within the original 60 day appeal period.
- (e) The sole purpose of an Appeals Process will be to determine:
 - (1) If there has been an error in declination or disenrollment of applicant.
 - (2) For all parties to examine records documents, and to provide testimony or other evidence which would support the application for membership or continuance of membership.
- (f) The appeal shall include any supporting evidence not previously furnished and may include a copy of or reference to any Bureau of Indian Affairs or Tribal records having a direct bearing on the applicant's eligibility. An applicant may request additional time to submit supporting evidence if approved by the Tribal Council.
- (g) A minimum of three (3) Affidavits from persons who are not related to the applicant, are an acceptable offer of proof of either ancestry or blood quantum (of either the applicant or a claimed ancestor) along with other information that may be taken into consideration. Each applicant who is informed of the right to submit an affidavit shall also be informed that affidavits will be considered along with all other information, and that the reviewing body is free to assign whatever weight it feels is appropriate to any affidavits submitted. The affidavit must allege facts that establish the basis of the knowledge that the person claims to have of the applicant's eligibility. All applicants notified of the right to submit an affidavit shall be informed of these requirements.
- (h) An applicant who has been denied must bring new information forward in order to re-apply.

Section 8. Disenrollment.

- (a) **Grounds.** A person may be disenrolled if: (1) that person is found to have been enrolled on the basis of false information, error; or (2) fails to relinquish his/her membership in another federally recognized, federally reaffirmed, or state historic Indian tribe or Band.

- (b) **Notice.** At least 30 days before removing any person from the membership rolls of the Tribe, the enrollment officer shall send written notice to the person stating the reasons why that person is going to be disenrolled by certified mail, return receipt requested. The notice shall inform the person of their right to explain in a hearing why he or she should not be disenrolled. The notice shall give the person 45 days from the date that the notice is received to request a hearing in writing.
- (c) **Hearing.** Before disenrolling a member, the Tribe shall give the person the right to a hearing before Tribal Council. At the hearing, the person shall have the opportunity to be heard and present evidence. The burden of proof is on the Tribe to prove a person is a dual enrollee. There are two ways that the Tribe can prove someone is a dual enrollee:
 - (1) obtain a written statement directly from the tribe in which the person is currently enrolled; or,
 - (2) ask the tribe or the BIA area office to check the tribe's roll and confirm whether or not the person is enrolled.
- (d) **Appeal.** After the hearing, if the Tribe decides to disenroll, the person shall be given the opportunity to appeal this decision in the Tribal Court.
- (e) **Official Disenrollment.** If the final decision is to disenroll a member, then the Tribal Council shall pass a resolution on the person's official disenrollment effective as of a specific date. The individual who is disenrolled shall receive a certified letter stating that he or she is no longer a member of the tribe as of that date.
- (f) 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, federally reaffirmed, or state historic Indian tribe or band, shall be banned from re-applying for membership for a period of two (2) years.
- (g) **Record Keeping.** Accurate records shall be kept of the disenrollment action, from beginning to end.

Section 9. Relinquishment.

- (a) Relinquishment is defined as voluntarily and officially giving up the right of tribal membership. It is an action than can be taken only by an individual member not by the Tribe. An individual may relinquish membership by:
 - (1) Submitting a written and signed notarized statement requesting that his or her name be removed from the membership roll.
 - (2) Once an individual has relinquished membership, that individual is banned from re-applying for membership to the Tribe for a period of two (2) years from the date of relinquishment.
 - (3) Membership of a minor or incompetent may be only relinquished by Grand River parent(s). But in such event the minor may re-apply at any time.
 - (4) If there is a question of competency concerning the person's relinquishment of membership in the Tribe, the Tribal Court shall determine if a person is competent. In the event that the Tribal Court determines that a person is not competent, the Tribe shall refuse to accept the relinquishment from that individual.
 - (5) If a person is competent, the Tribe may not refuse a member the right to relinquish.
 - (6) A notice of the action and a copy of the person's statement shall be sent to the Bureau of Indian Affairs so that records may be corrected.

Section 10. Maintenance of Roll.

- (a) The enrollment officer shall prepare a minimum of two copies of the roll of those persons determined to be eligible for enrollment. The roll shall contain the following information for each person:
 - (1) name
 - (2) date of birth
 - (3) roll number
 - (4) date of death, if applicable

- (5) address
 - (6) degree of Indian blood
 - (7) sex
 - (8) states which of the nineteen Grand River Chiefs that the person traces.
- (b) The membership roll shall be updated periodically or, at a minimum, annually, to add newly enrolled members and remove disenrolled members or persons who relinquished their membership.

Section 11. Confidentiality.

- (a) Records subject to confidentiality provisions as used in this ordinance, "records" or "enrollment files" means any item, collection, or grouping of information about or collected from individuals, including, but not limited to, birth certificates, genealogy reports, or other documents that contain the individual's name, or identifying particulars assigned to the individual, such as photographs, which information is collected for the purpose of determining the eligibility for enrollment in the Tribe of an individual or members of an individual's family.
- (b) **Use of information; advice to individuals.** Each person who supplies or is asked to give information about such person's 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.
- (c) At minimum, the notice to the person 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 that person's relations for enrollment in the Grand River Bands of Ottawa Indians;
 - (3) That the information may also be used to determine the eligibility of that person and/or that person's relations for benefits available from the local, state or federal government which are made available to persons of a certain Indian blood quantum;
 - (4) The effect on that person's relations, if any, of not providing all or part of

the requested information;

- (5) The steps which will be taken to keep such information and the procedure for authorizing disclosure or information to persons not authorized to access such information under this ordinance.
- (d) A person shall be asked to acknowledge, in writing, that the person has been afforded the notice required by this section.

Section 12. 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 enrollment files may only be handled and reviewed by the following persons:
 - (1) the enrollment officer;
 - (2) members of the enrollment committee;
 - (3) persons authorized and appointed by the Tribal Council to assist in preparation of the tribal rolls; and,
 - (4) members of the Tribal Council hearing an appeal regarding a particular enrollment application on file.
- (b) **Handling records.** Employees or members of the Tribal Council 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.
- (c) **Disclosure of records.** 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.

Specific exceptions. The prohibition contained in paragraph (c) does not apply where the record would be:

- (1) A list of enrolled members' names and address may be included

Directory prepared by the enrollment officer in accordance with Section 13 of this Ordinance. The Directory of members' names and addresses may be provided to any Tribal member or employee of the Tribe requesting a copy of such Directory.

- (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 or other person responsible for the record system in which the documents contained in the enrollment files are maintained with 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) To the Branch of Acknowledgment and Research to support the Tribe's Petition for Federal Acknowledgment and/or legislation;
 - (6) Tribal staff may access members' names and addresses for Tribal purposes.
 - (7) Pursuant to the order of the Tribal Court upon a showing of good cause.
- (d) Accounting for disclosures.
- (1) **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 (c), an accounting shall be made.
 - (2) 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.

- (3) **Access to accounting.** Accounting of all disclosures of a record shall be made available to the individual to whom the record relates at the individual's request.

Section 13. Preparation of Tribal Member Directory.

- (a) 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.
- (b) 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 a Directory containing Tribal members' names and addresses will be published not less than sixty (60) days after the date of such notice, unless the member notifies the Enrollment Officer that he/she does not wish to have his/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 may include the member's telephone number and the name and age of such member's minor children.
- (c) A copy of the Tribal Member Directory shall be provided to any Tribal member or employee of the Tribe requesting a copy.

Section 14. Request for access to records.

- (a) A request for access to records contained in enrollment files shall be made in writing to the enrollment officer or the enrollment officer's designee.
- (b) Form of decision.
 - (1) No particular form is required for a decision 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 committee. This appeal must be filed no later than twenty (20) days after the date of the denial.

Section 15. Use of Information.

- (a) Each person who supplies or is asked to give information about such person's 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.

Section 16. Notice of use of information.

- (a) At minimum, the notice to the person must state the authority which authorizes the solicitation of the information and that the disclosure of such information is voluntary; the principal purpose of such information is to determine the eligibility of that person and/or that person's relations for enrollment in the tribe; the information may also be used to determine the eligibility of that person and/or that person's relations for benefits available from the tribe, local, state or federal government which are made available to persons of a certain Indian blood quantum.

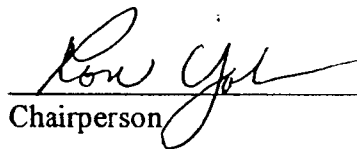
Section 17. Assuring integrity of records.


- (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: (i) the area in which the records are maintained or regularly used shall be occupied by authorized personnel; or (ii) 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 the 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.

Certificate of Adoption

The undersigned certify that Ordinance 97-01 was adopted at a meeting of the Tribal Council held in its offices in Grand Rapids, Michigan on December 1, 1997 by a vote of four in favor, -0- opposed and -0- in abstentions.


Chairperson


Secretary