

# TRIBAL ENROLLMENT AND MEMBERSHIP ACT

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# **TRIBAL ENROLLMENT AND MEMBERSHIP ACT**

## **CHAPTER ONE MEMBERSHIP CRITERIA**

### **Section 101. *Requirements***

The eligibility for membership in the Sac and Fox Nation, shall be as provided for in the Sac and Fox Nation Constitution Article I, Sections 1-3, as amended.

### **Section 102. *Enrollment, Relinquishment, Removal and Re-enrollment***

The Purpose of this Act is to establish laws, rules and guidelines for the orderly administration of the Sac and Fox Nation's membership. The Nation recognizes that Sac and Fox tribal membership is often central to the identity of an individual and is not to be altered lightly or without proper consideration. The admission to membership in the Nation must comply with the Nation's constitutional requirements and eligible individuals given a fair and open opportunity to enroll. The Nation must likewise protect itself against admitting individuals that do not meet the criteria decided upon by the Nation. This Act ensures that decisions regarding Enrollment, Relinquishment, Removal and Re-enrollment are uniform, provide protections to the Nation and the individuals and guarantees the integrity of the process.

## **CHAPTER TWO ENROLLMENT OFFICE**

### **Section 201. *Enrollment Office***

The Enrollment Office, under the supervision of the Sac and Fox Nation Secretary, shall be responsible for administration of the enrollment process and tribal roll. It shall be responsible for:

- (a) the initial filings for enrollment applications;
- (b) requests to relinquish tribal membership;
- (c) investigations concerning possible removal from tribal membership;
- (d) enrollment files and other duties as assigned regarding tribal membership.

It shall forward completed applications with recommendations for action to the Business Committee regarding admission applications, requests to relinquish tribal membership, adjustments to members' blood quantum, and investigations concerning removal of membership.

### **Section 202. *Business Committee of the Sac and Fox Nation***

The Business Committee will in each case examine the application and determine the accuracy and sufficiency of research by the Enrollment Office and shall:

- (a) accept or reject Enrollment applications;
- (b) act upon requests for Relinquishments;
- (c) decide recommendations for Removal of Tribal memberships;
- (d) make corrections of blood quantum errors reported by the Enrollment Office;
- (e) be responsible for forwarding to the Governing Council for a vote on applications for membership that qualify under the Constitution Article I, Section 3(c);
- (f) if necessary return the application or file to the Enrollment Office for additional action or supplemental documentation prior to acting upon the file.

### **Section 203. *Governing Council***

Per the Sac and Fox Constitution the Governing Council shall decide upon applications for enrollment under Article I, 3(c).

### **Section 204. *Records***

(a) An individual enrollment folder shall be established for each Sac and Fox Nation member and individual who applies for membership. This folder shall contain the following items:

- (1) application form;
- (2) family tree;
- (3) birth certificate or baptismal records or affidavit of live birth;
- (4) relevant correspondence;
- (5) copy of resolutions affecting the member's enrollment;
- (6) death certificate;
- (7) records of any actions or submissions regarding enrollment hearings or decisions;
- (8) any other documentation on the person pertinent to their right to membership in the Nation.

(b) Access to Records: Information in individual folders shall be considered confidential. It shall not be available to anyone except the Enrollment Office for official purposes and the individual member (or his/her legal guardian or a minor's parent) and, when such examination is necessary in considering enrollment matters, to the Sac and Fox Nation Business Committee.

(c) Updating Records. Upon receipt of appropriate documentation, the Enrollment Office is authorized to update the information on the Sac and Fox Nation's roll. The following documentation is deemed adequate for such actions to be taken:

- (1) Name Change - marriage license, divorce decree, court order changing name;
- (2) Address Change - written statement signed by Nation member or his/her guardian;
- (3) Death - death certificate, Bureau of Indian Affairs records, mortuary records, hospital records, obituary notice from newspaper, written signed statement from relative,

written signed statement from someone who attended funeral or who saw the grave marker and can provide date of death;

(4) Adjustment to Blood Quantum - Final decision of the Enrollment Office, Business Committee or Tribal Court adjusting the member's blood quantum;

(5) The Business Committee must approve by resolution any change for which none of the above documents is available. A copy of that resolution stating the reason for the change without the above documentation shall be placed in the individual's folder.

## **CHAPTER THREE ENROLLMENT**

### **Section 301. *Applications for Enrollment***

All persons not listed on the current membership roll of the Sac and Fox Nation who desire to be admitted to membership must file an enrollment application with the Enrollment Office of the Sac and Fox Nation.

(a) Parents or custodians of minors and legal guardians of incompetents may file applications for their wards. Non-custodial parents may file on behalf of their children, however, notice of the application shall be given to the parent with custody informing the custodial parent that they may submit their comments or objections to the enrollment office regarding the application within 20 days of the notice.

(b) Anyone besides custodial parents, non-custodial parents where the custodial parent does not object, legal guardians, and custodians of an applicant, may sponsor an application on behalf of a potential Sac and Fox member but must submit a written explanation of why they are an appropriate person to file on behalf of the applicant.

(1) The Enrollment office shall decide if the proponent is an appropriate person to file for the potential member.

(2) The Enrollment Office may in its discretion direct that the proponent get an order from the Sac and Fox Court granting the proponent the authority to file the application.

(c) Each enrollment application must be completed in its entirety with all required documentation attached and must contain sufficient personal information to properly determine the applicant's eligibility for enrollment. Each application must contain the following:

(1) all names by which the applicant is known;

(2) the complete current mailing address and all telephone numbers of the applicant;

(3) to the best of the applicant's knowledge

(A) the names of the applicant's parents and whether they were or are enrolled with the Sac and Fox Nation;

(B) the name(s) of the applicant's direct Sac and Fox ancestor(s) who were or are enrolled with the Sac and Fox Nation;

(4) the specific section of the Sac and Fox Constitution under which the applicant claims a right to membership;

(5) the name of the tribe(s) and degree(s) of Indian blood, if known, of any other tribe(s) other than the Sac and Fox Nation that the applicant claims descent from;

(6) what other tribe(s) the applicant is enrolled with and whether the applicant has filed a conditional relinquishment with the other tribe(s) and submitted a copy thereof;

(7) a certified birth certificate (photocopies will not be accepted) of the applicant, which shall be returned, and any other applicable and pertinent original documentary evidence; and

(8) the signature of the applicant (or their sponsor) certifying

(A) that all the information is true to the best of the knowledge and belief of the person filing the application,

(B) that the applicant is subject to penalties for supplying false information, and

(C) the date of the application.

### **Section 302. *Processing of Applications***

(a) Upon receipt, the Enrollment Office shall:

(1) Stamp the application form with the date on which it is received.

(2) Make a folder for the application and supporting documents.

(3) Upon review, if the Enrollment Office determines the application is not complete it shall notify the applicant of what is else is required. Once the application is complete the Enrollment Office shall acknowledge that fact in writing to the applicant.

(4) Note which section of Article I of the Constitution the applicant is applying under.

(5) If the applicant possesses blood of any other tribe, the Enrollment Office shall check on possible dual enrollment.

(6) Verify Sac and Fox ancestry.

(7) Separate completed applications into three categories:



(A) Applicants that meet all requirements;

(B) Applicants that do not meet all requirements;

(C) Applicants who may qualify under Article I, Section 3(c) of the Constitution requiring Governing Council approval.

(8) Minors / Incompetents. Verify if the proper party filed on the applicant's behalf.

### **Section 303. *Current Membership Roll***

(a) The Enrollment Office shall make initial determinations of mathematical errors in Sac and Fox blood quantum found in the current membership roll. Notice of the proposed corrected errors shall be sent to the Business Committee for their action and to the effected member(s) within five (5) days of the determination. The Notice will list:

(1) the member's name(s);

(2) the member's tribal enrollment number;

(3) clearly state the blood quantum before and after the proposed correction;

(4) the reason for the proposed change; and,

(5) that the effected member has twenty (20) days to request a hearing if they so desire.

If no hearing is requested and no action is taken by the Business Committee with-in twenty-one (21) days of forwarding, the correction shall take effect.

(b) Any errors discovered in the membership rolls that involve more than mathematical errors as to the individual's blood quantum shall be forwarded to the Business Committee for their consideration and decision. The forwarded information will state clearly what the suspected error is and why it needs correcting. Notice of the proposed change shall be sent to the affected member(s). The Business Committee will make the decisions relevant to the changes and direct the Enrollment Office to make changes when deemed appropriate by the Business Committee. If the member(s) request a hearing within twenty (20) days of the notice, they shall be granted a hearing under the procedures listed in Sub-Chapter B of Chapter Five.

## **CHAPTER FOUR RELINQUISHMENT (VOLUNTARY)**

### **Section 401. *Relinquishment***

Any adult member of the Sac and Fox Nation may voluntarily relinquish his/her membership. All relinquishments must be in writing, and the signature must be notarized. Members wishing to relinquish because of application for membership in another tribe will be encouraged to do so on a conditional relinquishment form. In such case, the relinquishment will become effective upon notification that the member has been admitted to another tribe(s). If the member desires to be immediately removed from the tribal rolls, the Enrollment Office shall do so as soon as practical. The Enrollment Office will notify the Business Committee of the removal of the individual from the Sac and Fox Nation Roll. Once relinquishment is final, except as this Act provides for minor or incompetent former members, the relinquished person must reapply for membership in the Sac and Fox Nation pursuant to the regular enrollment process.

(a) Minors. The custodial parent(s) or legal guardian may relinquish the membership of their child who is a member of the Sac and Fox Nation and who is under 18 years of age. Notice must be given to the minor's other parent(s) unless the parent's parental rights have been terminated. Should there be a dispute between parents as to whether the child should be removed from the tribal roll, the Sac and Fox Tribal court shall be required to issue an order regarding the minor's removal from the rolls.

Minors whose membership was relinquished by their parents or guardians will be given the opportunity to re-apply for membership after reaching the age of eighteen years.

(b) Incompetent Members. Legal guardians may relinquish the membership of their ward that has been declared legally incompetent. Due to the legal nature of a ward - guardian relationship, special attention shall be taken to determine the reasons for relinquishment and awareness of the consequences. The Enrollment Office or Business Committee may require that the decision to relinquish be approved by the Sac and Fox Court.

Incompetents will be given the opportunity to re-apply if a new guardian is legally appointed or if the ward should be declared legally competent.

(c) Counseling. The Enrollment Office will provide relinquishment forms to any member requesting one after the Office has counseled the individual as to the consequences of relinquishing their membership. Counseling may be done either orally or through written correspondence. The Office will document their conversations and correspondence and retain such in the member's file. Failure to inform the individual of the consequences of relinquishment shall not be grounds to reverse the relinquishment.

## **CHAPTER FIVE REMOVAL (INVOLUNTARY)**

### **Section 501. *Removal - Involuntary Proceeding***

Any Sac and Fox Nation member who is found to have been erroneously enrolled, used any fraudulent means to acquire enrollment, or who is otherwise found not eligible for tribal membership pursuant to the Constitution of the Sac and Fox Nation, shall be subject to dis-enrollment. No member shall be removed from the official membership roll without the approval of the Business Committee.

(a) Notice. Such a member shall be notified by certified mail, return receipt requested, of the intent to dis-enroll. If service can not be made by mail, notice may be published in the Sac and Fox Nation newspaper and posted at the Tribal Offices in the same locations as other official notices are posted and by any other customary means. Included in the notice shall be the date set for a hearing before the Business Committee to consider the matter, if requested within thirty (30) days. The Business Committee shall vote whether the member is to be dis-enrolled.

(b) Dual Enrollment. If the Enrollment Office determines the individual enrolled under Article I, Section 3(e) the Enrollment Office shall then:

(1) attempt to discover with which tribe the individual was first enrolled;

(2) contact the other tribe(s) as a courtesy and to inform them of the Nation's investigation;

(3) recommend whether or not to remove the individual from the Nation's roll based upon which tribe(s) the individual was first enrolled with, when enrollment was sought with the Sac and Fox Nation, benefits received and participation in the Nation's elections and activities.

## **SUB-CHAPTER A INVESTIGATION COMMENCED**

### **Section 502. *Removal Investigation Commenced***

(a) Identification of Proponent. The Enrollment Office shall attempt to ascertain the identity of each individual who contacts the Enrollment Office, telephonically, electronically or by written correspondence, alleging inadequate enrollment qualifications of a tribal member. No action shall be taken on anonymous allegations.

(b) Affidavit Requirement. The Enrollment Office shall request that the individual making the allegation (the Proponent), submit an affidavit with any supporting documentation to

the Enrollment Office in support of the allegation. The Proponent submitting an affidavit must be a Sac and Fox Nation tribal member. The Enrollment Office shall also inform the Proponent of the requirement that at least one (1) other individual submit an affidavit to the Enrollment Office, substantiating the factual contentions within the Proponent's allegation.

(c) Ministerial Action. The Enrollment Officer shall submit a single affidavit to the affected member's enrollment file in the event the Enrollment Office discovers an error or oversight affecting the eligibility qualifications of a tribal member. The requirement for two substantiating affidavits shall be waived in this instance.

(d) Form and Content of Affidavit. The affidavit shall state with particularity the grounds for the allegation. Formal rules of evidence shall not serve as a bar to considering assertions contained within the affidavits.

(e) Recommendations. The Enrollment Office shall investigate sworn allegations of inadequate enrollment qualifications and upon completing its investigation if it determines there is a reasonable basis for the allegations, forward to the Business Committee the file, affidavit(s), and supporting documents with recommendations for action regarding the allegations.

### **Section 503. *Evidentiary Showing***

Prior to the Business Committee setting a Removal Hearing it must determine there is a reasonable suspicion that the member at issue does not meet the established constitutional requirements for membership based upon the documents or affidavits.

### **Section 504 - 509. *Reserved***

### **Section 510. *Withholding of Benefits***

(a) Departmental Notification. Upon an initial determination by the Enrollment Office that there is a reasonable basis to suspect the qualifications of a tribal member the Enrollment Office shall direct the appropriate tribal departments to withhold *per capita* distributions and housing benefits which are based upon Sac and Fox membership. No other tribally derived rights or entitlements shall be disturbed during the course of the removal procedures.

(b) Treatment of *Per Capita* Distributions. The accumulated *per capita* distributions of the affected member shall be placed in an interest bearing account pending the resolution of the removal procedures. The withheld *per capita* distributions and accrued interest shall be payable to the affected member upon:

(1) a determination by the Enrollment Office there is not a reasonable basis to forward the investigation on to the Business Committee;

- (2) a final determination of eligibility by the Business Committee, or;
- (3) a final decision of eligibility by the Tribal Court.

Upon a final non-appealable determination of the affected member's ineligibility and disenrollment the withheld *per capita* distribution and accrued interest shall be placed back into the revenue pool from which it was segregated.

**Section 511. *Notice to Affected Member***

(a) The Enrollment Office shall notify the affected member by first class mail of:

- 1) its receipt of the affidavits;
- 2) the withholding of benefits;
- 3) that an investigation regarding the allegations will be conducted by the Enrollment Office; and,
- 4) the affected member's right to submit documents and affidavits in support of their membership to the Enrollment Office during the Office's investigation.

(b) Upon completion of its investigation the Office will inform the member and the Business Committee of its conclusions, whether it recommends a Removal Hearing be scheduled before the Business Committee, and also inform the affected member of his/her right to be represented by counsel if a hearing is scheduled. Notice of the Enrollment Office conclusions and recommendations shall be sent by certified mail within three (3) days of the Office making its determinations.

**Section 512 - 519. *Reserved***

**SUB-CHAPTER B.  
REMOVAL HEARING**

**Section 520. *Removal Hearing***

The Business Committee of the Sac and Fox Nation shall sit as an administrative court when hearing enrollment matters under this Act. The individual Business Committee members shall act as administrative judges in the matter. As such, the hearings are not to be conducted as public meetings, rather hearings shall be conducted in a manner best suited to provide due process to the concerned parties and to maintain order, decorum and diligent judicial decisions.

The Business Committee may utilize the Tribal Court's bailiff as necessary for its bailiff during enrollment hearings.

**Section 521. *Scheduling of Hearing***

(a) The hearing before the Business Committee shall occur not sooner than fifteen (15) days nor later than forty-five (45) days after the receipt of the completed investigation from the Enrollment Office and recommendation of removal from tribal membership. The hearing may be continued for up to thirty (30) days upon request of the affected member or by the Business Committee for good cause.

(b) Failure of the Business Committee to hold the hearing within the time limits contained in this section shall result in the matter being forwarded by the Enrollment Office to the Tribal Court pursuant to Section 552(c). If the Enrollment Office fails to forward the enrollment matter to the Tribal Court within five (5) days the affected member may within twenty (20) days thereafter file the matter in the Tribal Court. No Court filing fee shall be required of the member in this instance.

**Section 522. *Role of the Enrollment Office***

The Enrollment Office shall present the evidence of the affected member's ineligibility.

**Section 523. *Provision of Evidence***

The Enrollment Office shall make available copies of the affected member's enrollment file and the challenging affidavits to the Business Committee and the affected member at least ten (10) days prior to the scheduled removal hearing.

**Section 524. *Participation of Affiants***

The affiants shall be available for examination at the hearing unless excused for good cause as determined by the Business Committee. The hearing may proceed, in the discretion of the Business Committee, despite the non-attendance of one or more affiants. Should an affiant not attend their affidavit shall be stricken from the record and may not be considered in the deliberations of the Business Committee. *However*, if the affiant's absence is due to the death of the affiant or extended medical emergency of the affiant, the Business Committee may admit the affidavits under such conditions as the Business Committee deems appropriate to preserve fairness and due process.

**Section 525. *Chair to Preside***

The Principal Chief of the Sac and Fox Nation as the Chair of the Business Committee, or in the Principal Chief's absence or recusal the acting Chair, will preside over the hearing, and shall be responsible for controlling the presentation of evidence, appearance of witnesses, and the overall order of hearing.

**Section 526. *Confidential Proceedings***

The hearing and record of the hearing by the Business Committee shall be confidential matters and shall be closed to the public, unless the affected member requests in writing or on the record at the commencement of the hearing that the hearing be open. At a closed hearing, the Business Committee, the Enrollment Officer, and designated Enrollment staff, and the affected member, and the counsel (if any) of each party may be present at all times. Witnesses shall be present only when giving testimony.

**Section 527. *Recording***

The hearing shall be recorded by electronic or digital means so as to provide an audio, and preferably audio and visual, record in full and the record retained by the Enrollment Office not less than one year after the hearing. Tapes or records will not be released to any person, including the affected member, other than as required by any appeal of the Business Committee's decision to the Tribal Court.

**Section 528. *No ex Parte Communication***

(a) During the pendency of the hearing, the Enrollment Office, the affected member and the affiants shall not communicate with any member of the Business Committee regarding any matter pertaining to the merits of the hearing without giving notice to the other parties of the communication and the substance thereof.

(b) The Business Committee shall be authorized to impose appropriate remedies or sanctions to rectify violation of this section. Remedies may include verbal or written warnings, employee action, striking evidence related to the unauthorized communication or prohibiting the testimony of the violating party.

**Section 529. *Conduct of Hearing***

The hearing shall be conducted as follows:

(a) The Enrollment Officer and/or his or her designated staff (or attorney) shall present the evidence in documentary form or through witnesses;

(b) The affected member shall then be given adequate opportunity to present evidence in documentary form or through witnesses, and examine the available affiants;

(c) The Enrollment Officer or his or her designee (or attorney) shall be provided with the opportunity to rebut any evidence presented by the affected member and the affected member given a last opportunity to rebut the Enrollment Office;

(d) The Enrollment Officer and the affected member shall be given the opportunity to make a brief closing statement.

### **Section 530. *Rules of Evidence***

Formal rules of evidence shall not apply at the hearing, but evidence which is irrelevant, cumulative or which would be unfair or prejudicial may be excluded by the Chair or may be admitted by the Chair under special conditions or stipulations. Basic rules of relevancy, materiality and probative force shall be used by the Chair as a guide to admissibility.

### **Section 531. *Witnesses***

Prior to giving any testimony, each witness shall be administered an oath or affirmation by the Chair. Testimony may be presented either in the form of questions and answers or by narrative statement of the witness. Each witness, upon completion of his or her direct testimony, may be cross-examined first by the other party and then by any members of the Business Committee.

### **Section 532. *Official Notice***

The Business Committee may take official notice of generally recognized facts or any established technical or scientific facts provided that it informs the Enrollment Office and the affected member of such matters and provides them with the opportunity to rebut any fact officially noticed. However, the Business Committee should not take notice of facts that are the central issue of dispute at the enrollment hearing unless clearly supported by the weight of evidence.

### **Section 533. *Documentary Evidence***

Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon request, opportunity shall be granted to compare the copy to the



original.

**Section 534. *Record of Hearing***

The record in a hearing shall include:

- (a) the enrollment file;
- (b) evidence presented at the hearing and any stipulation or admission entered into at the hearing;
- (c) the electronic/digital record of the hearing; and,
- (d) a copy of the record, along with the Business Committee and/or Tribal Court decision(s), shall become part of the affected member's official enrollment file.

**Sections 535 - 550. *Reserved***

**SUB-CHAPTER C  
ENROLLMENT REMOVAL DECISION**

**Section 551. *Time Line for Business Committee Decision***

The Business Committee shall issue a written decision within fifteen (15) business days of the conclusion of the hearing, and shall mail/deliver a written copy of the decision to the Enrollment Office, the affected member and the tribal court. The copy of the decision filed with the tribal court shall not be open for general public review. To the extent the Court deems it necessary to allow review of the decision it shall have personally identifying information redacted from the decision and only allow sworn Officers of the Court to receive such copies.

**Section 552. *Voting***

(a) The decision to disenroll a member shall take at least three (3) affirmative votes of the Business Committee. Decisions regarding other enrollment hearing matters before the Business Committee shall require a simple majority of a proper quorum of the Business Committee. Business Committee deliberations shall be done in executive session.

(b) Only members who were present at the hearing may vote. Business Committee members that have a conflict of interest shall recuse themselves from voting. A conflict of interest shall be defined in accordance with the rules of the Business Committee.

(c) Should a majority of Business Committee members have a conflict of interest, be recused, or fail to attend the Removal Hearing, then the removal file and any associated documents or evidence shall result in the matter being forwarded by the Enrollment Office directly to the Tribal Court for the Court to hold the Removal Hearing. If the Enrollment Office fails to forward the enrollment matter to the Tribal Court within five (5) days of the Business Committee's recusals or failure to hold the hearing, the affected member may within twenty (20) days thereafter file the matter in the Tribal Court. No Court filing fee shall be required of the member in this instance.

### **Section 553 *Business Committee Decision***

The Business Committee may render any of the following decisions:

(a) The Business Committee may find the challenge to be frivolous and/or malicious, and therefore dismiss the challenge. The proponent, as defined in Section 502(a), shall then be subject to the penalty structure listed in Sub-Chapter D below.

(b) The Business Committee may find that the Enrollment Office or the affiants through the Enrollment Office failed:

(1) to meet the required evidentiary showing pursuant to Section 503 prior to setting the Removal Hearing; or,

(2) to present clear and convincing evidence that the affected member does not meet the membership criteria of the Sac and Fox Nation.

(c) The Business Committee may confirm an admission of the affected member that he/she does not fulfill the enrollment qualifications of the Sac and Fox Nation and order their disenrollment.

(d) The Business Committee may find the affected member ineligible for tribal enrollment if documentary and/or testimonial evidence proves clear and convincing evidence that the affected member does not meet the membership criteria contained in Article I of the Sac and Fox Constitution and order their disenrollment.

(e) Fraud, Deceit, Misrepresentation.

(1) The Business Committee may order dis-enrollment upon determining by clear and convincing evidence that membership was attained by an act of fraud, deceit, or misrepresentation, regardless of the length of time between such act and the dis-enrollment hearing. The Business Committee must determine that without such fraud, deceit, or misrepresentation the individual would not have qualified for membership. Removal under this Sub-Section shall be retroactive to the date such fraud, deceit, or misrepresentation occurred.

(2) Upon a finding of fraud, deceit, or misrepresentation the Business Committee may recommend or order such remedies or restitution as it deems appropriate against the party or parties that committed the fraud, deceit or misrepresentation.

(f) The decision rendered under subsections (a) through (d) shall be considered final decisions for purposes of judicial appeal pursuant to Chapter Six of this Title.

**Sections 554 - 589. *Reserved***

#### **SUB-CHAPTER D PENALTIES**

**Section 590. *Penalty Assessment if Membership Status Upheld***

In the event the hearing confirms the eligibility of the affected member, the Proponent/Affiant under Section 502 shall reimburse the Sac and Fox Nation for the cost of the hearing in the amount of \$250, and compensate the affected member in the amount of \$250.00.

**Section 591. *Frivolous and/or Malicious Challenge***

A finding by the Business Committee of a frivolous and/or malicious challenge shall subject the proponent to an award of damages to the Sac and Fox Nation in the amount of \$1,500.00 of which \$750.00 shall be given to the affected member as restitution. Such award shall be in lieu of the award under Section 590.

**Section 592. *Awards Deducted from Per Capita***

Any award or compensation granted under §590 or §591 may be seized or deducted from the proponent's Sac and Fox Gaming *per capita* or other moneys owing from the Sac and Fox Nation to the affiant, or any other sources.

## **CHAPTER SIX APPEALS**

### **Section 601. *Appeal to the Sac and Fox Nation Tribal Court***

Any member, parent or custodian if a minor, or legal guardian if the member is legally incompetent shall have the right to appeal a final determination of the Business Committee regarding an enrollment application, enrollment alterations or adjustments, relinquishment or enrollment removal to the Sac and Fox Nation Court. Such appeal shall be filed within thirty (30) days after the date on which the Business Committee issues its final determination. No other jurisdiction or venue is authorized for appeal or review under this Act and the jurisdiction to the Tribal Court is exclusive.

If such an appeal is made by a parent or custodian if a minor, or their legal guardian if a legal incompetent, the court's determination shall not preclude the applicant from filing a subsequent court appeal upon becoming eighteen years of age or attaining capacity.

### **Section 602. *Sovereign Immunity***

Nothing here in, except as specifically stated, shall be construed as waiving the sovereign immunity of Sac and Fox Nation in any court or administrative body.

### **Section 603. *Notice***

Any notice required under this Act shall be deemed to run from the date of mailing said notice.