

# BISHOP PAIUTE TRIBE

## Enrollment Procedural Policy Manual

*As Approved by Bishop Indian Tribal Council on 3/17/2003*

### SECTION 1.0: PURPOSE

The Bishop Paiute Tribal Enrollment Department is hereby created and charged with the responsibility of developing, in accordance with the Tribe's Enrollment Ordinance of 1996, the attached enrollment procedures.

Deletions and/or additional subsections may be needed from time to time. This administrative duty will be the responsibility of the Enrollment Committee and reviewed by the Bishop Indian Tribal Council.

- 1.1 The Tribal Enrollment Department shall be under the direction of the Tribal Enrollment Specialist. The Tribal Enrollment Specialist may be appointed by the Tribal Council. Staff members of the department shall be appointed in accordance with the personnel policies and provisions of the Bishop Paiute Tribe. The Tribal Enrollment Specialist and Enrollment Department staff shall be paid such salaries as the Tribal Council, in its budget, shall provide.
- 1.2 The Tribal Enrollment Department shall be directly responsible to the Tribal Enrollment Committee. Such committee shall be appointed by the Tribal Council and will be charged with such responsibilities as the Tribal Council shall determine.
- 1.3 Tribal Council actions are necessary when the Ordinance or Procedural Policies are not adequate to make necessary decisions.

### SECTION 2.0: ENROLLMENT ORDINANCE ELIGIBILITY CRITERIA

- 2.1 In accordance with the Tribe's Enrollment Ordinance of 1996, Article II, Section 2, those wishing to be considered for membership in the Bishop Paiute Tribe must meet eligibility criteria:
  - a. Lineal descendant of a base enrollee born before or after the effective date (July 1996) of the Tribe's Enrollment Ordinance.
  - b. Any person applying for membership who qualifies under Article II, Section 2a, but, who is enrolled in another tribe may enroll provided (s)he relinquishes in writing all membership rights and it is confirmed by that tribe.

### SECTION 3.0: PERSONS NOT CONSIDERED FOR ENROLLMENT

- 3.1 In Accordance with the Tribe's Enrollment Ordinance of 1996, Article III, Section 1a, those applicants who fall into the following categories will not be considered for membership.

- a. Any adult person who has accepted money, allotment of land (except through Federal claims settlement or inheritance), or received a land use assignment as a recognized or enrolled member of another federally recognized tribe.
- b. Any person who has been terminated from a federally recognized tribe.
- c. Any person who has not relinquished, in writing, all membership rights of another federally recognized tribe.

#### **SECTION 4.0: PERSONS CONSIDERED FOR ENROLLMENT**

- 4.1** Any living person whose name appears on the Base Roll must file an enrollment application form. The Enrollment Department shall reserve the right to file for deceased base enrollees by using Tribal, state or federal records available. This information may be accessed only by those descendants for completing their applications.
- 4.2** Applications for minors and incompetents may be filed by parents, legal guardians, or other appropriate sponsors. Such applications shall be made on such forms as the Enrollment Department shall prescribe.
- 4.3** Applicants under the age of eighteen (18) years of age who are married or are single parents may file on their own behalf and their minor children.

#### **SECTION 5.0: APPLICATION REQUEST**

- 5.1** The Enrollment Department shall provide an application form to each applicant for enrollment. This form may be three-part carbon but shall be pre-numbered.
- 5.2** The Enrollment Department shall log each application form issued to the applicant. This log shall state the number of the application form, the name of the applicant, and the date the application was issued. Such information shall be at the discretion of the Enrollment Committee.
- 5.3** Upon return of the completed application form, the Enrollment Department shall stamp date received and the individual receiving this form shall sign indicating receipt of form by Enrollment Department. Any applications received by mail shall have adult signature notarized and/or certified by a notary public.
- 5.4** The Enrollment Department shall require a state- or county-certified birth certificate from the applicant and birth certificates of the applicant's parents, if necessary, or other such legal documentation as outlined in the Enrollment Ordinance. Hospital-issued birth certificates shall not be acceptable, as they are not legal documents.
- 5.5** Social Security Card numbers shall be requested for potential use in determining Tribal membership benefits. Social Security cards shall not be used, except where the number is withheld from the Application for Enrollment.

- 5.6** Further, evidence of paternity in contested cases of enrollment eligibility shall include and be limited to the following: parents' marriage certificate, state-certified birth certificate signed by the father, notarized paternity affidavit signed by the father if membership is being claimed through him, court orders naming biological father, court-ordered DNA testing results, or DNA testing results.
- 5.7** Certification, if any, of applicant's degree of Owens Valley Paiute blood and any other tribal bloods. The original certificates shall be returned when the processing of the application is completed and a copy retained for Enrollment Department file.
- 5.8** For determination of tribal blood degrees for base enrollees and new applicants, any official federal Indian census may be used.
- 5.9** For the purpose of tribal enrollment, those Paiute persons listed on the base roll who came from areas outside the Owens Valley shall have their Paiute blood counted as Owens Valley Paiute, as will their lineal descendants.
- 5.10** Upon completion of the family ancestry tree, the Enrollment Department will calculate the Owens Valley Paiute blood degree of the applicant, based on written documentation of lineal descendancy from all members of the family tree

## **SECTION 6.0: APPLICATION PROCESS**

- 6.1** The Enrollment Department shall enter the returned copy of the application form into the log indicating date received and individual receiving form. An application that is supported by sufficient proof of entitlement to enrollment shall be submitted to the Enrollment Committee.
- 6.2** An application with insufficient information shall be advised by the Enrollment Department of the specific information still required for completion. The application shall be forwarded to the Enrollment Committee upon receipt of required and/or requested information. Provided that no additional information is received after 30 days of letter being sent, the incomplete application shall be forwarded to the Enrollment Committee for consideration.
- 6.3** Upon receipt of any application, the Enrollment Committee shall have thirty (30) days in which to render a written recommendation. After reaching a decision based on the provided eligibility information, the Enrollment Committee shall present its written recommendations for approval or disapproval to the Tribal Council for a final decision.
- 6.4** If the Enrollment Committee concludes that proof of entitlement to enroll is insufficient, it shall recommend to the Tribal Council that the Application for Enrollment be denied. If the Tribal Council agrees, a letter of denial shall be mailed to the applicant. Included in the letter will be the step-by-step process of appeal. The Enrollment Department shall send the letter within two (2) working days of the decision.

## **SECTION 7.0: APPEAL PROCESS**

- 7.1** In response to an appeal, the Enrollment Department shall schedule a hearing at which time the appellant will be heard by the Enrollment Committee. A written notice shall be mailed, certified return receipt requested, to the appellant at his/her stated address on the Application for Enrollment, no later than twenty (20) working days before the scheduled time and date of the hearing. The reason for denial shall be stated in the notice. The appellant may be represented by legal counsel if they desire.
- 7.2** The Enrollment Committee shall conduct the hearing in an impartial manner. It shall receive and consider such evidence, in whatever form, to assist in deciding the eligibility of the appellant.
- 7.3** The Enrollment Committee shall make a decision immediately after hearing all witnesses and viewing all written evidence. A written notice of the decision shall be sent by mail, certified return receipt requested, to the appellant at his/her stated address on the Application for Enrollment, no later than two (2) working days of the hearing. In the event enrollment is denied, the notice shall include the right to appeal such decision to the Bishop Indian Tribal Council. A copy of the notice of the decision shall be filed in the applicant's folder and such folder then placed in the rejected applicants section of the enrollment files.
- 7.4** The Enrollment Department shall inform the individual or sponsor whose application for enrollment has been denied, that (s)he shall have the right to appeal the decision. A written appeal must be filed to the Bishop Indian Tribal Council within ten (10) working days from the date of the received decision. A copy of such request for an appeal must be furnished to the Enrollment Department.
- 7.5** The Enrollment Department shall schedule a full hearing to be held between the appellant and the Tribal Council. A written notice shall be sent to the appellant by the Enrollment Department no fewer than five (5) working days before the scheduled appeals hearing. Such notice shall inform the appellant that they have the right to present evidence to show why they are entitled to be enrolled.
- 7.6** The written notice shall be sent by mail, certified return receipt requested, to the appellant at his/her stated address on the Application for Enrollment. The notice shall schedule the time and place for the hearing to be held and state the name of the person who will preside at the appeals hearing. The appellant will be informed that (s)he has the right to be represented by legal counsel. The burden of proof before the appeals hearing shall be on the appellant. Unless otherwise permitted by tribal law, the decision of the Tribal Council in the appeals hearing shall be final.
- 7.7** Upon the decision of the Tribal Council in the appeals hearing, the Enrollment Department shall submit to the appellant the decision made by the Tribal Council. Written notice of this decision shall be submitted to appellant within five (5) working days following the hearing. Such notice shall be submitted to the appellant by mail, certified return receipt requested, to the appellant at his/her stated address on the Application for Enrollment.
- 7.8** On the decision of the Enrollment Committee and the Tribal Council, the application has been approved for enrollment, the Tribal Enrollment Department shall cause to be prepared a tribal enrollment resolution and tribal enrollment identification card, within thirty (30) days following the decision for approval of enrollment.

## **SECTION 8.0: TRIBAL MEMBERSHIP ROLL**

- 8.1** A log of the tribal enrollment certificates and tribal enrollment identification cards shall be prepared by the Tribal Enrollment office indicating the enrollment certificate number, the identification card number, the name of the enrollee, the date of preparation, and the name of the person preparing such card.
- 8.2** The Official Tribal Membership number shall be given as follows: BIA Reservation Code – 549 for the Bishop Paiute Reservation, Application number, and Year of Approval of Enrollment Resolution (e.g., 549-0001-01 – 549 for the Reservation code, 0001 for the application number, and 01 for 2001, the year the Enrollment Resolution was approval).
- 8.3** The names of all persons on the current membership roll and base roll shall be maintained on file at the Enrollment Department and may be examined by any interested party during normal operating hours.
- 8.4** The Enrollment Department shall maintain a file for each approved Application for Enrollment. These files shall contain the application, all supporting documentation, copies of all correspondence pertaining to the submitted application, a copy of the Enrollment Resolution, and any other information deemed necessary by the Enrollment Committee.
- 8.5** The Enrollment Department shall also maintain a file for each rejected Application for Enrollment. These files shall be maintained separately from the approved applications. The rejected applications file shall contain the application, all supporting documentation, copies of all correspondence pertaining to the submitted application, documentation regarding why the application was rejected, and any other information deemed necessary by the Enrollment Committee.
- 8.6** The provisions of the Enrollment Procedural Policy Manual shall be made available to applicants who request such information. In addition, the Enrollment Ordinance shall also be made available to all applicants.
- 8.7** Nothing in this Procedural Policy Manual shall supersede the Enrollment Ordinance. In cases where a conflict exists, the Enrollment Ordinance shall prevail.