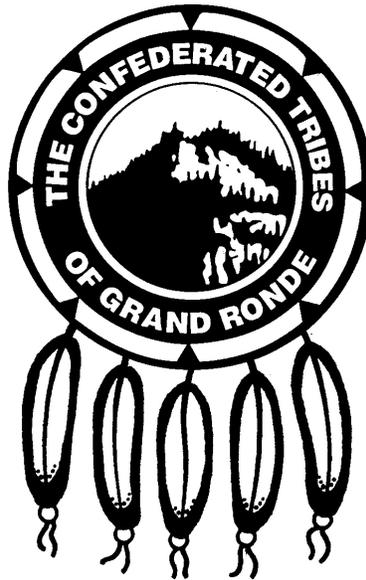


TRIBAL COURT

CONFEDERATED TRIBES OF GRAND RONDE ENROLLMENT REVIEW PACKET – LOSS OF MEMBERSHIP



These instructions, information and forms are not a complete statement of the law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. For legal information, please talk to a lawyer, or visit your local law library.

**IN THE TRIBAL COURT OF THE CONFEDERATED TRIBES OF THE
GRAND RONDE COMMUNITY OF OREGON**

**FORMS AND INSTRUCTIONS FOR APPEAL OF ENROLLMENT COMMITTEE
DECISION TO REMOVE A MEMBER FROM THE TRIBAL ROLL
(TRIBAL ENROLLMENT ORDINANCE)**

**WHO CAN FILE AN APPEAL OF AN ENROLLMENT COMMITTEE DECISION TO
REMOVAL A MEMBER FROM THE TRIBAL ROLL:**

An adult, on behalf of themselves or their minor child or ward, may file an appeal of an Enrollment Committee decision to remove their name or that of their minor child or ward from the Tribal Roll. An Appellant may file an appeal with the Tribal Court if BOTH of the following statements are true at the time of the filing of the Notice of Appeal.

- (1) The Appellant has received the Enrollment Committee’s written decision to remove them or their minor child or ward from the Tribal Roll; and
- (2) The Appellant has served a copy of the appeal on the Tribe’s General Manager and Tribal Attorney.

FILING DEADLINES:

An appeal of the Enrollment Committee’s decision to remove a member from the Tribal Roll must be filed with the Court in writing on or before the thirtieth (30th) day following receipt of the Committee’s written decision.

FORMS IN PACKET:

- | | |
|--|----------|
| (1) NOTICE OF APPEAL OF ENROLLMENT COMMITTEE DECISION
(ADULT) | (FORM 1) |
| (2) NOTICE OF APPEAL OF ENROLLMENT COMMITTEE DECISION
(MINOR) | (FORM 2) |
| (3) PROOF OF SERVICE (GENERAL MANAGER) (Adult) | (FORM 3) |
| (4) PROOF OF SERVICE (GENERAL MANAGER) (Minor) | (FORM 4) |
| (5) PROOF OF SERVICE (TRIBAL ATTORNEY) (Adult) | (FORM 5) |
| (6) PROOF OF SERVICE (TRIBAL ATTORNEY) (Minor) | (FORM 6) |

FEES:

This packet and forms are provided at no cost to the Petitioner. There is no filing fee for filing an Appeal of an Enrollment Committee Decision to remove a name from the Tribal Roll.

LEGAL REPRESENTATION:

If you have acquired representation by an attorney, the attorney must notify the Tribal Court in writing. All attorneys appearing before the Tribal Court must be members of the Tribal Court Bar. A waiver process is available under Tribal Law in the Tribal Court Ordinance. Contact the Court for additional information and requirements.

INSTRUCTIONS

Please read all instructions carefully. These are legal documents that must not contain mistakes. Do not alter the documents.

Step 1: **COMPLETING THE NOTICE OF APPEAL:**

A. Fill out the NOTICE OF APPEAL (ADULT) (Form 1) if the person whose name is being removed from the Tribal Roll is an adult. Fill out the NOTICE OF APPEAL (MINOR) (Form 2) if the person whose name is being removed from the Tribal Roll is a minor. Please type or print. Make three (3) copies of the completed NOTICE OF APPEAL and all attachments. You will need one copy to serve on the General Manager, one to serve on the Tribal Attorney, and one for your records. The original will be filed with the Court after service.

Step 2: **SERVING THE NOTICE OF APPEAL:**

You now need to decide which method of service you will be using to serve the Tribe's General Manager and Tribal Attorney with a copy of the NOTICE OF APPEAL. Below are some options for service.

Personal Service: You cannot personally serve the General Manager or Tribal Attorney. Service must be done by someone other than you who is at least 18 years old, not a party to the case, nor attorney or employee of yours. You may request the Tribal Police Department or County Sheriff's office to personally serve the General Manager or Tribal Attorney, but you will likely be charged for the service. You can have a friend (at least 18 years old) or a private process server serve the NOTICE OF APPEAL. The friend or process server must complete a proper proof of service form. PROOF OF SERVICE (GENERAL MANAGER)

(Forms 3 & 4) and PROOF OF SERVICE (TRIBAL ATTORNEY) (Forms 5 & 6) are enclosed for your convenience.

Certified Mail: Use Certified Mail, Return Receipt Requested, to send the NOTICE OF APPEAL to the General Manager and Tribal Attorney. You must complete a proper proof of service form. PROOF OF SERVICE (GENERAL MANAGER) (Forms 3 & 4) and PROOF OF SERVICE (TRIBAL ATTORNEY) (Forms 5 & 6) are enclosed for your convenience.

The General Manager and Tribal Attorney must be served with the copies of the NOTICE OF APPEAL prior to filing the original NOTICE OF APPEAL with the Court.

Step 3: **FILING YOUR NOTICE OF APPEAL:**

If the NOTICE OF APPEAL, PROOF OF SERVICE (GENERAL MANAGER) and PROOF OF SERVICE (TRIBAL ATTORNEY'S OFFICE) are complete, you are now ready to file your appeal. You must now select how you would like to file your documents. **The Tribal Court has adopted the Federal Rules of Civil Procedure and does not accept filings by facsimile. The Court does not have a system to accept filings electronically or by email. All documents must be presented to the Court for filing by mail or in person.**

A. **BY MAIL:** Mail the completed original of the NOTICE OF APPEAL, PROOF OF SERVICE (GENERAL MANAGER), and PROOF OF SERVICE (TRIBAL ATTORNEY'S OFFICE) to the Tribal Court at 9615 Grand Ronde Road, Grand Ronde, OR 97347. Documents accepted for filing by the Court are stamped filed on the day of receipt. When accepted for filing, a case number will be assigned to your appeal. You may contact the Court to verify receipt and obtain your case number.

B. **IN PERSON:** Bring your completed original NOTICE OF APPEAL, PROOF OF SERVICE (GENERAL MANAGER), and PROOF OF SERVICE (TRIBAL ATTORNEY'S OFFICE) to the Tribal Court for filing. The Court Clerk's Office is open from 8:00 a.m. to 5:00 p.m. Monday thru Friday, excluding the lunch hour from 12:00 p.m. to 1:00 p.m. and all Tribal holidays. When accepted for filing, a case number will be assigned to your appeal.

Step 4: **PRODUCTION OF THE RECORD:**

Unless the case is otherwise dismissed, within fourteen (14) business days after your appeal is filed with the Court, the Tribe will file with the Court the entire underlying record before the Enrollment Committee relating to the decision you are appealing. As the Appellant you will be provided with a copy of the record, except adoption records if adoption is not the basis for loss of membership. If you are represented by an attorney, the record will be sent to your attorney.

Step 5: **REQUEST TO SUPPLEMENT THE RECORD:**

Within five (5) days of receiving the record, you as the Appellant, or your attorney, can submit a written REQUEST TO SUPPLEMENT THE RECORD to the Tribal Court. The request should identify additional documents or information you believe should be included in the record. Any REQUEST TO SUPPLEMENT THE RECORD must be served on the Tribal Attorney. Proof of such service must be provided to the Court in order for the Court to consider your request. PROOF OF SERVICE (TRIBAL ATTORNEY) (Forms 5 & 6) are enclosed for your convenience. The Court will make a determination as to whether the documents or information will be included in the record.

Step 6: **PRE-HEARING CONFERENCE:**

A Pre-Hearing Conference will occur within fourteen (14) days of the filing of the record by the Tribe. The Court will send by certified mail, a Notice of Pre-Hearing Conference to you, the Appellant, or to your attorney if you are represented. The Pre-Hearing Conference may deal with a variety of things such as supplementing or shortening of the record, clarifying specific issues, scheduling briefs, setting a date for future hearings, and any other matters that the Court believes needs to be addressed.

Step 7: **FILING OF APPELLANT'S BRIEF:**

As the Appellant, your Brief is the first to be filed. A brief is the written argument of the appeal. The Brief generally contains a summary of the facts of the appeal, the relevant laws, and an argument of how the law applies to your facts and supports your position. After you or your attorney has completed the Brief, make two (2) copies of the Brief, one for yourself and one to be served on

the Tribal Attorney. The original will need to be filed with the Court on or before the date set out in the Court's order following the Pre-Hearing Conference. A copy of the Brief needs to be served on the Tribal Attorney. A proper proof of service must be filed with the Court. PROOF OF SERVICE (TRIBAL ATTORNEY) (Forms 5 & 6) have been provided for your convenience.

Step 8: **FILING OF TRIBE'S BRIEF:**

After your Brief is filed, the Tribe will file a Brief with the Court setting forth the Tribe's argument. You, or your attorney if you are represented, will be provided a copy of the Tribe's Brief.

Step 9: **FILING OF APPELLANT'S REPLY BRIEF:**

At the Pre-Hearing Conference, a filing deadline may be set for a Reply Brief. If a Reply Brief is written, the original must be filed with the Court and a copy must be served on the Tribal Attorney. A proper proof of service must be filed with the Court. PROOF OF SERVICE (TRIBAL ATTORNEY) (Forms 5 & 6) have been provided for your convenience.

Step 10: **ORAL ARGUMENT HEARING:**

An Oral Argument Hearing must take place within ninety (90) days of the filing of the NOTICE OF APPEAL. The date for the Oral Argument Hearing will be contained in the Court's Order Following Pre-Hearing Conference. The hearing will be an opportunity for you, or your attorney, as well as the Tribe's Attorney to make their arguments before the Court. An appeal of an Enrollment Committee's decision to remove a member from the Tribal Roll's is an appeal on the underlying record, or on that part of the record relied upon by the parties with the aid of briefing and oral argument. There will be no jury.

Step 11: **COURT'S ORDER**

The Court may do one of the following:

- (1) Affirm (uphold) the Enrollment Committee's Decision;
- (2) Remand the case to the Enrollment Committee; or
- (3) Reverse the Enrollment Committee's Decision.

If the Enrollment Committee's Decision is affirmed, the Court will issue an order directing the Enrollment Staff to remove the Appellant's name from the Tribal Roll effective as of the date of the Enrollment Committee's Decision.

If the Enrollment Committee's Decision is reversed, the Court will issue an order directing that the Appellant's membership be reinstated.

The Court's order will be sent to you certified mail and will require a signature for pick-up.

Step 12: **APPEAL TO COURT OF APPEALS:**

The Decision of the Court may be appealed to the Tribal Court of Appeals. An Appeal with the Court of Appeals must be filed within fourteen (14) days after you receive the Trial Court Order.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE COURT AT 503-879-2303 OR COURT@GRANDRONDE.ORG.

The Tribe's Ordinances and Constitution are available on the Tribe's website at www.grandronde.org/archives.

1 **FORM 1**

2 **IN THE TRIBAL COURT OF THE CONFEDERATED TRIBES OF THE**
3 **GRAND RONDE COMMUNITY OF OREGON**

4
5
6 **In the Matter of:**) **Case No.:** _____
7 _____,)
8 **Appellant.**) **NOTICE OF APPEAL**
9) **[Adult]**
10)
11)

12 Notice is hereby given that the undersigned Appellant, or attorney representative, hereby
13 appeal to the Tribal Court, the Enrollment Committee Decision to remove Appellant's name
14 from the Tribal Roll.

15 1. **Appellant:**

- 16 a. Full Name: _____
17 b. Mailing Address: _____
18 c. Phone Number: _____
19 d. Email: _____

20 2. **Enrollment Committee Decision:** The Enrollment Committee Decision being appealed
21 was made on _____, _____, 20____. (Attach a copy of Enrollment Committee Decision)

22 3. **Representation:** (Check one)

- 23 _____ Appellant is filing this appeal without full representation of an attorney.
24 _____ Appellant is represented by the undersigned attorney. (Attach a Statement of Representation
25 including contact information.)

26 _____
Signature of Appellant or
Attorney Representative

1 **FORM 2**

2 **IN THE TRIBAL COURT OF THE CONFEDERATED TRIBES OF THE**
3 **GRAND RONDE COMMUNITY OF OREGON**

4
5
6 **In the Matter of:**) **Case No.:** _____
7 _____,)
8 **Appellant Parent/Guardian**) **NOTICE OF APPEAL**
For) **[Minor]**
9 _____,)
10 **Minor Child/Ward.**)
11 _____)

12 Notice is hereby given that the undersigned Appellant Parent/Guardian, or attorney
13 representative, hereby appeal to the Tribal Court on behalf of the above Minor Child/Ward, the
14 Enrollment Committee Decision to remove the Minor Child/Ward’s name from the Tribal Roll.

15 1. **Appellant Parent/Guardian:**

- 16 a. Full Name: _____
17 b. Mailing Address: _____
18 c. Phone Number: _____
19 d. Email: _____

20 2. **Minor Child/Ward:**

- 21 a. Full Name: _____
22 b. Date of Birth: _____
23 c. Mailing Address: _____

24 3. **Enrollment Committee Decision:** The Enrollment Committee Decision being appealed
25 was made on _____, _____, 20 . (Attach a copy of Enrollment Committee Decision)

26 ///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

4. **Representation:** (Check one)

_____ Appellant is the Minor Child’s parent and is filing this appeal without full representation of an attorney.

_____ Appellant is the Minor Ward’s guardian and is filing this appeal without full representation of an attorney.

_____ The Minor Child/Ward is represented by the undersigned attorney. (Attach a Statement of Representation including contact information.)

Signature of Appellant Parent/Guardian or
Attorney Representative

1 **FORM 3**

2 **IN THE TRIBAL COURT OF THE CONFEDERATED TRIBES OF THE**
3 **GRAND RONDE COMMUNITY OF OREGON**

4 **In the Matter Of:**) **Case No.:**
5)
6) **PROOF OF SERVICE**
7 **Appellant.**) **[General Manager]**

8)
9)
10)
11 I, _____, of _____,
(Print Name of Server) (Address)
12 _____, _____, _____, _____,
(City) (State) (Zip Code) (Phone number)

13 certify that I served true copies of this _____
(Name of Document)
14 dated _____, _____, 20____, upon the General Manager of the Confederated
15 Tribes of Grand Ronde. (Check One of the Following)

16 a. _____ I am over the age of 18 and not a party to the case. I personally served copies of the
17 above named document at: (Name and Address of Place Served) _____

18 b. _____ I sent a copy of the above named document certified mail, return receipt requested to
19 _____
(Address the document was mailed to.)

20 Date Service was executed: _____

21 I declare under penalty of perjury that the foregoing information contained in this Proof
22 of Service is true and correct.

23 _____
24 (Signature of Server)

1 **FORM 4**

2 **IN THE TRIBAL COURT OF THE CONFEDERATED TRIBES OF THE**
3 **GRAND RONDE COMMUNITY OF OREGON**

4
5 **In the Matter Of:**) **Case No.:**
6)
7 **Appellant Parent/Guardian**) **PROOF OF SERVICE**
8 **For**) **[General Manager]**
9)
10 **Minor Child/Ward.**)
11)
12)
13)

11 I, _____, of _____,
(Print Name of Server) (Address)
12 _____, _____, _____, _____,
(City) (State) (Zip Code) (Phone number)

13 certify that I served true copies of this _____
(Name of Document)
14 dated _____, _____, 20____, upon the General Manager of the Confederated
15 Tribes of Grand Ronde. (Check One of the Following)

16 a. _____ I am over the age of 18 and not a party to the case. I personally served copies of the
17 above named document at: (Name and Address of Place Served) _____

18 b. _____ I sent a copy of the above named document certified mail, return receipt requested to
19 (Address the document was mailed to.) _____

20 Date Service was executed: _____

21 I declare under penalty of perjury that the foregoing information contained in this Proof
22 of Service is true and correct.

23 _____
24 (Signature of Server)

1 **FORM 5**

2 **IN THE TRIBAL COURT OF THE CONFEDERATED TRIBES OF THE**
3 **GRAND RONDE COMMUNITY OF OREGON**

4 **In the Matter Of:**) **Case No.:**
5)
6) **PROOF OF SERVICE**
7 **Appellant.**) **[Tribal Attorney]**
8)
9)
10)

11 I, _____, of _____,
(Print Name of Server) (Address)

12 _____, _____, _____, _____,
(City) (State) (Zip Code) (Phone number)

13 certify that I served true copies of this _____
(Name of Document)
14 dated _____, _____, 20____, upon the Tribal Attorney of the Confederated Tribes
15 of Grand Ronde. (Check One of the Following)

16 a. _____ I am over the age of 18 and not a party to the case. I personally served copies of the
17 above named document at: (Name and Address of Place Served) _____

18 b. _____ I sent a copy of the above named document certified mail, return receipt requested to
19 _____
(Address the document was mailed to.)

20 Date Service was executed: _____

21 I declare under penalty of perjury that the foregoing information contained in this Proof
22 of Service is true and correct.

23 _____
24 (Signature of Server)

1 **FORM 6**

2 **IN THE TRIBAL COURT OF THE CONFEDERATED TRIBES OF THE**
3 **GRAND RONDE COMMUNITY OF OREGON**

4
5 **In the Matter Of:**) **Case No.:**
6)
7 **Appellant Parent/Guardian**) **PROOF OF SERVICE**
8 **For**) **[Tribal Attorney]**
9)
10 **Minor Child/Ward.**)
11)
12)

11 I, _____, of _____,
(Print Name of Server) (Address)
12 _____, _____, _____, _____,
(City) (State) (Zip Code) (Phone number)

13 certify that I served true copies of this _____
(Name of Document)
14 dated _____, _____, 20____, upon the Tribal Attorney for the Confederated
15 Tribes of Grand Ronde. (Check One of the Following)

16 a. _____ I am over the age of 18 and not a party to the case. I personally served copies of the
17 above named document at: (Name and Address of Place Served) _____

18 b. _____ I sent a copy of the above named document certified mail, return receipt requested to
19 _____
(Address the document was mailed to.)

20 Date Service was executed: _____

21 I declare under penalty of perjury that the foregoing information contained in this Proof
22 of Service is true and correct.

23 _____
24 (Signature of Server)



DATE ORIGINALLY ADOPTED: 06/25/85
 SUBJECT: General Government
 DATES AMENDED: 06/23/86; 01/15/88;
 04/12/89; 09/30/93; 01/08/97; 04/02/97;
 09/17/97; 11/03/99; 01/03/01; 03/03/04;
 06/02/10; 08/28/13; 02/19/14; 07/02/14;
 10/08/14; 08/12/15; 01/24/18; 09/26/18;
 01/23/19; 11/20/19; 08/25/21
 RESOLUTIONS: 195-86a; 264-88; 338-89; 068-
 93; 004-97; 027-97; 087-97; 131-99; 005-01;
 023-04; 069-10; 156-13; 019-14; 139-14; 185-14;
 148-15; 009-18; 124-18; 014-19; 372-19; 250-21

**THE CONFEDERATED TRIBES OF THE
 GRAND RONDE COMMUNITY OF OREGON**

**CHAPTER 102
 ENROLLMENT ORDINANCE**

TABLE OF CONTENTS

(a) AUTHORITY AND PURPOSE2
 (b) MEMBERSHIP REQUIREMENTS2
 (c) ENROLLMENT STAFF AND COMMITTEE3
 (d) PROCEDURES FOR MEMBERSHIP APPLICATION6
 (e) PROOF OF DESCENDANCY9
 (f) PROCEDURES FOR CORRECTION OF MEMBERSHIP ROLL – BLOOD
 DEGREE CORRECTION10
 (g) PROCEDURES FOR CORRECTION OF MEMBERSHIP ROLL – NON-BLOOD
 DEGREE CORRECTION12
 (h) PROCEDURES FOR CORRECTION OF THE OFFICIAL TRIBAL
 MEMBERSHIP ROLL PREPARED UNDER THE GRAND RONDE
 RESTORATION ACT (“RESTORATION ROLL”)13
 (i) RELINQUISHMENT OF MEMBERSHIP16
 (j) LOSS OF MEMBERSHIP16
 (k) DECEASED MEMBERS21
 (l) PUBLICATION21

**THE CONFEDERATED TRIBES OF THE
GRAND RONDE COMMUNITY OF OREGON**

**Chapter 102
Enrollment Ordinance**

(a) AUTHORITY AND PURPOSE.

(1) Authority. The authority for this Ordinance is found in the Grand Ronde Constitution Article V.

(2) Purpose. The purpose of this Ordinance is to provide for the development and maintenance of the membership roll of the Tribe, and to ensure the integrity and accuracy of the roll.

(b) MEMBERSHIP REQUIREMENTS.

(1) The membership of the Tribe shall consist of all persons who are not enrolled as members of another recognized tribe, band or community and, who for five years have fully and unconditionally relinquished membership in another Indian Tribe and;

(A) whose names validly appear on the official tribal membership roll prepared under the Grand Ronde Restoration Act; provided, that such roll may be corrected by the Tribal Council with the approval of the Secretary of the Interior; or

(B) whose names validly appear on the official tribal membership roll as of September 14, 1999; provided that such roll may be corrected by the Tribal Council in accordance with the Tribal Enrollment Ordinance; or

(C) who possess at least one-sixteenth (1/16) degree Grand Ronde blood quantum and were born to a parent who was a member of the Tribe at the time of the applicant's birth and who, unless deceased, is a member of the Grand Ronde Tribe at the time the applicant files an application for enrollment; have filed an application for enrollment according to procedures established pursuant to this Ordinance, and have been accepted as members in accordance with this Ordinance.

(2) For purposes of this Section, Grand Ronde blood is defined as all Indian blood derived from a direct ancestor whose name validly appears on the official tribal membership roll prepared under the Grand Ronde Restoration Act; provided, that such roll may be corrected by the Tribal Council with the approval of the Secretary of the Interior.

(3) (A) If the mother of the applicant is a member of the Tribe, the applicant shall be deemed to possess one-half the Grand Ronde blood quantum possessed by the mother if the application is accompanied by certification of maternity based on genetic parentage testing of mother and applicant establishing the mother of the applicant at a cumulative maternity index of at least 99. If the father of the applicant is a member of the Tribe, the applicant shall be deemed to possess one-half the Grand Ronde blood quantum of the father if the application is accompanied by certification of paternity based on genetic parentage testing of father and applicant establishing the father of the applicant at a cumulative paternity index of at least 99. The Tribe will reimburse an applicant for the reasonable cost of genetic parentage testing if such testing establishes the parent of the applicant through whom Grand Ronde blood is derived and the applicant's name is added to the membership roll. In the event genetic parentage testing is impossible to conduct because the parent is deceased, then parentage may be established by a preponderance of the evidence using affidavits of the living parent and Tribal members familiar with the parent-child relationship and use of genetic testing, if available.

(B) The Tribal Indian Child Welfare Program shall provide to the Enrollment Office any information about parentage of children in its care or custody or being considered for same that are being considered for enrollment.

(4) Persons adopted by members of the Tribe or by the Tribe are not eligible for enrollment unless they independently meet the requirements of this Ordinance.

(5) Notwithstanding any requirements prescribed in this Ordinance, the Council may adopt any person as an honorary member of the Tribe pursuant to Article V, Section 4 of the Tribal Constitution; provided that no honorary member shall have any right to vote, share in tribal assets or distributions, or participate in the government of the Tribe. Provided further, that no person shall be adopted as an honorary member by the Council unless that person shall have a significant community relationship with the Tribe. A significant community relationship shall include, but not be limited to, continued and dedicated service to the Tribe, its government, or its membership. The decision of the Council in adopting any person as an honorary member shall be final and not subject to review; provided that denial of honorary membership to any person by the Council may be reconsidered in light of new or additional evidence supporting the case for honorary membership; provided further, the Council may, for cause shown, revoke the honorary membership of any persons by majority vote of the Council.

(c) ENROLLMENT STAFF AND COMMITTEE.

(1) Enrollment Staff. The Chief of Staff shall authorize the hiring of such staff as it deems necessary to fulfill the functions identified in this Ordinance. The Enrollment Staff shall be hired in accordance with Tribal personnel policy and be subject to all Tribal personnel policies in the same manner as other Tribal employees.

(2) Duties and Powers of Enrollment Staff. The Enrollment Staff shall establish enrollment procedures, with the consent of the Council, and which are consistent with this Ordinance. The Enrollment Staff shall make a semi-annual report to the Tribal and General Council of its proceedings and activities, including the number of new enrollees during the preceding six months and the current number of Tribal members. The Enrollment Staff shall maintain the roll. The records shall include originals or certified copies of documents received to support the applications. The Enrollment Staff shall review and evaluate all applications for membership, and submit its proposed recommendations for adult applicants (those who are 18 years of age or older) to the Enrollment Committee for the Committee's consideration. The Enrollment Staff shall review and evaluate all applications for membership for minor applicants and shall forward such applications for determination as follows:

(A) For minors between 6 months and 18 years of age who are not subject to the emergency enrollment provisions of Subsection (c)(2)(C) of this Section, the Enrollment Staff shall submit its proposed recommendations to the Enrollment Committee for the Committee's consideration.

(B) For minors between newborn and 6 months of age who are not subject to the emergency enrollment provisions of Subsection (c)(2)(C) of this Section, the Enrollment Staff shall submit its proposed recommendations directly to Tribal Council for its consideration.

(C) For minors who may be eligible for enrollment and who are the subject of a Tribal or state court proceeding involving the custody of the child, the Enrollment Staff shall determine whether the child is eligible for enrollment as soon as practicable. If the child is eligible for enrollment, the ICW Program or the state agency having custody of the Child shall file an application for the child's enrollment on behalf of the parent(s), legal guardians or legal custodians and, if the application otherwise meets the criteria established by this Ordinance, shall forward such application directly to Tribal Council for its consideration.

(3) Enrollment Committee. The Enrollment Committee shall be appointed by the Council and selected from the Tribal membership to serve in an advisory capacity. Committee members may be compensated for their services at a rate set by Tribal Council and shall be reimbursed for expenses according to such policy as the Tribal Council may adopt. Upon accepting appointment, each Committee member shall sign an oath which shall become part of the Enrollment Records stating that he or she will serve according to the best of his or her ability and will follow the Grand Ronde Constitution and this Ordinance.

(4) Duties and Powers of the Enrollment Committee. The Committee's responsibilities shall include the adoption or rejection of the Enrollment Staff's proposed recommendations regarding applications for enrollment. If the Committee's recommendation is to approve an application for membership, said recommendation shall be submitted to the Tribal Council by the Enrollment Staff pursuant to Section (d) of this

Ordinance. If the Committee's recommendation shall be to reject an application for membership, said recommendation shall be subject to the right to protest as set forth in Section (d) of this Ordinance. The Committee shall hold no more than four regular meetings per year at which the Committee will review membership applications. Regular meetings shall be held quarterly after the enrollment application deadlines of March 1, June 1, September 1, and December 1 of each year. The Committee may hold one special meeting per month, provided that:

(A) The Committee receives a written directive from Tribal Council assigning the Committee a specific task;

(B) Professional enrollment training is identified by either the Committee or Enrollment Staff and is budgeted for and authorized by Tribal Council or Tribal Council's Chief of Staff;

(C) A protest of a Committee decisions has been filed in accordance with Section (d)(4)(C) of this Ordinance; or

(D) The Committee receives notice from Enrollment Staff that a special meeting is necessary to hear an enrollment related issue requiring Committee action.

(5) Access to Records; Confidentiality.

(A) The term "Enrollment Records" means all documents contained in Enrollment Department enrollment files and any compilation of information prepared by the Enrollment Department from information contained in enrollment files whether in written or electronic form.

(B) For purposes of this Subsection (c)(5), the term "Applicant" means an individual who has filed an application for membership with supporting documents sufficient to evidence Tribal lineage.

(C) All Enrollment Records, except adoption records, shall remain open during business hours to inspection by the Chief of Staff, the Tribal Attorneys and Enrollment Staff.

(D) Tribal members and Applicants may access Enrollment Records (except adoption records, adoption related information, and social security numbers) as follows:

(i) Tribal members and Applicants may, in the presence of Enrollment Staff, view and take notes of electronic Enrollment Records contained in:

a. Their own enrollment file.

- b. The enrollment files of their deceased lineal ancestors.
- c. The enrollment files of their living lineal ancestors, if such access is authorized in writing by the living ancestor. Such authorization may be general or specific in nature, at the sole discretion of the living ancestor.

(ii) Tribal members and Applicants may also receive copies of any documents they are authorized to view.

(E) Except as thus provided, all Enrollment Records shall be confidential. Enrollment Records, except adoption records, may also be inspected by Tribal members pursuant to a Tribal Court order authorizing access to Enrollment Records; provided however, that such order may only be issued upon a showing by the requesting Tribal member of a good faith basis or reason for accessing the requested Enrollment Records. Revealing information in the Enrollment Records to someone other than a Tribal member, Applicant, the Chief of Staff, the Tribal Attorney, the Enrollment Committee or Enrollment Staff shall be deemed grounds for termination of employment, recall of an elected Tribal official, or cause for removing a Committee member.

(F) Nothing in this Subsection shall prohibit the Enrollment Staff from providing Tribal member identifying information, such as name, address, telephone number, roll number and social security number, to Tribal government programs, agencies, departments or wholly owned enterprises for use in providing information, services and benefits to Tribal members or the Tribe's use of this information for such authorized purposes. Any unauthorized use of this information shall be a violation of this Ordinance.

(G) The official Tribal membership roll is not an Enrollment Record subject to the confidentiality provisions of this Subsection (c)(5).

(d) PROCEDURES FOR MEMBERSHIP APPLICATION.

(1) Application Form. Enrollment Staff shall develop an application form which must be used when making an application for enrollment. The form shall be entitled "Application for Enrollment" and shall contain space for the following information:

- (A) Name and address of the applicant;
- (B) All names by which the applicant is or has been known;
- (C) Date of birth of the applicant;
- (D) Names of the parents of the applicant and the Tribal ancestor on the Restoration Act Roll through whom Grand Ronde blood quantum is traced;

(E) If the applicant is under the age of 18 or incompetent, the name, address and relationship of the person making the application on behalf of such minor or incompetent;

(F) Certification by the applicant, or by the person making the application on behalf of the minor or the incompetent applicant, that the information is true.

(2) Supporting Documents. Documentation evidencing eligibility for enrollment shall accompany the application. Enrollment Staff shall have the authority to require applicant to furnish such additional evidence or proof as is necessary to make a determination. Any handwritten corrections or additions on documentation will be considered alterations. Altered documents will be unacceptable for enrollment purposes. Enrollment Staff shall establish the nature and types of acceptable evidence, which will include but not be limited to, court documents, and state or federal records. Copies of these documents may be submitted in lieu of originals, provided the copies are certified to be true copies by the office having custody of the original record. Enrollment Staff may copy such certified true copies and return the original true copy to the applicant provided Enrollment Staff retain a copy which is certified by Enrollment Staff to be a true copy.

(3) Who May Apply. Any person who believes that he or she meets the requirements for membership in the Tribe may submit an application for enrollment to the Enrollment Staff. Applications for minor children under the age of eighteen (18) and incompetents may be filed by a parent, legal guardian, other person who has custody of the child under tribal law or custom or to whom physical care, custody, and control has been transferred by the parent of such child, or a member of the Council.

(4) Processing Applications; Right to Protest; Tribal Council Action.

(A) Except as provided in Subsections (c)(2)(B) and (C) of this Ordinance, the Enrollment Staff shall process each complete application and make recommendations to the Committee at the next regular meeting. In the event staff needs further information necessary to make its proposed recommendation, it shall inform the applicant by letter, with a request for the information needed. Upon receiving the additional information, the staff shall process the application. The applicant has the responsibility of proving the statements made in his or her application. In the event the information needed is not provided by the date specified in the Enrollment Staff's request, the application will be forwarded to the Committee at its next regular meeting as an incomplete application with a recommendation of denial.

(B) If the Committee finds that an application is complete and the applicant appears to meet the requirements of this Ordinance, the Enrollment Staff shall prepare a written statement within sixty (60) days for the Council.

(C) If the Committee finds that an applicant appears not to meet the requests of this Ordinance, the Enrollment Staff shall mail notice of this finding by certified mail to the applicant. The applicant may file a protest with the Enrollment Staff within thirty (30) days of receipt of the certified letter, stating the reasons he or she believes the application should be approved.

(D) If a protest is filed, the Enrollment Staff may reconsider the application in light of the information submitted with the protest and shall submit its proposed recommendations, with justification, together with the protest, to the Enrollment Committee within fifteen (15) days of receipt. The Enrollment Committee shall make its decision within forty-five (45) days of receiving the Enrollment Staff's proposed final recommendation. If the Committee's decision is to reject the application, the applicant may appeal the Committee's determination in accordance with Subsection (H) of this Section.

(E) If the Committee recommends that an application be approved the Council shall act on the Committee's recommendation.

(F) When the Council approves an application for enrollment, the Enrollment Staff shall enter the name of the applicant on the official tribal membership roll and notify the applicant. If the Council decides to reject an application for enrollment, the applicant shall be notified by certified mail and advised of his or her right to appeal the decision in accordance with Subsection (H) of this Section. If the Council decides to remand an application to the Enrollment Committee for further investigation and redetermination, the applicant shall be notified by certified mail of the remand determination.

(G) The Council may, by majority vote, reopen rejected applications when new substantial evidence is submitted to support the applicant's position and when the Council determines that justice requires such recognition.

(H) An applicant who has exhausted his or her appeal rights under Subsections (D) and (F) of this Section and is aggrieved by the enrollment decision of the Enrollment Committee or Tribal Council has the right to appeal the determination of the Committee or Council to the Tribal Court, but only on the grounds that the determination was arbitrary and capricious or a violation of Tribal Constitutional rights. Such appeal must be filed with the Court in writing on or before the fourteenth (14th) day following receipt of the written determination of the Committee or action by Council. The Court shall review, on the record, the determination of the Committee or Council. The party appealing the Committee or Council's decision shall have the burden of persuading the Tribal Court that the enrollment decision appealed from was arbitrary or capricious or a violation of Tribal Constitutional rights. The Tribal Court shall give due deference to the rule of nonprejudicial error and matters within the expertise or judgment of the Committee or Council. The Tribal Court shall recognize the obligations of the Tribe and the Committee under the Tribal Constitution. The only remedy which

the Tribal Court may order in matters appealed under this Ordinance is referring the matter back to the Enrollment Committee or Tribal Council for reconsideration in light of the Tribal Court's ruling in such matter. An applicant denied enrollment shall not, under any circumstances, be compensated in money damages against the Tribe, its employees or officers.

(5) Burden of Proof and Standard of Proof. The burden of proof shall be upon the applicant to establish all elements of the applicant's qualification for to enrollment under the Tribal Constitution and rules and regulations of this Ordinance, unless otherwise specifically stated herein. Any matters required to be proved under this Ordinance, unless otherwise specifically stated, must be proved to the satisfaction of the Enrollment Committee or the Tribal Council, as provided herein, by clear and convincing evidence.

(e) PROOF OF DESCENDANCY.

(1) Enrollment Staff may issue either a descendency letter or a Certificate of Descendency to direct descendants of Tribal members as provided in this Section.

(A) Enrollment Staff may, for Indian health services, educational services, and scholarship purposes only, issue a descendency letter to a direct descendant of a Tribal member. The descendency applicant must complete the required application and provide documentation evidencing proof of descendency. Enrollment Staff shall have the authority to require the descendency applicant to furnish such additional evidence or proof as is necessary to make a determination. A descendency letter issued under this Section may not be used as proof of enrollment with the Confederated Tribes of Grand Ronde.

(B) Enrollment Staff may issue a Certificate of Descendency for direct descendants of Tribal members. The descendency applicant must complete the required application and provide DNA proof (genetic testing) that they are a direct descendant of a Tribal member. Genetic testing must be done by a lab approved by Enrollment Staff. If the mother of the descendency applicant is a member of the Tribe, the descendency applicant must provide genetic parentage testing establishing the mother at a cumulative maternity index of at least 99. If the father of the descendency applicant is a member of the Tribe, the descendency applicant must provide genetic parentage testing establishing the father at a cumulative paternity index of at least 99. In the event genetic parentage testing is impossible to conduct because the Tribal member parent is deceased, then parentage may be established by a preponderance of the evidence using other genetic testing. DNA testing under this Section shall be at the sole cost of the descendency applicant. A Certificate of Descendency issued under this Section may not be used as proof of enrollment with the Confederated Tribes of Grand Ronde.

(f) PROCEDURES FOR CORRECTION OF MEMBERSHIP ROLL – BLOOD DEGREE CORRECTION.

- (1) Initiation. Blood degree corrections may be initiated only by:
 - (A) Enrollment Staff; or
 - (B) Tribal members wishing to make correction to their own or their minor dependent's blood degree.
- (2) Application to Correct Blood Quantum.
 - (A) Any Tribal member may file an application for blood degree correction with the Enrollment Office for correction of the member's blood degree or that of a minor dependent.
 - (B) Enrollment Staff may file an application to correct blood degree pertaining to any member or groups of members.
 - (C) All applications shall be accompanied by documents supporting the requested change. To the extent reasonably possible, Enrollment Staff will verify the information in the supporting documents accompanying the application.
- (3) Notification to Affected Members.
 - (A) The Enrollment Staff will provide members affected by the requested change with a true and correct copy of the application and supporting documents, not otherwise confidential under the Enrollment Ordinance. Enrollment Staff will make reasonable efforts to identify affected members using Tribal Enrollment Records, but it is recognized that all affected members may not be known or able to be reasonably identified.
 - (B) Affected members will have thirty (30) days to file, if they so desire, a response to the proposed blood degree correction. The response shall be accompanied by supporting documents. To the extent reasonably possible, Enrollment Staff will verify the information in the supporting documents accompanying the response.
- (4) Standard of Proof. In all proceedings regarding blood degree corrections, the person seeking a blood degree correction shall be required to prove by clear and convincing evidence that a blood degree other than that listed on the Official Tribal Membership Roll, for the person whose blood degree is at issue, is the correct blood degree, and also to so establish what the precise blood degree to be listed on the roll should be. There shall be a presumption, rebuttable by the applicant or affected member that the blood degree listed on the roll is correct.

(5) Recommendation of Enrollment Staff. Enrollment Staff will prepare a written report to the Enrollment Committee recommending whether the proposed or any other blood degree corrections should be made related to the application. The Enrollment Staff will state in the report the reasons for the recommendation. The report will be presented to the Enrollment Committee within a reasonable time after the receipt of the application and verification of documentation by the Enrollment Staff.

(6) Enrollment Committee Action.

(A) Enrollment Staff will deliver its report to the Enrollment Committee. Upon receipt of the report, the Enrollment Committee will schedule a time for presentation by the Enrollment Staff and applicant, if applicant wishes, at a special meeting. After consideration of the report the Enrollment Committee shall make a determination on each application presented.

(B) The Enrollment Committee's denial of an application for blood quantum change is final.

(C) If the Enrollment Committee determines that a blood degree correction is necessary, it will report its determination with the reasons for its recommendation to the Enrollment Staff.

(D) Enrollment Staff will make a recommendation to Tribal Council consistent with the Enrollment Committee's determination and recommendation.

(E) Enrollment Staff will notify by certified mail, the applicants, as well as any affected members, of the Enrollment Committee's determination and reason for its recommendation.

(7) Tribal Council Action.

(A) Upon receipt of the Enrollment Staff's recommendation that a blood degree correction is necessary, Tribal Council will review the Enrollment Staff's report and supporting documentation and the Enrollment Committee's determination and recommendation and vote on the Enrollment Committee's recommendation.

(B) No application for blood degree correction is approved until approved by Tribal Council resolution.

(8) Appeals. The Enrollment Staff will provide, by certified mail, the applicant with notice of the Tribal Council's action and a copy of the Tribal Council Resolution taking action on the resolution. Enrollment Staff will inform the applicant of the right to appeal the Tribal Council decision in accordance with Section (d)(4)(H) of this Ordinance.

(9) Notification of Correction. Enrollment Staff will change the Official Tribal Membership Roll according to the resolution approved by Tribal Council and shall notify the applicant and any persons found to be affected by the decision of such actions.

(10) Reapplication After Rejection. Unless prohibited by Tribal Council resolution, Enrollment Staff will accept new applications by rejected applicants provided the new application contains information not previously considered by Enrollment Staff or the Enrollment Committee.

(g) PROCEDURES FOR CORRECTION OF MEMBERSHIP ROLL – NON-BLOOD DEGREE CORRECTION.

(1) Technical Corrections.

(A) Anytime a correction to the Official Tribal Membership Roll is deemed necessary by Enrollment Staff due to a misprint or other similar action, the Member Services Program Manager will correct the records.

(B) Such technical corrections may be initiated by anyone by informing the Enrollment Staff of the error and clearly identifying the error.

(C) Upon learning that a technical correction may be necessary, the Enrollment Staff will identify the possible error and confirm through Tribal Enrollment Records and other supporting documentation as may be deemed necessary to confirm the error and determine the correction. For example, if a Tribal member's date of birth is incorrect on the Official Tribal Membership Roll, Enrollment Staff will review the member's official birth certificate on file to confirm the correct date of birth or will obtain such birth certificate if not available in the current Tribal records.

(2) Corrections Due to Status Change.

(A) Anytime a change to the Official Tribal Membership Roll is deemed necessary by Enrollment Staff due to a change in a Tribal member's status, such as a name change, the Member Services Program Manager will correct the records.

(B) Any member may file a written request with the Enrollment Office to correct information on the Official Tribal Membership Roll for that member or the member's children. The Enrollment Staff may also initiate corrections.

(C) All requests for correction under this Section shall be accompanied by documents supporting the requested change, such as a copy of the official document that effected a name change (marriage license, corrected birth certificate, court order, etc.).

(D) Upon receipt of a request for correction under this Section, Enrollment Staff shall promptly review the request with accompanying documentation and determine if a correction is necessary.

(h) PROCEDURES FOR CORRECTION OF THE OFFICIAL TRIBAL MEMBERSHIP ROLL PREPARED UNDER THE GRAND RONDE RESTORATION ACT (“RESTORATION ROLL”).

(1) Correction. Corrections to the Restoration Roll shall be limited to:

(A) Correcting typographical, spelling or blood quantum errors; and

(B) Adding the name of a Tribal member or deceased individual whose name was mistakenly omitted despite the fact that, as of the date of the Restoration Roll, the individual met the requirements for inclusion under the Grand Ronde Restoration Act; and

(C) Removing the name of a living individual who did not meet the requirements for inclusion under the Grand Ronde Restoration Act as of the date of the Restoration Roll.

(2) Initiation. Restoration Roll corrections may be initiated only by:

(A) Enrollment Staff; or

(B) Tribal members wishing to make correction to the Restoration Roll.

(3) Application to Correct Restoration Roll.

(A) Any Tribal member may file an application for Restoration Roll correction with the Enrollment Office for themselves, their lineal ancestors or their lineal descendants.

(B) Enrollment Staff may file an application to correct the Restoration Roll pertaining to any member or groups of members.

(C) All applications shall be accompanied by documents supporting the requested correction. To the extent reasonably possible, Enrollment Staff will verify the information in the supporting documents accompanying the application.

(4) Notification to Affected Members.

(A) The Enrollment Staff will provide members or guardians of minor members affected by the requested correction with a true and correct copy of the application and supporting documents, not otherwise confidential under the Enrollment Ordinance. Enrollment Staff will make reasonable efforts to identify

affected members using Tribal Enrollment Records, but it is recognized that all affected members may not be known or able to be reasonably identified.

(B) Affected members will have thirty (30) days to file, if they so desire, a response to the requested Restoration Roll correction. The response shall be accompanied by supporting documents. To the extent reasonably possible, Enrollment Staff will verify the information in the supporting documents accompanying the response.

(5) Requirements for Inclusion on Restoration Roll. To be eligible for inclusion on the Restoration Roll an individual must meet the following requirements:

(A) Individual is living and a member of the Tribe or deceased; and

(B) Individual was living at the time the Restoration Roll was established; and

(C) Individual's name was listed on final membership roll published on April 6, 1956, in the Federal Register; or

(D) Individual was entitled to be on the membership roll of the Tribe on August 13, 1954 [date of Termination Act], but was not listed, or

(E) Individual is a descendant of an individual described in (C) or (D) immediately above and possesses at least 1/4th degree of blood of members of the tribe.

(6) Requirements for Removal from the Restoration Roll. An individual to be removed from the Restoration Roll must be found to not have met the requirements for inclusion on the Restoration Roll under the Grand Ronde Restoration Act. All notices required under this Section, to individuals or affected members of individuals to be removed shall be by certified mail.

(7) Standard of Proof. In all proceedings regarding Restoration Roll corrections, the person seeking a correction shall be required to prove by clear and convincing evidence that the Restoration Roll is in error and to establish what the correction should be. There shall be a presumption, rebuttable by the applicant or affected member, that the Restoration Roll is correct. To establish that the Restoration Roll is in error, the applicant must provide documented evidence of: (1) a typographical, spelling or blood quantum error; (2) that the individual meets the requirements in paragraph (h)(5) above; or (3) that the individual did not meet the Grand Ronde Restoration Act requirements for inclusion on the Restoration Roll as of the date of the Restoration Roll.

(8) Recommendation of Enrollment Staff. Enrollment Staff will prepare a written report to the Enrollment Committee recommending whether the proposed or any other corrections should be made related to the application. The Enrollment Staff will state in the report the reasons for the recommendation. The report will be presented to the

Enrollment Committee within a reasonable time after the receipt of the application, necessary research and verification of documentation by the Enrollment Staff.

(9) Enrollment Committee Action.

(A) Enrollment Staff will deliver its report to the Enrollment Committee. Upon receipt of the report, the Enrollment Committee will schedule a time for presentation by the Enrollment Staff, applicant, if applicant wishes, and any affected members, if they wish at a special meeting. After consideration of the report the Enrollment Committee shall make a determination on each application presented.

(B) The Enrollment Committee's denial of an application for Restoration Roll correction is final.

(C) If the Enrollment Committee determines that a correction is necessary, it will report its determination with the reasons for its recommendation to the Enrollment Staff.

(D) Enrollment Staff will make a recommendation to Tribal Council consistent with the Enrollment Committee's determination and recommendation.

(E) Enrollment Staff will notify by mail, the applicants, as well as any affected members or the guardian of affected minor members, of the Enrollment Committee's determination and reason for its recommendation.

(10) Tribal Council Action.

(A) Upon receipt of the Enrollment Staff's recommendation that a Restoration Roll correction is necessary, Tribal Council will review the Enrollment Staff's report and supporting documentation and the Enrollment Committee's determination and recommendation and vote on the Enrollment Committee's recommendation.

(B) If Tribal Council finds a correction to the Restoration Roll is appropriate, it will pass a Tribal Council Resolution finding the correction appropriate and request the Secretary of the Interior approve the Restoration Roll correction. No correction of the Restoration Roll is approved and authorized until approved by the Secretary of the Interior.

(C) If Tribal Council finds a correction to the Restoration Roll is not appropriate, it shall deny the correction by Tribal Council Resolution and such decision shall be final.

(11) Notification of Correction. Enrollment Staff will correct the Tribe's Restoration Roll record according to approval of the Secretary of the Interior and will notify the applicant and any persons found to be affected by the decision of such actions.

(12) Reapplication After Rejection. Unless prohibited by Tribal Council resolution, Enrollment Staff will accept new applications by rejected applicants provided the new application contains information not previously considered by Enrollment Staff or the Enrollment Committee.

(i) RELINQUISHMENT OF MEMBERSHIP. Any member of the Tribe may relinquish his or her membership in the Tribe with the consent of the Council. Upon receipt of written notice of relinquishment, Council shall, if it consents to the relinquishment, direct Enrollment Staff to remove the name of the individual from the roll. The individual may reapply for membership three (3) years after relinquishment but must comply with the requirements of this Ordinance. Upon reaching eighteen (18) years of age, a child whose membership was relinquished may re-apply for membership without waiting three (3) years. An individual or agency acquiring legal custody of a minor whose enrollment has been relinquished by a previous legal custodian is not required to comply with the three-year limitation on re-enrollment in this Section. Such succeeding legal custodian may apply for re-enrollment of the minor in the Tribe in accordance with this Ordinance.

(j) LOSS OF MEMBERSHIP.

(1) Moratorium. In order to provide time to address issues with Tribal enrollment records, for two (2) years beginning August 25, 2021, Enrollment Staff shall not recommend any removals from the Tribal roll regarding a member being enrolled in error because he or she did not meet the requirements set for membership at the time of enrollment. This provision shall not prevent the disenrollment of a member who is dually enrolled in another tribe in violation of the Tribal Constitution.

(2) Grounds. Enrollment Staff shall recommend to the Enrollment Committee the removal from the Tribal roll, of any person who becomes ineligible for membership because of enrollment in another federally recognized tribe, band or community or has been enrolled in error because he or she did not meet the requirements set for membership at the time of enrollment.

(3) Procedure. Enrollment Staff shall mail a copy of the recommendation for removal from the Tribal roll, along with a notice of right to a hearing, by certified mail, to the member. The notice shall inform the member of their right to: request a hearing before the Enrollment Committee; hear the evidence against him or her; confront witnesses; be represented by legal counsel at his or her own expense; and to present evidence. A request for hearing with the Enrollment Committee must be made within thirty (30) days of receipt of notice of the right to a hearing. The notice shall be deemed received five (5) days after the mailing date or on the date noticed on the return receipt, whichever is earlier.

(4) Hearings, Findings and Determinations.

(A) If a request for hearing is received, the Enrollment Committee shall hold a hearing within forty-five (45) days of receipt of the request for hearing. If a request for hearing is not received within the required time, the Committee shall issue its decision within fourteen (14) days following the expiration of the required time for requesting a hearing.

(B) If the Enrollment Committee finds that evidence has been provided establishing reasonable doubt of a member's required lineage, the Committee may order that the member, and necessary family members, submit to DNA testing to be conducted by an independent testing laboratory contracted by and paid for by the Tribe in order to establish required lineage. The member may elect to have his or her DNA re-tested at the member's own expense by an independent testing laboratory approved by the Tribe. If the results of the Tribally contracted laboratory and the member contracted laboratory are different, the member shall submit to a third DNA test, at the Tribe's expense, by another independent testing laboratory with Tribally required certification which is selected by the member. The Committee may find that a member's, or necessary family member's, failure to cooperate with Enrollment Staff or failure to submit to DNA analysis within sixty (60) days of the Committee's order is equivalent to an admission of ineligibility for membership or lack of required lineage. For purposes of this provision "reasonable doubt" is a doubt based upon reason and common sense and is not based purely on speculation. It may arise from a careful and impartial consideration of all the evidence, or from lack of evidence of required lineage.

(C) If the Committee finds that evidence supports loss of membership, the Committee shall recommend to Tribal Council removal from the roll and the Council shall act on the Committee's recommendation at its next regular meeting following forty-five (45) days of receipt of the recommendation, unless extended by Tribal Council resolution. Enrollment Staff shall mail notice to the member of when the disenrollment recommendation will be acted upon by Tribal Council. The notice shall inform the member of their right to request a hearing before Tribal Council to present new evidence not previously submitted to Enrollment Staff or the Enrollment Committee. A request for a Tribal Council hearing must be made within fourteen (14) days of receipt of notice of the right to a hearing. Tribal Council may also call for a hearing to ask questions of the member and Enrollment Staff. Enrollment Staff shall mail notice to the member of the date and time of the hearing, if any. Hearings before Tribal Council under this provision shall be held in executive session and solely for the purpose of submitting new information or answering Tribal Council questions. The hearing will be recorded for purposes of Tribal Court appeal record only. The hearing will be held at least fourteen (14) days before the regular Tribal Council meeting at which action will take place on the loss of membership recommendation. Notices provided under this Section shall be deemed received five (5) days after the mailing date or on the date noticed on the return receipt, whichever is earlier.

(D) If Tribal Council issues a decision for removal from the roll, the Enrollment Staff shall mail notice of this decision and a copy of the decision by certified mail to the member. The member may appeal the decision to the Tribal Court within thirty (30) days of receipt. The notice shall be deemed received five (5) days after the mailing date or on the date noticed on the return receipt, whichever is earlier. If the member does not appeal the decision to the Tribal Court within the required time, the Enrollment Staff shall remove the member's name from the Tribal Roll. If the member appeals the decision to the Tribal Court within the required time, the member will be provisionally disenrolled from the Tribe and, except as otherwise provided in Subsection (j)(4) below, all rights and privileges of membership shall cease pending exhaustion of the appeal process.

(5) Suspension of Tribal Benefits. Upon issuance of a Tribal Council decision for removal from the roll, all Tribal benefits except those benefits available to the member under the Tribal health program, shall be suspended and held by the Tribe pending expiration of the time period for filing an appeal or, if an appeal is filed, exhaustion of the appeal process. Notwithstanding the above, a provisionally disenrolled member residing in Tribal housing may continue to reside in Tribal housing under the terms of their lease or other rental agreement pending expiration of the time period for filing an appeal or, if an appeal is filed, exhaustion of the appeal process. Enrollment Staff shall notify the member, General Manager, and Finance Officer in writing of the suspension of Tribal benefits. If the Tribal Council's decision is affirmed on appeal all benefits held in suspension will be released to the Tribe and eligibility for Tribal member benefits, including those under the Tribal health program and to Tribal housing, shall cease. If the Tribal Council's decision is remanded on appeal the Suspension of Tribal Benefits shall continue until a decision of the Tribal Council on remand is reached and any appeal to Tribal Court has been exhausted. If the Tribal Council's decision is reversed the suspension of Tribal benefits will be lifted and amounts held in suspension will be paid to the member.

(6) Tribal Court Appeal.

(A) *Filing.* An appeal of the Tribal Council's decision must be filed with the Tribal Court in writing on or before the thirtieth (30th) day following receipt of the Council's written decision. The Council's written decision shall be deemed received five (5) days after the mailing date or on the date noticed on the return receipt, whichever is earlier. Prior to filing an appeal with the Tribal Court, the Appellant shall serve copies of the appeal on (a) the Tribe's General Manager and (b) the Tribal Attorney. Proof of such service shall be filed with the Tribal Court together with the appeal. Failure to timely appeal or to serve the appeal and file proof of such service as set forth herein shall be jurisdictional defects which shall deprive the Tribal Court of jurisdiction to hear the appeal. Service may be made by personal service or by proof of mailing by certified mail, return receipt requested. Where service is by certified mail, return receipt requested, service

shall be deemed effective on the day of such mailing. No fee shall be charged by the Tribal Court for the filing of an appeal as provided under this Ordinance.

(B) *Review on the Record.* The appeal shall be submitted to and reviewed by the Tribal Court without a jury on the underlying record, or on that part of the record relied upon by the parties with the aid of briefing and oral argument. The Tribal Court shall give due deference to the rule of non-prejudicial error and matters within the expertise or judgment of the Committee and Tribal Council. The Tribal Court shall recognize the obligations of the Tribe, Tribal Council, and the Committee to uphold the requirements for enrollment under the Tribal Constitution.

(C) *Production of the Record.* Within fourteen (14) business days following the date an appeal is filed, the Tribe shall transmit to the Tribal Court the entire underlying record before the Enrollment Committee and Tribal Council relating to the decision being appealed. A copy of the record provided to the Tribal Court shall be transmitted to the Appellant, the Tribe shall provide the Appellant or his/her attorney with a complete copy, except adoption records if adoption is not the basis for loss of membership, of the Appellant's enrollment file. Within five (5) days of receipt of the record submitted to the Tribal Court, the Appellant may file a written request with the Court identifying additional documents or information which the Appellant believes should be included in the record. If it is shown to the satisfaction of the Tribal Court that the additional documents or information cited by the Appellant were part of the underlying record, the Tribal Court shall order that such documents or information be included in the record to be considered by the Tribal Court. The record shall be maintained under seal and no person other than authorized representatives of the parties and the Tribal Court shall be allowed to review the record except upon an order issued by the Tribal Court after notice to the parties. Such orders are not favored and may not be issued except with the consent of the parties or upon a showing of exceptional necessity or a legal requirement mandating the requested disclosure.

(D) *Pre-hearing Conference.* The Court shall schedule and conduct a prehearing conference within fourteen (14) days of the filing of the underlying record. The prehearing conference may deal with such matters as: (a) supplementation or shortening of the record; (b) clarification of the specific issues presented on appeal; (c) scheduling of briefs or other written argument; (d) setting of the date for a hearing on oral argument; and (e) such deadlines and other matters as may expedite the orderly and prompt resolution of the issues presented by the appeal.

(E) *Hearing.* Notwithstanding anything to the contrary herein, the Court shall set a date for a hearing/oral argument on the appeal not more than ninety (90) days following the date the appeal is filed. In order to ensure loss of membership appeals are timely addressed, postponements of the hearing date shall be granted only for compelling reasons or with the consent of all parties.

(F) *Burden of Proof/Standard of Review.* The Appellant shall have the burden of proof. The standard of review shall be as follows:

(i) Findings of fact shall be upheld unless unsupported by substantial evidence in the record.

(ii) Questions of law or mixed questions of law and fact shall be reviewed de novo.

(G) *Decision.* The Tribal Court may affirm Tribal Council's decision; remand the case to Tribal Council; or reverse Tribal Council's decision. The Tribal Court shall not issue a money award of any kind, including but not limited to attorney's fees. If Tribal Council's decision is affirmed, the Court shall issue an order directing the Enrollment Staff to remove the Appellant's name from the Tribal Roll which shall be deemed effective on the date of Tribal Council's decision. If Tribal Council's decision is reversed the Court shall issue an order directing that the Appellant's membership be reinstated.

(7) Appeal of Tribal Court Decision. The decision of the Tribal Trial Court may be appealed to the Tribal Court of Appeals. Such appeal must be filed within fourteen (14) days after receipt of the Tribal Trial Court's decision.

(8) Reinstatement of Membership. Tribal Council may reinstate membership following loss of membership under the following conditions:

(A) Tribal Council determines that reinstatement of membership is appropriate under Tribal law, including Tribal case law;

(B) The loss of membership decision was made by the Enrollment Committee/Board between July 2, 2014, and January 28, 2018, the time period during which the Enrollment Committee/Board made the final loss of membership decision;

(C) The individual being reinstated did not become a member of any other federally recognized Indian Tribe following loss of membership and met the Constitutional blood quantum requirements for membership at the time he or she was originally enrolled;

(D) The reinstated member shall be reassigned his or her original membership roll number;

(E) Reinstatement of membership shall be effective on the date approved by Tribal Council Resolution at which time the reinstated member shall be eligible for Tribal benefits;

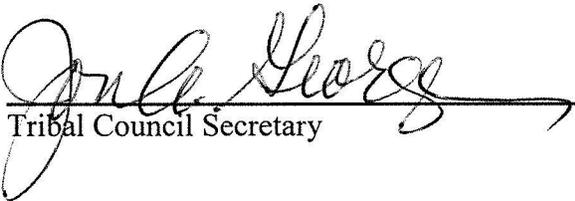
(F) There is no right to Tribal benefits or payments during the time period prior to reinstatement; and

(G) The decision to reinstate membership pursuant to this provision is at the sole discretion of Tribal Council.

(k) DECEASED MEMBERS. The Enrollment/Vital Statistics Offices shall keep a record of deceased Tribal members.

(l) PUBLICATION. An updated Tribal roll shall be compiled in March of every year by Enrollment Staff and shall be made available to all Tribal members. The Tribal roll shall be kept in the Tribal office at Grand Ronde, Oregon, and shall be available for inspection upon request of any Tribal member.

I certify this to be a true copy of the Confederated Tribes of the Grand Ronde Community of Oregon Enrollment Ordinance.


Tribal Council Secretary

P:\PERSDIR\Legal\TribalCouncil\Ordinance Finals\Current\Enrollment Ordinance - Amended 08-25-21.docx