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# SENECA-CAYUGA NATION ENROLLMENT ORDINANCE

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PURSUANT TO THE GENERAL COUNCIL



JUNE 5, 2021

SENECA-CAYUGA NATION  
23701 S. 655 Road, Grove, OK 74344

# SENECA-CAYUGA NATION ENROLLMENT ORDINANCE

## AUTHORITY:

This Enrollment Ordinance of the Seneca-Cayuga Nation is enacted by the General Council of the Seneca-Cayuga Nation pursuant to Article III and IV of the Constitution and By-Laws of the Seneca-Cayuga Nation as amended May 15, 2014.

## PURPOSE:

The purpose of this Enrollment Ordinance is to establish guidelines, rules, and an orderly procedure to maintain a current membership roll and provide enrollment of eligible persons into membership of the Seneca-Cayuga Nation.

## DEFINITIONS:

The following terms and phrases, when used in this Ordinance shall have the meaning ascribed to them, except where the context clearly indicates a different meaning:

- (a) **"Adopted Child"** means one whose natural parents' parental rights have been Terminated by a court order and given to another.
- (b) **"Adoption"** Child into a family-Legal action whereby parental rights of natural parents are terminated by court order and assigned to another.
- (c) **"Constitution"** means the Constitution of the Seneca-Cayuga Nation adopted in 1937 and all amendments added thereto.
- (d) **"Direct Lineal Descendant"** Descent through parental lines where the lineage from child to parent, parent to grandparent etc., can be traced back to the 1937 census roll of the Seneca-Cayuga Nation.
- (e) **"Disenrollment"** means, an official act by the Nation to deprive a member of the right to Nation membership.
- (f) **"Documentation"** means the supply of legal evidence to support a statement of fact. No enrollment action will be taken without documentation to support the decision.
- (g) **"Enrollment Committee"** An official group established by the General Council of the Seneca-Cayuga Nation for the purpose of regularly reviewing enrollment applications and recommending (and in some cases deciding) whether they should be approved or rejected.
- (h) **"Enrollment Officer"** Paid Nation worker who assist the Enrollment Committee in all aspects of enrollment. The Enrollment Officer does not have the authority to make enrollment decisions nor direct recommendations.
- (i) **"Family Record Form"** A family record form is used to record and demonstrate the applicant's family relationship, parent and siblings.
- (j) **"Family Tree Chart"** The relationships or lines of descent through parental lines. A family tree chart is used to trace and demonstrate ancestry.

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## DEFINITIONS CONTINUED

- (k) **"Indian"** means any person who is a member of any Indian tribe, band, group, pueblo, or community which is recognized by the Federal Government.
- (l) **"Incompetents"** Persons who have been legally determined to lack the ability or knowledge to take effective action on enrollment procedures.
- (m) **"Marriage"** means, a union of two persons in a personal relationship.
- (n) **"Member"** An individual who has met the membership requirements specified by the Nation Constitution and is enrolled in the Seneca-Cayuga Nation. Member may also apply to an individual who has satisfied the requirements for enrollment in another federally recognized tribe and is officially enrolled in said tribe.
- (o) **"Minor"** An infant or person who is under the age of eighteen (18).
- (p) **"Misrepresent"** To give false or misleading representation with an intent to deceive one's self.
- (q) **"Notarize"** To have a document attested before or authenticated by public officer (a notary) who witnesses the signature and certifies that it is authentic.
- (r) **"Per Capita Payment"** means that aspect of a plan which pertains to the individualization of the judgment funds in the form of shares to Nation members or to individual descendants.
- (s) **"Pursuant to"** In agreement with; according to.
- (t) **"Quorum"** Two-hundred twenty-five members of the Seneca-Cayuga General Council shall constitute a quorum to transact regular business. (Article IV By Laws to the Constitution as amended May 15, 2014).
- (u) **"Relinquishment"** Personal action by a Nation member to sever his/her Nation relationship. The Nation cannot refuse relinquishment unless enrollee is legally incompetent or no legal authority to act on behalf of another person has been established.
- (v) **"Resolution"** A formal statement by the General Council or Business Committee of a decision.
- (w) **"Secretary"** means the Secretary of the Interior or his authorized representative.
- (x) **"Sponsor"** means parent or legal guardian who has the legal authority to file an application for enrollment on behalf of another person because of age or incompetence.
- (y) **"Wedlock"** The state of being married. "Out of wedlock" means outside of the marriage bond. A child born "out of wedlock" is born to a single mother.
- (z) **"1937 Census Roll"** The list of Seneca -Cayuga population compiled in 1937 in which a person seeking enrollment derives his/her eligibility for membership into the Nation.

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## MEMBERSHIP REQUIREMENTS

As set forth in ARTICLE III CONSTITUTION AND BY-LAWS OF THE SENECA-CAYUGA NATION, as amended May 15, 2014:

The membership of the Seneca-Cayuga Nation shall consist of the following persons:

1. All persons of Indian blood whose names appear on the official census roll of the Nation as of January 1, 1937.
2. All children born since the date of the said roll, both of whose parents are members of the Nation.
3. Any child born of a marriage between a member of the Seneca-Cayuga Nation and a member of any other Indian tribe who chooses to affiliate with the Seneca-Cayuga Nation.
4. Any child born of a marriage between a member of the Seneca-Cayuga Nation and any other person, if such child is admitted to membership by the General Council of the Seneca-Cayuga Nation.

## ARTICLE I. APPLICATION FOR ENROLLMENT

### Section A. Who Must File?

All persons not listed on the current Seneca-Cayuga Nation membership roll must file an enrollment application. Application for minors, adopted children, children born out of wedlock or incompetents must be filed by parents or legal guardians. A separate application must be filed by each individual seeking enrollment.

### Section B. When and Where to File an Application

All enrollment applications must be filed with the Enrollment Officer of the Seneca-Cayuga Nation. Application forms may be obtained by oral or written request from the Seneca-Cayuga Nation Office, 23701 S. 655 Road, Grove, Oklahoma 74344.

There is no deadline for filing enrollment applications. However, the General Council is required to take an annual vote on persons who have one parent as a member of the Seneca-Cayuga Nation and the other parent who is not of Indian descent (**Article III Section 4**, Constitution as amended May 15, 2014) and who are seeking membership, the first Saturday in June. To be eligible for the annual General Council vote the completed enrollment application, along with proper and required documentation, must be received by the Enrollment Officer no later than the last working week in May. Completed applications not received prior to the last week in May will remain pending, approximately one year, until an annual vote on membership by the General Council. A deadline may be established for filing enrollment applications and eligibility by the General Council or Business Committee for specific distribution of Nation funds or for other purposes where enrollment information is required.

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## Section C. What the Application Must Contain

Each enrollment application must be completed in its entirety and must contain sufficient personal information to properly determine the applicant's eligibility for enrollment. The form "Seneca-Cayuga Nation Enrollment Application" shall show the following:

1. All names by which the applicant is known, including maiden name;
2. The resident address (cannot be a P.O. Box) and mailing address if different from the residential address of the applicant;
3. The applicant's reachable telephone number;
4. Date and place of applicant's birth;
5. The name of the tribe(s) and degree(s) of Indian blood of any tribe(s) other than the Seneca-Cayuga Nation;
6. Mailing address of other tribe(s);
7. The degree of Seneca-Cayuga Indian blood claimed by applicant;
8. Total degree of Indian blood claimed by applicant, both Seneca-Cayuga and other tribe(s);
9. Tribe(s) and degree(s) of applicant's father and/or mother;
10. The name of the ancestor and roll number appearing on the January 1, 1937 census roll of the Seneca-Cayuga Nation and the relationship to applicant;
11. The requirement of a "yes" or "no" answer to the question: "Is the applicant a direct lineal descendent of a member of the Seneca-Cayuga Nation?";
12. The name and relationship to applicant of the person making application on behalf of an adopted child, child born out of wedlock, minor, or incompetent person;
13. The requirement of a "yes" or "no" answer to the question: "Has applicant ever received a per capita payment as a member of other tribe(s)?" "If yes, what tribe?";
14. Certification that the information given in the enrollment application is true and accurate as known by the applicant or sponsor making the application;
15. The signature of the applicant or sponsor;
16. The date the enrollment application was signed;

Accompanying the application for enrollment will be a Family Tree Chart in order to trace the applicant's Seneca-Cayuga bloodline back to the 1937 Nation Roll. A Family Record Form shall also be a part of the enrollment application. Both the Family Tree Chart and Family Record Form will be required to be filled out in its entirety and returned with the application. (For Family Tree Chart and Family Record Form see Exhibit 1 and 2, respectively).

The application must be accompanied by the applicant's original Birth Certificate with the State Seal affixed or a copy of the original Birth Certificate with the State Seal affixed, notarized attesting it is a copy of the original State certified Birth Certificate, death certificates, divorce decrees, adoption decrees, probate proceedings, etc., and any other documentary evidence such as notarized

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paternity affidavit, court order, or other official finding showing the name of a parent through whom eligibility for membership is claimed. Documents attesting to the authority of a person to act as a sponsor on behalf of a minor, adopted child, child born out of wedlock or incompetent person must also be submitted. Original documents submitted will be returned after copies are made and put in the applicant folder. Copy(ies) of Certificate of Indian Blood (CDIB) for applicant and applicant's parent(s) if enrolled as a member of other tribe(s) should accompany the application.

## ARTICLE II - PROCESSING OF THE APPLICATION

### Section A. By the Enrollment Officer

All applications shall be received or routed to the Enrollment Officer at the Seneca-Cayuga Nation Office. The actions taken by the Enrollment Officer shall include:

1. Stamp the application form with the date on which it is received and acknowledge receipt of it.
2. Make a folder for the application and supporting documents.
3. Make sure the application is complete. A copy will be made of an incomplete application and the original will be sent back to the applicant to be completed. The date the incomplete application was returned to the applicant will be noted. The copy will be retained in the applicant's folder along with supporting documents pending the return of the completed application.
4. A completed application returned without supporting documents will be retained in an applicant's folder. A letter will be sent requesting the needed documents. The application will remain pending until the return of the documents.
5. Compute degree of Seneca-Cayuga Indian blood.
6. As completely as possible, verify other claimed Indian blood.
7. Make ready each completed application, along with proper documentation, for review by the Enrollment Committee.
8. Assist the applicant as much as possible in ways that might help in establishing eligibility.
9. Upon acceptance as a member of the Nation the notification sent will include necessary forms that may be needed in order that every new member will be in compliance with Nation laws, regulations, and policies at the onset of his or her enrollment.

### Section B. The Enrollment Committee

All enrollment applications shall be reviewed by the Enrollment Committee which shall consist of the currently elected Secretary/Treasurer of the Seneca-Cayuga Nation serving as Chair-person of the Committee. Members of the Enrollment Committee shall consist of past Nation Secretary/Treasurers.

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The General Council of the Seneca-Cayuga Nation has appointed certain members of the Nation to the Enrollment Committee other than past Secretary/Treasurers. Acting as the supreme governing body of the Seneca-Cayuga Nation (**Article IV of the Constitution as amended May 15, 2014**), the General Council has determined the knowledge of said members to be valuable in determining the eligibility of applicants seeking enrollment. Any Enrollment Committee member who misses three (3) consecutive meetings without good cause shall be removed from the committee. The General Council shall have the authority to remove any member of the Enrollment Committee if it is found that said member was negligent in his/her duties, in violation of any provision of this ordinance, or any other just reason(s). The decision of the General Council shall be final. In the event that the Chair-person is absent at any regular monthly meeting of the Enrollment Committee, the members of the Enrollment Committee present shall elect a Chair-person Pro Tem to preside over the meeting. The Chair-person Pro Tem so elected shall have the full authority of the Chair-person of the Enrollment Committee during that regular monthly meeting.

## Duties of the Chair-person

1. Shall call meetings of the Enrollment Committee as well as chair the meetings.
2. Present each application to the committee.
3. The signature of the Chair-person is required when an applicant has or has not satisfied the requirements for enrollment.
4. Shall have the authority to issue membership cards for individuals who have satisfied the requirements for enrollment or have been approved by the majority of the General Council of the Seneca-Cayuga Nation.

## Duties of the Enrollment Committee

1. Examine applications and documents presented by the Enrollment Chair-person.
2. Determine accuracy and sufficiency of research, requiring additional action by the Enrollment Officer if necessary.
3. Check the membership requirements listed in **Article I of this Ordinance** to ascertain whether or not the applicant is constitutionally eligible for Seneca-Cayuga Nation Membership.
4. Accept for membership applicants who fulfill membership requirements as shown in (Article 1 Section 1 paragraphs 1-3) of this Ordinance.
5. Direct the Enrollment Officer to notify accepted applicants of Enrollment Committee or General Council action and informing them of the roll number assigned.
6. Direct the Enrollment Officer to notify rejected applicants of Enrollment Committee or General Council action by certified mail, returned receipt requested. The applicant will be further notified of his/her right to appeal the decision within thirty (30) days.
7. Direct the Enrollment Officer to notify by certified mail, return receipt requested persons who have been found to be candidates for disenrollment pursuant to **Article VIII, Section 2 of this Ordinance**.

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The Enrollment Committee shall meet once a month to evaluate and accept those applications who satisfy the requirements for membership as listed in **Article III, Sections 1-3 of the Constitution and By-Laws.**

The Enrollment Committee will review and make determinations on the applications eligible to receive General Council vote. OR, when the Chair-person of the Enrollment Committee and/or General Council of the Seneca-Cayuga Nation deem necessary. At the request of other committees or persons acting on the behalf of the Seneca-Cayuga Nation the Chair-person may arrange and call a meeting of the Enrollment Committee.

## **Section C. General Council**

Actions take by the General Council shall include:

1. Decide appeals submitted by rejected applicants.
2. Accept or reject by majority vote applications of persons who meet the membership requirements as contained in **Article I of this Ordinance** and are constitutionally required to receive General Council vote for membership into the Seneca-Cayuga Nation. **{Article III, Section 4).**
3. Upon the presentation of the facts and pertinent information from the Chair-person of the Enrollment Committee the General Council shall decide if disenrollment of a Nation member is warranted.
4. Document all decisions with resolutions.

## **ARTICLE III FILING SYSTEM TO BE USED**

Each applicant will have a file folder. The folder will be filed in alphabetical order according to the status of the application. The files will consist of the following:

"Pending: Incomplete Application." This file will hold folders that contain copies of incomplete application forms, the original application for enrollment having been sent back to the applicant for completion. This file will also include folders with completed application forms that lack proper/required documentation needed to determine eligibility.

"Pending: Enrollment Committee Review." The Enrollment Officer will file folders with completed applications including proper/required documentation under this file awaiting review by the Enrollment Committee.

"Pending: General Council Vote." The Enrollment Officer will file folders that have received a favorable recommendation for membership from the Enrollment Committee under this file awaiting General Council vote.

"Nation Members." Applicants accepted into membership by a majority vote of the General Council (Article III, Section 4) or found to be constitutionally eligible for membership (Article III, Section 2-3), will have their folders placed under this file.

"Pending: Appeal." A pending file will be maintained on all rejected applicants until:

1. The Enrollment Officer ascertains that no appeal was filed during the allowable appeal period. Then the applicant's folder containing the rejected application will be placed in the "Rejection" file.



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2. The Enrollment Officer receives the results of any appeals filed.
  - a. When an appeal is rejected, the Enrollment Officer will place the appeal results in the applicant's folder and file it under the "rejection" file.
  - b. When an appeal is sustained proper documentation of the decisions will be required before the applicant's name is placed on the roll and a roll number is given. Great care will be exerted when the degree of Seneca-Cayuga Indian blood is changed. All persons affected by the decision will be thoroughly reviewed by the Enrollment Committee before the changes are made.

"Relinquished Membership." Adult and minor Nation Members who have gone through the conditional or unconditional relinquishment procedure will have their membership folders removed from the "Nation Members" file and will be placed in this file. Great care will be executed and only express authorization from the Enrollment Chair-person and Nation resolutions will proceed the moving of a Nation member's file to the "Relinquished Membership" file.

"Disenrolled Individuals." When disenrollment of a Nation member is upheld following disenrollment procedures the disenrolled member's folder will be placed in this file.

"Rejected Applicants" This file will hold the folders of applicants who have not satisfied enrollment requirements and have not filed an appeal in the required period of time. Applicants who have gone through the appeal process and were found to be ineligible will have their folders placed in this file as well.

"Deceased Members." Upon proper documentation Nation members who have died will have their folder placed in this file.

## ARTICLE IV RELINQUISHMENT

A. Any Nation member seeking relinquishment from the Seneca Cayuga Nation may do so by submitting a notarized statement or a signed relinquishment form provided by the Seneca- Cayuga Nation to the Enrollment Officer.

### **B. Conditional and Unconditional Relinquishment**

Adult Nation members and sponsors of minors or incompetents who wish to relinquish their membership have two (2) options of relinquishment available to them.

1. A conditional relinquishment is available in order to protect the relinquishing individual. If for some unanticipated reason, the relinquishee is not accepted for membership into another tribe, the Seneca-Cayuga Nation membership remains valid. Upon acceptance into another tribe the Seneca-Cayuga Nation membership will be relinquished. Each relinquishment form must be completed in its entirety. The relinquishment form is required to be notarized. The form must be signed and dated by the person seeking relinquishment or by the sponsor of a minor or incompetent person. (For Conditional Relinquishment form, see Exhibit 4).
2. Seneca-Cayuga Nation members seeking unconditional relinquishment may do so by submitting a notarized statement to the Enrollment Officer. The date of the letter will be considered as the date of the unconditional relinquishment.

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## **C. Relinquishment of Minors**

Relinquishment on behalf of a minor or incompetent person shall be executed by the parent, legal guardian or other person acting on the relinquishee's behalf. Proper documentation attesting to the authority of an individual to act on behalf of the relinquishee is required. Acceptable documents include: Original State Birth Certificate with State seal affixed, adoption decree, court order regarding custody, or other records recognized by state or federal official.

1. The person executing relinquishment on behalf of a minor will be required to use the form "Nation Membership Relinquishment on Behalf of a Minor." (For Minor Relinquishment form, see Exhibit 5).
2. If a minor's membership in the Seneca-Cayuga Nation has been relinquished, the said minor upon reaching age eighteen (18) will be eligible to apply for membership in the Nation: provided that said minor meets the membership requirements, as set forth in **Article I of this Ordinance**, upon reapplication as an adult and is not an enrolled member of any other federally recognized tribe/nation.

## **D. Results of Nation Relinquishment**

Persons who have relinquished membership in the Seneca -Cayuga Nation in adulthood (18 years of age and older) will not be considered for re-enrollment with the Seneca-Cayuga Nation. All rights, claims, benefits, and privileges afforded members of the Seneca-Cayuga Nation will be forever lost and given up upon relinquishment.

The Bureau of Indian Affairs will be notified in all cases of relinquishments.

## **E. Actions taken on Relinquishments**

Relinquishment is an action that can only be taken by the individual, not by the Nation. If the person is competent, the Nation may not refuse a member the right to relinquish. The Nation's approval is not necessary for a relinquishment to be effective. However, a process upon receipt of an individual seeking relinquishment shall be followed.

### **1. By the Enrollment Officer**

All request for relinquishment forms shall be made to the Enrollment Officer at the Nation Office. All completed relinquishment forms or notarized statements shall be received or routed to the Enrollment Officer at the Nation Office. The actions taken by the Enrollment Officer shall include:

- a. Stamp the relinquishment form or notarized statement with the date on which it is received and acknowledge receipt of it.
- b. Make sure the form is completely filled out, including the notarization of the form. "A copy will be made of a form that is not signed and notarized and the original will be sent back. The date the form was sent back to the member will be noted. The copy will be retained in the member's folder along with supporting documents that may have been sent.
- c. Special attention will be given to the name and roll number given. Both the name and roll number will be checked to verify the accurate connection.

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- d. Completed forms received without proper documentation for the relinquishment of minors will be retained in the minor's folder. A letter will be sent requesting the needed documents, provided that the documents are not a part of the minor's membership folder.
- e. Inform the Chair-person of the Enrollment Committee of relinquishments and prepare member's folder for review.
- f. Complete clerical tasks required for a written information notice by the Enrollment Committee.

### **2. By the Enrollment Committee**

Within thirty (30) days of receipt of the relinquishment request the Enrollment Committee shall:

- a. Review all documents regarding relinquishment, particularly with regard to minors or incompetents whose membership is being relinquished.
- b. Submit a written information notice to the Business Committee.
- c. Insure that all pertinent information regarding each individual's relinquishment is placed in his or her file.
- d. If additional action or research is required the Enrollment Chair-person shall direct the Enrollment Officer to conduct such action.
- e. Upon receipt of a copy of the resolution accepting a relinquishment the Chair-person of the Enrollment Committee shall direct the Enrollment Officer to remove the individual's folder from the Nation Membership file and file it under the file containing relinquished Nation Members.
- f. The Chair-person of the Enrollment Committee shall be charged with the responsibility of marking through the relinquished member's name on the Nation Roll. He/she shall exercise great care to ensure the correct member and roll number is marked through. For future reference purposes the member's name will not actually be removed from the roll.
- g. The Bureau of Indian Affairs will be notified of the action taken on all relinquishments.

### **3. By Business Committee**

Within sixty (60) days of receipt of the Enrollment Committee's information notice in regard to a relinquishment the Seneca-Cayuga Business Committee (Constitutionally empowered to act or speak on behalf of the Seneca-Cayuga Nation Article VI) shall take the following actions:

- a. Review the written information notice submitted by the Enrollment Committee.
- b. Enact a resolution to accept the relinquishment provided that it has been expressly and sufficiently determined that the person seeking relinquishment has been accepted into the membership of another tribe as provided for in conditional relinquishments.
- c. Provide copies of the resolution to the other tribe, if applicable, and to the Enrollment Officer to be filed with the relinquished individual's folder. Copies of the resolution will also be given to the Chair-person of the Enrollment Committee and the relinquished individual.

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## ARTICLE V ELIGIBILITY FOR ENROLLMENT OF ADOPTED PERSONS AND PERSONS BORN OUT OF WEDLOCK

Adopted persons and persons born out of wedlock eligible for enrollment with the Seneca-Cayuga Nation must submit documentation tracing the blood line to the 1937 roll. Keeping in accordance with the Seneca-Cayuga Nation Constitution (Article III, Sections 2-4) to be eligible for membership with the Seneca-Cayuga Nation a person must have at least one (1) parent who is a member of the Nation. Documentary evidence submitted to support an adopted person's application for enrollment must show relationship to the natural parent through whom eligibility for enrollment is determined. If the applicant was born out of wedlock, paternity of the father will have to be established in order to claim Seneca-Cayuga blood on the father's side. If paternity is not established only the mother's degree will be used to calculate the degree of Seneca-Cayuga blood.

Any reporting pursuant to the Indian Child Welfare Act of 1978 (P.L. 95-608) shall be conclusive evidence to the relationship to the natural parents. The Secretary will provide information necessary to determine the child's membership eligibility. Whenever the natural parent(s) request anonymity, the Secretary will certify that the child is or is not eligible for enrollment. The identity of the natural parent(s) will not be disclosed. The Nation can then use the Secretary's certification as authority for enrollment (in place of the parents' identification number), provided the child meets all other enrollment requirements set forth by the Seneca-Cayuga Nation in Article I of this Ordinance, and its Constitution. Members of the Seneca-Cayuga Nation will not be allowed to enroll legally adopted person(s) who are not of Seneca-Cayuga Indian descent.

## ARTICLE VI COMPUTING DEGREE OF SENECA-CAYUGA BLOOD

The degree of Seneca-Cayuga Indian blood shown on the January 1, 1937, census roll of the Seneca-Cayuga Nation shall be used in all cases for computing the degree of Seneca-Cayuga Indian blood for new enrollees for enrollment purposes.

An applicant's Seneca-Cayuga Indian blood degree is one-half of the combined degree of the Seneca-Cayuga blood possessed by his or her parents. In determining the degree of Seneca-Cayuga Indian blood of a child born out of wedlock, only the degree of Seneca-Cayuga Indian blood ascribed to the mother of the child may be counted unless the father's paternity has been established.

If case problems arise about the degree of Indian blood recorded on the or if information about blood degree varies, the Enrollment Chair-person shall direct the Enrollment Officer to assemble all existing records pertaining to the problem, in order for the Enrollment Committee to make a review. The Enrollment Committee Chair-person shall have the authority to change necessary mathematical errors or upon proper documented evidence, the blood degree change may be made, keeping the degree of Indian blood from other tribe(s) separate. These changes shall be documented in resolutions by the General Council.

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## ARTICLE VII APPEALS

### A. Right to Appeal.

The appellant (Any person or sponsor filing an application for enrollment which has been rejected: any applicant or sponsor of an applicant who disagrees with the blood degree ascribed to his or her lineal ancestor on the Official Base Roll or subsequent membership rolls by the Seneca-Cayuga Nation Council) may appeal such decisions.

### B. Burden of Proof.

The burden of proof rests upon the appellant to establish eligibility for enrollment and or to change the blood degree.

### C. Commencing an Appeal.

To begin an appeal, the rejected applicant or sponsor must clearly express in writing an intent to appeal the decision. The rejected applicant shall be advised to submit with the appeal any supporting documented evidence not previously furnished. The appeal shall be addressed to the Seneca-Cayuga General Council, in care of the Chief of the Seneca-Cayuga Nation who will present the appeal along with supporting documented evidence to the General Council. An appellant may request a reasonable appeal extension from the Chief provided the request is made in writing prior to the deadline of the initial thirty (30) day appeal period.

### D. Actions by the General Council.

After receipt of the appeal the Chief of the Seneca-Cayuga Nation shall present the appeal before the General Council at the next annual General Council meeting for their decision. The General Council shall base its decision solely on the documentary evidence presented with the application and the appeal, which establishes that the applicant does or does not qualify for membership pursuant to the provisions of **Article III** of the Constitution of the Seneca-Cayuga Nation. Such a decision of the General Council shall not be made by less than a majority vote of a quorum of the Council.

### E. Results of General Council Decision.

The appellant shall be notified of the General Council's decision by certified mail, return receipt requested. The notice shall state the reasons for the General Council's decision. Should the General Council decide in favor of the appellant the decision shall be written in the form of a Nation resolution. The decision of the General Council shall be final.

## VIII DISENROLLMENT

### A. Burden of Proof

In cases of disenrollment the burden of proof lies with the Nation.

### B. Reasons for Disenrollment

A Nation member who is found to have obtained membership in the Seneca-Cayuga Nation on the basis of false and or misleading information and or misrepresentation or any other person who is found not eligible for Nation membership requirements contained in the Constitution of the Seneca-Cayuga Nation shall be subject to disenrollment.

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Violation of ordinances or Corporate By-laws may result in the disenrollment of Nation members pursuant to **Section 3- q, The Corporate Charter of the Seneca-Cayuga Nation.**

## **C. Actions by the Enrollment Committee**

Under the direction of the Enrollment Committee, the Enrollment Officer shall send a written notice by certified mail, return receipt requested, stating the reason(s) why a person is being considered for disenrollment and inform the person of their right to explain why he or she should not be disenrolled. The notice shall inform the person of the date set for a hearing before the Enrollment Committee.

## **D. Hearing before the Enrollment Committee**

At a hearing before the Enrollment Committee, the person shall provide documentation as to why he or she should not lose their right to membership.

## **E. Results of Hearing**

Whether the affected member makes any appearance or response, within thirty (30) days following the hearing, the Enrollment Committee shall evaluate each case and prepare a written recommendation stating why the person should or should not be disenrolled. The written recommendation shall be submitted to the General Council for their decision.

## **F. Actions by the General Council**

The Seneca-Cayuga General Council shall take action upon said recommendation at the annual General Council Meeting held the first Saturday in June of each year. Such a decision of the General Council shall not be made by less than a majority vote of a quorum of the Council. Such action taken by the General

Council shall be written in the form of a Nation resolution certified by the Secretary of the General Council within five (5) working days after the meeting. Resolutions disenrolling a person once considered to be a Nation member shall state the reason for disenrollment and shall cite the date of disenrollment.

## **G. Notice to Appellant**

Within ten (10) working days of the meeting at which the disenrollment action by the General Council was taken, the Enrollment Officer will send to the applicant a notice and a copy of the resolution disenrolling the person by certified mail, return receipt requested. The notice will state the reason for disenrollment. The decision of the General Council shall be final.

## **ARTICLE IX RECORDS**

Applications, relinquishment forms or statements, and copies of supporting documents will be held in individual folders. Such folders will be filed according to application status. Folders and contents therein shall become the official property of the Seneca-Cayuga Nation. These records shall not be removed from the Nation Office by the Enrollment Officer or members of the Enrollment Committee or any other persons.

# SENECA-CAYUGA NATION ENROLLMENT ORDINANCE

When information concerning an individual member is needed, such as appeals, copies will be made by the Chair-person of the Enrollment Committee and delivered to its destination by said Chair-person. The original records will remain at the Nation Office. When the copies have served the purpose intended the copies will then be destroyed.

## **A. Content of Individual Folder.**

An individual folder shall be established for each Nation member. This folder shall contain the following items:

Application Form

Family Tree Form

Family Record Form

Original State Certified Birth Certificate or copy notarized attesting it is a copy of the State Certified Birth Certificate

Correspondence

Copy of resolutions affecting enrollment

All other documentation on the person pertinent to membership in the Nation

Death Certificate

## **B. Access to Records.**

Any member of the Seneca-Cayuga Nation may view the page in the Nation roll book where his or her name (or his or her guardian) is placed and no other. However, neither the roll nor any portion thereof may be copied and/or distributed to any person or organization except upon permission of the Seneca-Cayuga General Council by appropriate resolution. The General Council shall use its discretion in using and/or releasing information from the roll for the benefit of Nation members or Nation programs.

To determine the eligibility of a person to vote in Nation elections the Election Committee will be furnished with an up-to-date copy of the membership roll of eligible voters. The Election Committee will exercise extreme care to ensure the list remains only within the Election Committee and used only for the purposes of election of officers of the Seneca- Cayuga Nation.

The enrollment book at the Nation office shall be the official enrollment book of the Seneca- Cayuga Nation and no other.

Information in individual folders shall be considered confidential. It shall not be available to anyone except the individual member (or his or her guardian) and to the Enrollment Officer, Enrollment Committee Members, and the General Council members when such examination is necessary in considering enrollment decisions.

The information concerning adopted persons shall be recorded as confidential and shall not be made public to any other person. This information shall be contained in locked file cabinets, and adequate safeguards shall be installed to ensure that the confidentiality of these records shall not be violated.

# SENECA-CAYUGA NATION ENROLLMENT ORDINANCE

## C. Updating Records.

Upon receipt of appropriate documentation, the Enrollment Officer, in conjunction with the Enrollment Committee Chair-person is authorized to update the information on the Nation roll. The following documentation is deemed adequate for such action to be taken:

1. Name Change: Marriage license Divorce decree, Court order changing name or his/her guardian.
2. Address Change: Written statement signed by Nation member or his/her guardian

By telephone call from  
Nation member or  
his/her guardian (upon  
verification)

3. Death:       Death certificate  
                  Bureau of Indian Affairs  
                  records Mortuary records  
                  Hospital records

No Changes will be made without the above documents being submitted to the Enrollment Officer of the Seneca-Cayuga Nation. Copies of the above documents will be placed in the member's folder.

## X AMENDMENTS/REVISIONS

Any amendments or revisions to this Ordinance hereinafter shall require the approval by the Seneca-Cayuga Nation Business Committee and General Council.

## XI EFFECTIVE DATE OF ENROLLMENT ORDINANCE

This Enrollment Ordinance becomes effective upon the date of enactment by the General Council pursuant to **Article III and IV (Seneca-Cayuga Nation Constitution)** giving the General Council the authority to act on enrollment and as the Supreme governing body of the Nation.




# 003-060521 Approve Enrollment Ordinance

Final Audit Report

2021-06-15

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By:	Kim Guyett (kguyett@sctribe.com)
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