

Title 4

ENROLLMENT

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Chapter 4.01

General Provisions

Sections:

4.01.01 Title

Section 4.01.01 Title

This Title shall be known as the Jamestown S' Klallam Enrollment Code.

Chapter 4.02

Eligibility for Enrollment

Section 4.02.01 Eligibility for Enrollment

The membership roll of the Jamestown S'Klallam Tribe will be determined as follows:

- A. All persons whose names appear on the list of members, Base Roll of 1926, submitted by the Jamestown S'Klallam Tribe in its petition for Federal acknowledgment as an Indian Tribe pursuant to 25 CFR Part 54 (1978), who met the membership criteria specified in that petition. The Tribal Council can correct the list at their discretion during the course of a regularly scheduled Tribal Council meeting.

- B. Lineal descendants of persons who qualify for membership under Section II, A, 1 above; provided that such descendants possess at least one-eighth (1/8) degree Jamestown S'Klallam blood.
- C. Adoption - No Tribally approved adoption guidelines currently exist for non-lineal descendants or non-Indians including spouses.

Chapter 4.03

Enrollment Staff

Section 4.03.01 Enrollment Staff

The Enrollment staff responsibilities include, but are not limited to the following:

- A. Receive applications and review for content and completeness.
- B. Verify that applicants meet the Tribe's minimum requirements for enrollment (i.e., blood quantum, no dual enrollment, etc.)
- C. Contact applicants to request additional information or clarify existing information.
- D. Coordinate meetings of the Enrollment Committee to assure applications are processed in a timely manner.
- E. Contact applicants with the Tribal Council's decision regarding their enrollment request.
- F. Maintain accurate and current enrollment files.
- G. Record all actions taken on specific enrollment requests.
- H. Research records to obtain adequate documentation for enrollment actions.
- I. Protect privacy of members and applicants by maintaining strict confidentiality of enrollment information.

Chapter 4.04

Enrollment Committee

Section 4.04.01 Enrollment Committee

An Enrollment Committee will be appointed by the Jamestown S'Klallam Tribal Council to establish and maintain a current membership roll of Jamestown S'Klallam Tribal members. The Enrollment Committee and Committee Chairperson will be chosen and officially designated by Tribal Council resolution as follows:

- A. The Enrollment Committee will consist of five (5) enrolled Tribal members appointed by the Tribal Council. Each member will serve a two-year term with the appointments being staggered as follows:

1. The Chairperson and one committee member will be appointed in odd numbered years.
2. The remaining positions will be appointed in even numbered years.
3. The Tribal Council shall appoint a non-voting advisory position to assist the Enrollment Committee.
4. If a position becomes vacant within the regular term, the Tribal Council will appoint an interim committee member to serve the remainder of the 2-year term.

B. The Enrollment Committee, including the Enrollment Committee Chairperson, is responsible to the Jamestown S'Klallam Tribal Council. The responsibilities of the Enrollment Committee will include:

1. Receive applications and review for content and completeness.
2. Make recommendations to the Tribal Council for approval or denial of individual applicant's request.
3. Work cooperatively with the Enrollment staff in effectively completing the application process.
4. Instruct Enrollment staff to act on the Committee's behalf in corresponding with all applicants.

C. The Enrollment Committee, via the Tribe's Enrollment Clerk, will keep on file for distribution if necessary, updated copies of the Tribal Constitution and the Tribal Enrollment Ordinance. The Enrollment Committee, via the Enrollment Clerk, will maintain the following records in a confidential manner:

1. Copies of the base roll and updated current roll.
2. Minutes of Enrollment Committee meetings and copies of Tribal Council meeting minutes that relate to enrollment decisions.
3. Copies of all resolutions on enrollment actions.
4. Individual files on all enrolled members (including application form, family ancestry, birth records, Tribal Council enrollment actions, birth records for children of the member, death certificate and any other miscellaneous correspondence).
5. Individual files on all rejected applicants (including application form, copies of documentation furnished and a copy of the enrollment rejection action).
6. Copies of forms necessary for enrollment actions.

Chapter 4.05

Applications for Enrollment

Section 4.05.01 Applications for Enrollment

All persons not listed on the membership roll of the Jamestown S'Klallam Tribe prepared in 1926, who request membership in the Jamestown S'Klallam Tribe must file an enrollment application:

A. Applications for minors or incompetents can be filed by parents, guardians or other sponsors such as social workers. No one will be considered for enrollment unless an enrollment application has been filed by the individual or a sponsor.

B. All enrollment applications must be filed with the Enrollment Committee. Application forms can be obtained by oral or written request from the Jamestown S'Klallam Tribal office. There is no deadline date established for filing enrollment applications except when an enrollment cut-off date is authorized by the Tribal Council for a specific purpose.

C. The application must be accompanied by a copy of the applicant's birth certification and any other documentary evidence such as a notarized paternity affidavit showing the name of a parent through whom eligibility for membership is claimed.

Chapter 4.06

Processing the Application

Section 4.06.01 Processing the Application

Enrollment staff - All applications will be received or routed to the Enrollment staff. The actions taken by the Enrollment staff will include:

- A. Stamp the application form with the date received and acknowledge application's receipt by written reply.
- B. Create a file for the application and supporting documents.
- C. Ensure that the application is complete. If not, notify the applicant and detail what further information is needed.
- D. Compute degree of Jamestown S'Klallam blood.
- E. If applicant possesses blood from another Tribe, verify the quantum amount and ensure that there is no dual enrollment conflict.
- F. Applications are to be separated as follows:
 - 1. Applicants descended from Jamestown S'Klallam Tribe's 1926 Base Roll who also meet other requirements for enrollment; and,
 - 2. Applicants who do not meet the requirements of Item 4.02 Eligibility for Enrollment above, or do not have adequate documentation.
- G. Submit applications to Enrollment Committee for consideration of acceptance or rejection.

The above actions will be completed by the staff within thirty (30) days of receipt of the application.

- F. Enrollment Committee - Actions taken by the Enrollment Committee will include:
 - 1. Examine applications and documentation presented by Enrollment staff.
 - 2. Determine accuracy and sufficiency of research. Request additional action by the Enrollment staff if necessary.
 - 3. Make recommendations to the Tribal Council on all applicants.
 - 4. Document acceptance or rejection decisions with Tribal Council resolutions.
 - 5. Coordinate with Enrollment staff to notify accepted applicants of action, informing them of the roll number assigned.

6. Coordinate with the Enrollment staff to notify rejected applicants of Enrollment Committee's action, and of their right to appeal this decision to the Tribal Council.

The above actions will be completed by the Enrollment Committee within thirty (30) days of its receipt of the material from the staff.

G. Tribal Council - Actions taken by the Tribal Council will include:

1. Decide to accept or reject requests for membership based on Enrollment Staff recommendations.
2. Decide to accept or reject applicants who have been members of other Tribes and who are applying pursuant to Article II, Section 3 of the Jamestown S'Klallam Constitution.
3. Decide appeals submitted by rejected applicants.
4. Document all decisions with resolutions.
5. Exercise Tribal Council authority to limit or halt enrollment at any time deemed necessary for identified reasons per Tribal Council discretion.

The above actions will be completed by the Tribal Council within thirty (30) days of receipt of the application from the Enrollment Committee or the appeal from the rejected applicant.

Chapter 4.07

Appeals

Section 4.07.01 Appeals

Applicants who are determined ineligible by the Enrollment Committee will be notified of their rejection by certified mail, return receipt requested. The rejection notice will state the specific reason they do not qualify. Each rejected applicant will also be advised of the right to appeal the decision of the Enrollment Committee to the Tribal Council. The appellant will be advised to submit, with the appeal, any supporting evidence not previously furnished. Any appeal must be received, by the Enrollment Committee, no later than sixty (60) days from the rejection notice receipt date.

When the written appeal is received, the Tribal Council will base its decision solely upon the documented 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 II of the Jamestown S'Klallam Constitution. The decision of the Tribal Council on the appeal will be final.

Chapter 4.08

Limitations to Enrollment

Section 4.08.01 Limitations to Enrollment

Limitations to Enrollment are as follows:

A. No person will qualify for membership in the Jamestown S'Klallam Tribe who is a member of any other organized Tribe, band or Indian community officially recognized by the U.S. Government, unless they have relinquished, in writing, their membership in such Tribe, band or community, before applying for membership with the Jamestown S'Klallam Tribe.

B. An applicant will only be considered for enrollment into the Jamestown S'Klallam Tribe if their blood quantum of Jamestown S'Klallam heritage is greater than that of the blood quantum of another Tribe, unless the Tribal Council deems the applicant to have a significant community relationship, such as close social and economic relations, with the Jamestown S'Klallam Tribe.

Chapter 4.09

Regulation of Membership

Section 4.09.01 Regulation of Membership

The Tribal Council possesses the power to enact Titles regulating membership as to admission and loss of membership. Any person subject to loss of their Tribal membership is entitled to a hearing before the Tribal Council. Such a situation requires the Tribal Council to give the individual adequate notice of such hearing.

Chapter 4.10

Procedures for Enrollment

Section 4.10.01 Procedures for Enrollment

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 procedure for enrollment will include:

- A. Obtain and complete "Application for Membership."
- B. Return completed application to the Tribal Enrollment Committee for review and processing. Applications must show the following:
 1. All names by which the applicant is known.
 2. Applicant's address.
 3. Proof of applicant's date of birth, place of birth and natural parent' s names.
 4. The applicant's degree of Jamestown S'Klallam Indian blood.
 5. The names of all Jamestown S'Klallam Indian ancestors whose names appear on the 1926 base roll of the Jamestown S'Klallam Tribe, together with the names and relevant birth records of Jamestown S'Klallam ancestors from subsequent generations.
 6. The name of the Tribe(s) and degree(s) of Indian blood of any Tribe(s) other than Jamestown S'Klallam.

7. The applicant or sponsor's signature.
 8. The application filing date.
- C. Await Tribal Council decision.
- D. Appeal decision if necessary.

Chapter 4.11

Loss of Tribal Membership

Section 4.11.01 Loss of Tribal Membership

The Tribal government (Tribal Council and/or Enrollment Committee) can recommend that certain individuals be removed from the Tribal rolls. Such action requires the majority vote of the Tribal Council. The three (3) grounds for loss of Tribal membership follow:

A. Disenrollment - An involuntary loss of membership initiated through Tribal government actions. Any Tribal member who is found to have been erroneously enrolled or is found not eligible for Tribal membership pursuant to the Tribe's membership requirements contained in the Constitution of the Jamestown S'Klallam Tribe will be subject to disenrollment.

Such a member will be notified by certified mail, return receipt requested, of the Tribal Council's intent to disenroll them. Included in the notice will be the date that the Tribal Council will consider the matter. The Tribal Council will determine if the member is to be disenrolled. The decision will be documented in a resolution. Disenrolled members will be notified by certified mail, return receipt requested. Every disenrolled member will be informed that they have the right to appeal the decision of the Tribal Council, if they file an intent to appeal within sixty (60) days of the receipt of their Disenrollment notice.

B. Dual Enrollment - Also an involuntary loss of membership due to a person actually being enrolled in two Tribes at the same time.

C. Relinquishment - A voluntary action initiated by the individual member that results in the member being officially removed from the Tribal rolls. Any adult member of the Jamestown S'Klallam Tribe can voluntarily relinquish membership. The membership of any member of the Jamestown S'Klallam Tribe who is not at least 18 years old can be relinquished by the parent or guardian. Such a relinquishment must be in writing, and the signature must either be notarized or witnessed by two people.

Any member wishing to relinquish membership will be encouraged to do so on a conditional relinquishment form. In such case, the relinquishment will become effective upon the acceptance of that individual into another Tribe's membership. The member's name will not be removed from the Jamestown S'Klallam Tribal roll until documentation of the acceptance into the other Tribe's membership is received.

However, if a member insists upon relinquishing in writing without using the conditional relinquishment form, the Tribe will comply with the member's wishes and will remove the member's name from the Jamestown S'Klallam roll on the effective date specified in the submitted relinquishment form.

Whenever a relinquishment is submitted for a minor member, care will be taken to determine that the individual who signed the form has legal custody of the minor affected.

Chapter 4.12

Burden of Proof

Section 4.12.01 Burden of Proof

The burden of proof for determining eligibility for enrollment is the applicant's responsibility. The enrollment office will offer assistance in determining proof if needed. All applicants must provide written, documented, proof of ancestry to be considered for enrollment with the Jamestown S'Klallam Tribe.

Chapter 4.13

Due Process

Section 4.13.01 Due Process

The requirement of due process helps insure that Jamestown S'Klallam Tribal powers are exercised justly. The Tribal Enrollment Committee must enforce the Tribal Constitution regarding membership in a fair and equitable manner. These procedures require that:

- A. Each individual will be informed about the action taken by the Tribal government, via the Enrollment Committee, regarding each enrollment application.
- B. Each individual applicant will be given the right to a hearing which enables them to present their case to the Enrollment Committee and to the Tribal Council.
- C. Each individual applicant can exercise the right of appeal to the Jamestown S'Klallam Tribal Council, provided that their intent to appeal is filed within sixty (60) days of the notification of the disputed action.

Chapter 4.14

Confidentiality

Section 4.14.01 Confidentiality

All records, documents and information submitted to the Jamestown S'Klallam Tribe, pursuant to this enrollment ordinance will be maintained and stored in a confidential manner. Confidential material will be available only to members of the Enrollment Committee and/or Enrollment staff.

Enrollment Committee members and Enrollment staff are directed not to disclose any such information without the written consent of the person(s) involved.

Chapter 4.15

Special Cases

Section 4.15.01 Special Cases

Parents marital status is not a factor in determining a child's eligibility. Children can be enrolled as Tribal members providing they meet all enrollment requirements.

An adopted person's eligibility for enrollment is determined through one or both of the natural parents. Children adopted by either American Indian parents (Tribal or non-Tribal parents) or non-Indian parents, can be enrolled providing that they meet all enrollment requirements.

Chapter 4.16

Records

Section 4.16.01 Records

Content of Individual File:

A. An individual file will be established for each Tribal member. This folder will contain the following items:

1. Application Form
2. Family Tree
3. Birth Certificate
4. Copy of resolutions affecting enrollment
5. All other pertinent documentation/correspondence
6. Death Certificate

B. Access to Records - The Tribe's membership roll can be viewed by any member of the Jamestown S'Klallam Tribe who comes into the Tribal office. However, neither the roll nor any portion thereof can be copied and/or distributed to any person or organization except upon permission of the Jamestown S'Klallam Tribal Council. The Tribal Council will use its discretion in using and/or releasing information from the roll for the benefit of Tribal members or Tribal programs.

Information in individual folders will be considered confidential. It will not be available to anyone except that individual member (or his/her guardian) and to Enrollment staff, Enrollment Committee members, and Tribal Council members when such examination is necessary in considering enrollment decisions.

An adopted person's eligibility for enrollment is determined through one or both of the natural parents. 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. The information concerning adopted persons will be recorded as confidential and will not be made public to any other person. This information will be contained in locked file cabinets, and adequate safeguards will be installed to ensure that the confidentiality of these records will not be violated.

C. Updating records - Upon receipt of appropriate documentation, the enrollment staff is authorized to update the information of the Tribal roll. The following documentation is deemed adequate for such actions to be taken:

1. Name Change - Marriage license, divorce decree and/or court order.
2. Address Change - Written statement signed by Tribal member or guardian, e-mail, phone calls, or by any other communication by Tribal member or their households.

3. Death - Death certificate, Bureau of Indian Affairs records, mortuary records, hospital records, newspaper obituary notice, written and signed statement from relative, written and signed statement from someone who attended the funeral or who saw the grave marker and can provide date of death.

Any changes which lack the required documentation must be approved by the Enrollment Committee. A memorandum, stating the reason for the change without the usual documentation, will be placed in the individual's file.

Chapter 4.17

Computing Degree of Jamestown S'Klallam Blood

Section 4.17.01 Computing Degree of Jamestown S'Klallam Blood

The degree of Jamestown S'Klallam blood shown on the 1926 base roll of the Jamestown S'Klallam Tribe will be used in all cases for computing the degree of Jamestown S'Klallam Indian blood for new enrollees for enrollment purposes. However, the Tribal Council will have the authority to make corrections of mathematical errors and to provide for segregation of Indian blood when another Tribe is also named on the base roll. Such mathematical corrections and segregation will be documented in resolutions by the Tribal Council.

Chapter 4.18

Certification of Blood Quantum

Section 4.18.01 Certification of Blood Quantum

Each person requesting a certification of Blood Quantum shall submit an application completed in its entirety containing sufficient personal information to properly determine the applicant's eligibility for certification. The procedure for certification shall include:

- A. Obtain and complete "Application for Certification."
- B. Return completed application to the Tribal Enrollment Officer for review and processing. Applications must show the following:
 1. All names by which the applicant is known.
 2. Applicant's address.
 3. Proof of applicant's date of birth, place of birth and natural parent's names.
 4. The applicant's degree of Jamestown S'Klallam Indian blood.
 5. The names of all Jamestown S' Klallam Indian ancestors whose names appear on the 1926 base roll of the Jamestown S' Klallam Tribe, together with the names and relevant birth records of Jamestown S' Klallam ancestors from subsequent generations.
 6. The name of the Tribe(s) and degree(s) of Indian blood of any Tribe(s) other than Jamestown S' Klallam.

7. The applicant or sponsor' s signature.
- C. Any person who is found to have been erroneously certified will be subject to re-certification. In such cases the person will be notified, by certified mail, of the re-certification results. If the results indicate that a change in certification is necessary and if they are participants in Tribal programs for which they are not eligible, they will be dropped from those programs within thirty (30) days.
- D. If a person disputes certification data or a re-certification action, they may appeal the decision to the Enrollment Committee.

Chapter 4.19

Effect of Constitutional Amendments or Revisions

Section 4.19.01 Effect of Constitutional Amendments or Revisions

This ordinance is subject to modification by all amendments or revisions of the Jamestown S'Klallam Constitution and will require a majority vote of a quorum at any authorized Jamestown S'Klallam Tribal Council meeting.

Chapter 4.20

Date of Codification and Amendment

Section 4.20.01 Date of Codification

The following ordinance was approved October 25, 1994; amended by Res #62-98;; #71-99; Amended April 28, 2000; Amended on October 14, 2002 by Resolution #41-02.