

ARTICLE II. – TRIBAL MEMBERSHIP

Sec. 31-21. General provisions.

- (a) *Membership.* The Tribal Roll shall be the exclusive list of persons enrolled in the Mohegan Tribe. No person shall be entitled to membership in the Tribe unless he or she meets the requirements as set forth in the Mohegan Constitution. Every member of the Mohegan Tribe shall be entitled to all of the rights and privileges of membership, and subject to all the duties and obligations thereof, unless subject to penalties as set forth in Part 2.5 of the Enrollment Ordinance or subject to the suspension of tribal benefits and privileges as determined by the Council of Elders.
- (b) *Record of Membership.* All members of the Tribe shall be listed on the Tribal Roll, which shall be administered by the Council of Elders. All membership files shall be kept by the Council of Elders and shall contain the following information as to each tribal member: name, address, birth certificate, tribal identification number, genealogy tracing to the 1861 Census of members of the Mohegan Tribe, statement of biological children, and any other documents which may be directed for inclusion in the file by the Council of Elders.
- (c) *Verification of Membership.* The Enrollment and Membership Office shall verify all enrolled member deaths prior to the preparation of the distribution list utilizing the Social Security Administration Death Master File.
- (d) *Parent and/or Guardian Access to Information.* The parents and/or guardians of Mohegan children shall be entitled to obtain copies of all documents pertaining to the children's enrollment status, membership status, and all documents pertaining to the rights, benefits and privileges of membership, except where a Mohegan Tribal Court order prohibits the parent's and/or guardian's access to such information.
- (e) *Confidentiality.* Each application for enrollment and any information sought or obtained by the Enrollment Office or the Council of Elders that directly relates to the eligibility of any person(s) for enrollment in the Mohegan Tribe shall be confidential. All materials submitted by an applicant become the property of the Mohegan Tribe within the custody of the Council of Elders upon submission. All materials shall be made available by the Enrollment and Membership Office to the Council of Elders for review, provided that all original documents shall be copied for official use, and the originals returned to the applicant. Applicants and tribal members

shall have access by appointment to their own enrollment records, and to all materials pertaining to their own right to membership. Parents and/or guardians shall have access by appointment to enrollment and membership records pertaining to their children or wards. No application, or the substance of the information contained therein or accompanied therewith, or any memoranda or communications regarding the eligibility for enrollment of any person or the membership status of any person, shall be made available to any other person, except at the direction of the Council of Elders.

(Ord. No. 2003-2-E, Part 1, 3-24-2003; Res. No. 2003-8-E, 3-24-2003; Res. No. 2004-5-E, Exh. B, Part 1, 5-13-2004; Res. No. 2005-13-E, 5-26-06; Res. No. 2006-26-E, 11-2-2006; Res. No. 2006-27-E, 11-30-2006; Res. No. 2007-15-E, 6-28-2007)

Sec. 31-22. Establishment of Enrollment and Membership Office.

There is hereby established the Mohegan Tribal Enrollment and Membership Office, which shall be managed, administered and directed by the Council of Elders.

- (1) The Director of the Human Resources Department is hereby delegated authority to exercise administrative authority with regard to the retention of the Enrollment and Membership Office Administrative Assistant.
- (2) The Enrollment and Membership Office is hereby delegated authority and responsibility to perform the following tasks, in accordance with the Enrollment and Membership Office Policies and Procedures:
 - a. Performance of all tasks enumerated in the Enrollment and Membership Office Administrative Assistant job description;
 - b. Preparation of mailings to the tribal membership at the direction of the Tribal Council or Council of Elders;
 - c. Maintenance of tribal information such as name changes, address changes, corrections to vital information, updates due to marriage, death or divorce;
 - d. Preparation of letters for membership in good standing for approval by the Council of Elders and signature by the Secretary of the Council of Elders;
 - e. Preparation of mailing labels for Tribal Government departments, such as Wuskuso and Youth Wuskuso;

- f. Preparation of mailing labels and voter tracking information for use during tribal elections;
 - g. Preparation of report information for Tribal Government entities for tribal events from membership database;
 - h. Preparation of tribal identification cards, including taking photographs;
 - i. Preparation of monthly listing of eligible tribal members for the dining certificate program;
 - j. Preparation of distribution lists and associated reports for the Finance Department for per capita distributions;
 - k. Verification of tribal membership or spouse status in response to inquiries from the Tribal and Mohegan Sun Human Resource Departments;
 - l. Provision or verification of tribal membership database information to tribal departments, i.e. Legal Department, Contract Health Services, Public Safety Department, etc.;
 - m. Administering the membership database in accordance with this Ordinance, the Enrollment Ordinance and any rules, policies and procedures promulgated by the Council of Elders;
 - n. Preparation of the annual tribal roll report, consistent with the requirements of this Ordinance, for presentation to and certification by the Council of Elders, as set forth in the Enrollment Ordinance;
 - o. Any other duties as may be required to provide services to the tribal membership.
- (3) The above-referenced delegations of authority may be rescinded by resolution of the Council of Elders in the event of non-compliance with the provisions of this Ordinance or any rules, policies or procedures promulgated by the Council of Elders.

(Ord. No. 2003-2-E, Part 2, 3-24-2003; Res. No. 2003-8-E, 3-24-2003; Res. No. 2004-5-E, Exh. B, Part 2, 5-13-2004; Res. No. 2005-13-E, 5-26-2005; Res. No. 2006-26-E, 11-2-2006; Res. No. 2006-27-E, 11-30-2006; Res. No. 2007-15-E, 6-28-2007)

Sec. 31-23. Loss of Membership.

- (a) *Removal from Tribal Roll.* The Council of Elders may direct the removal of the name of any member from the Tribal Roll who has relinquished membership, abandoned membership, or on the basis of new or additional evidence indicating that the requirements for membership have not been met due to the submission of falsified documentation or incorrect information, as set forth in the Enrollment and Membership Office Rules and Procedures.
- (b) *Relinquishment of Membership.* Relinquishment of membership by adult members of the Mohegan Tribe may be effectuated pursuant to the Enrollment and Membership Office Rules and Procedures; however, no relinquishment shall be effective unless evidenced by a signed, notarized statement of the affected adult tribal member stating that he or she no longer wishes to be a member of the Mohegan Tribe and that he or she wishes to voluntarily relinquish his or her membership. No tribal member under the age of 18 shall be allowed to relinquish his or her membership in the Mohegan Tribe provided that all the other requirements for membership are met.
- (c) *Abandonment of Membership.* Any tribal member who is (or becomes) a member of another tribe shall be deemed to have consented to the deprivation of membership in the Mohegan Tribe and to have abandoned his or her membership in the Mohegan Tribe. The Enrollment Office shall prepare a report regarding the case, and the Council of Elders shall meet to hear the questionable membership issue and make a determination. The procedure set forth in the Enrollment and Membership Office Rules and Procedures shall be followed.
- (d) *Loss of Membership Due to Falsification or Incorrect Information.* Pursuant to Article V, Section 4 of the Constitution of the Mohegan Tribe of Indians of Connecticut, any person found to have committed fraud in attaining membership with the Mohegan Tribe, including, but not limited to the submission of falsified documents, shall have his or her membership deemed void and of no force and effect, as of the date that said status was previously conferred. If the Enrollment Office becomes aware of such falsification of records, the Office shall prepare a report regarding the case and the Council of Elders shall hear the questionable membership issue and make a determination. The procedure set forth in the Enrollment and Membership Office Rules and Procedures shall be followed. The Mohegan Tribal Police shall be notified of any potential claims of fraud for the necessary civil or criminal charges to be brought in the Mohegan Tribal Court.

(Ord. No. 2003-2-E, Part 3, 3-24-2003; Res. No. 2003-8-E, 3-24-2003; Res. No. 2004-5-E, Exh. B, Part 3, 5-13-2004; Res. No. 2005-13-E, 5-26-2005; Res. No. 2006-26-E, 11-2-2006; Res. No. 2006-27-E, 11-30-2006; Res. No. 2007-15-E, 6-28-2007)

Sec. 31-24. Suspension of Tribal Rights, Benefits and Privileges.

Suspension of Rights, Benefits and Privileges of Membership. The Council of Elders may suspend the rights, benefits and privileges of any tribal member who is determined not to be in good standing. Although an individual may be recorded as an enrolled member of the tribe, receipt and exercise of tribal rights, benefits and privileges are incumbent on being a member in good standing. A member's good standing may be revoked for conduct including, but not limited to:

- (1) conduct resulting in a felony conviction;
- (2) failure to complete mental health, substance abuse or alcoholism treatment as directed by the relevant health and/or social services agency(ies) of the Mohegan Tribe;
- (3) nonpayment of child support;
- (4) nonpayment of debt owed to the Mohegan Tribe or breach of a contractual agreement with the Mohegan Tribe, tribal program or tribal department;
- (5) fraudulently obtaining services from the Mohegan Tribe;
- (6) willful misconduct of an egregious or repetitious nature, which results in significant harm to any person, property, or financial interest of the Tribe, or which is seriously detrimental to the Mohegan Tribe;
- (7) deliberate violation of the confidentiality requirements of the Mohegan Tribe Membership and Enrollment Ordinances;
- (8) violation of any policies or ordinances of the Mohegan Tribal Council or Council of Elders;
- (9) using one's tribal status to attempt to access special benefits or privileges beyond those afforded to all tribal members at facilities operated by the Mohegan Tribe.
- (10) the sale of biological material for the purpose of assisting in the conception of a child.

The procedure for obtaining good standing determinations is set forth in the Enrollment and Membership Office Rules and Procedures.

(Ord. No. 2003-2-E, Part 4, 3-24-2003; Res. No. 2003-8-E, 3-24-2003; Res. No. 2004-5-E, Exh. B, Part 4, 5-13-2004; Res. No. 2005-13-E, 5-26-2005; Res. No. 2006-26-E, 11-2-2006; Res. No. 2006-27-E, 11-30-2006; Res. No. 2007-15-E, 6-28-2007)

Sec. 31-25. Appeals.

The final determinations of the full Council of Elders, with respect to tribal membership determinations, including approval or denial of an application for tribal enrollment, removal of a person from the Tribal Roll, restoration of membership, additions or corrections to the Tribal Roll, good standing determinations and any other matter affecting tribal membership and enrollment, shall be subject to reconsideration by the Council of Elders upon request of the aggrieved tribal member. Summaries of the final determinations of the Council of Elders, excluding the names of Respondents, shall be published in the Wuskuso on a periodic basis.

(Ord. No. 2003-2-E, Part 5, 3-24-2003; Res. No. 2003-8-E, 3-24-2003; Res. No. 2004-5-E, Exh. B, Part 5, 5-13-2004; Res. No. 2005-13-E, 5-26-2005; Res. No. 2006-26-E, 11-2-2006; Res. No. 2006-27-E, 11-30-2006; Res. No. 2007-15-E, 6-28-2007; Res. No. 2010-9-E, 6-11-2010)
