

ARTICLE I. TRIBAL ENROLLMENT

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Sec. 31-1. Definitions.

Whenever used in this Article, the Membership Ordinance or the Enrollment and Membership Office Rules and Procedures, the following terms shall have the following meanings:

Applicant means any person who has filed an application for enrollment in the Mohegan Tribe of Indians prior to approval or denial of the application.

Base Roll means the roll of tribal members identified in the Mohegan Constitution as establishing the right to membership.

Chairman means the Chairman of the Council of Elders and the Vice-Chairman when acting in the capacity of Chairman.

Council means the Council of Elders.

Database means the enrollment records and data preserved in electronic format at the direction of the Council of Elders.

Disenrollment means the voluntary or involuntary loss of membership in the Mohegan Tribe.

Enrollment means the submission of documentation pursuant to this Article to reflect meeting the Constitutional requirements for membership in the Mohegan Tribe.

Enrollment and Membership Office means the office and personnel delegated authority by the Council of Elders for handling enrollment applications, membership records and services and tribal rolls pursuant to this Article, the Membership Ordinance, and any rules and procedures promulgated by the Council of Elders.

Enrollment and Membership Office Rules and Procedures means the rules and procedures promulgated by the Council of Elders.

Lineal descendant means the biological child, grandchild, great-grandchild, etc. of a person listed on the May 11, 2002 tribal roll.

Long Form Birth Certificate means a certified document verifying the time, date, place of an individual's birth, including a traceable number and the parents' names and dates of birth or ages at the time of the individual's birth.

Maintain means to be provided with a copy.

Manage, administer and direct means to exercise executive, administrative, and supervisory direction of; to manage or supervise the execution, use, or conduct of; and to regulate the activities or course of; and to carry out the organizing, energizing, and supervising of.

Tribal Roll means the listing of all tribal members containing the names, addresses, telephone numbers, tribal identification numbers, names of Mohegan parent and grandparent, and membership status.

Tribe means the Mohegan Tribe of Indians of Connecticut.

Verified Written Statement means a notarized declaration in writing, signed by the declarant.

1994 Tribal Roll means the May 15, 1994 Tribal Roll of the Mohegan Tribe of Indians of Connecticut as of federal recognition, as approved on January 20, 1999.

May 11, 2002 Tribal Roll means the May 11, 2002 Tribal Roll of the Mohegan Tribe of Indians as certified by the Council of Elders and addenda as certified by the Council of Elders.

(Res. No. 2006-27-E, 11-30-2006)

Sec. 31-2. General Provisions.

- (a) *Enrollment.* 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 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.
- (c) *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 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 the enrollment and membership records of 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.
- (d) *Burden of Proof.* The burden of proof rests upon the applicant to establish all elements of the applicant's eligibility for enrollment. The Council of Elders shall prescribe the form of application.
- (e) *Penalties.*
 - Any applicant who knowingly files false information regarding enrollment may be subject to a civil penalty not to exceed \$1,000.00 for each violation and/or suspension of tribal benefits and privileges.
 - (2) Any person who is wrongfully enrolled by virtue of false information shall be responsible for immediate repayment, with interest, of any benefits received from the Tribe, upon final action by the Council of Elders removing the person from the Tribal Roll based on the determination that such information is false.
 - (3) Applications for enrollment of tribal members' children shall be filed within one year of the child's birth. Failure to do so will result in the loss of distributions pursuant to the Mohegan Tribal Council's Revenue Allocation Plan for the period in which the child is not enrolled. Additionally, a monetary penalty not to exceed \$500.00 may be imposed by the Council of Elders upon parents failing to enroll children within the child's first year of birth.
 - (4) Any person who violates the confidentiality provisions of this Article may be subject to a civil penalty not to exceed \$1,000.00 for each violation and/or suspension of tribal benefits and privileges.
 - (5) Any person who engages in conduct described in Part 4.1 of the Membership Ordinance may be determined not to be in good standing. Such a

determination may result in the suspension of the benefits and privileges of membership, as set forth in the Membership Ordinance.

(Res. No. 2006-27-E, 11-30-2006)

Sec. 31-3. Establishment of Enrollment and Membership Office.

- (a) There is hereby established the Mohegan Tribal Enrollment and Membership Office, which shall be managed, administered and directed by the Council of Elders.
- (b) The Enrollment and Membership Office is hereby delegated the following authority and responsibility:
 - (1) Numbering and dating all incoming applications for enrollment;
 - (2) Reviewing applications for adequacy of documentation;
 - (3) Informing applicants of any deficiencies in documentation;
 - (4) Submitting applications to the Council of Elders for review and recommendation;
 - (5) Maintaining the enrollment database in accordance with this Article, the Membership Ordinance and any rules, policies and procedures promulgated by the Council of Elders;
 - (6) Preparation of the annual Tribal Roll Report, consistent with the requirements of this Article, for review and certification by the Council of Elders;
 - (7) Any additional duties as assigned by the Council of Elders;

(Res. No. 2006-27-E, 11-30-2006, Res. No. 2014-16-E, 8-7-2014)

Sec. 31-4. Qualifications for Enrollment.

- (a) *Evidence in support of application.* Evidence of lineal descent shall be established by paternal or maternal DNA testing. In addition, an application for enrollment shall be supported by a notarized statement of biological children, a certified copy of an applicant's long form birth certificate, legal adoption papers, or other lawful documentation naming the applicant's parent(s) and date(s) of birth or age(s) of parent(s) at time of birth.
 - (1) If a genetic-testing specimen is not available from the Mohegan parent of a child, for good cause and under circumstances the Council of Elders considers to be just, the Council of Elders may accept specimens from the following individuals for genetic testing:
 - a. The parents of the Mohegan parent;
 - b. The brothers and sisters of the Mohegan parent;
 - c. Other children of the Mohegan parent and their mother or father, whichever the case may be;
 - d. Other relatives of the Mohegan parent necessary to complete genetic testing.

- (2) In the event that a Mohegan relative DNA sample is not available, the Council of Elders may, in its discretion, waive the DNA test requirement if other evidence is provided as verification of lineal descent.
 - (3) The cost of a DNA test or tests undertaken for the purpose of determining an applicant's entitlement to enrollment in the Mohegan Tribe will be the sole responsibility of the person(s) whose membership is at issue unless directed otherwise by the Council of Elders.
 - (4) In the event that paternal or maternal DNA testing indicates that the applicant does not descend from a Mohegan parent, the applicant or his/her parent/guardian may appeal. Processing of the appeal may involve further DNA testing to rule out the possibility of genetic anomaly, including, but not limited to, chimerism (defined herein as the composition of an individual from cells with more than one genetic background, resulting from a fusion of two or more zygotes) or incorrect results due to sample mishandling or loss.
 - (5) DNA testing shall be performed by a laboratory accredited by the American Association of Blood Banks, the College of American Pathologists, and the State in which the laboratory is located. In addition, said laboratory shall comply with the standards for maintaining the privacy of health information as set forth in the Health Insurance Portability and Accountability Act of 1996 and related regulations.
 - (6) The sale or attempted sale of Mohegan genetic material for enrollment purposes shall constitute a violation of Mohegan law and may result in a negative good standing determination.
 - (7) Appeals shall be governed by the process set forth in the Enrollment Office Rules and Procedures.
- (b) *Effect of Adoption.*
- (1) An applicant constitutionally eligible for enrollment shall continue to be eligible if adopted by person(s) other than members of the Mohegan Tribe.
 - (2) Children adopted by tribal members are not considered to be members of the Mohegan Tribe of Indians of Connecticut, unless one biological parent is a Mohegan tribal member.

(Res. No. 2006-27-E, 11-30-2006)

Sec. 31-5. Procedure for Determination of Enrollment.

The procedure for enrollment in the Mohegan Tribe shall be set forth in the Enrollment and Membership Office Rules and Procedures promulgated by the Council of Elders.

(Res. No. 2006-27-E, 11-30-2006)

Sec. 31-6. Appeals.

The process for appeals regarding enrollment matters is set forth in the Enrollment Office Rules and Procedures. The actions of the full Council of Elders, with respect to final tribal enrollment and membership reconsiderations, 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 considered final.

(Res. No. 2006-27-E, 11-30-2006)

Secs. 31-7—31-20. Reserved.

ARTICLE II. TRIBAL MEMBERSHIP

Sec. 31-21. General provisions.

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

Sec. 31-23. Loss of Membership.

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

Sec. 31-25. Appeals.

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 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) Preparation of mailings to the tribal membership at the direction of the Tribal Council or Council of Elders;
 - (b) Maintenance of tribal information such as name changes, address changes, corrections to vital information, updates due to marriage, death or divorce;
 - (c) 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;
 - (d) Preparation of mailing labels for Tribal Government departments, such as Wuskuso and Youth Wuskuso;
 - (e) Preparation of mailing labels and voter tracking information for use during tribal elections;
 - (f) Preparation of report information for Tribal Government entities for tribal events from membership database;
 - (g) Preparation of tribal identification cards, including taking photographs;
 - (h) Preparation of monthly listing of eligible tribal members for the dining certificate program;
 - (i) Preparation of distribution lists and associated reports for the Finance Department for per capita distributions;
 - (j) Verification of tribal membership or spouse status in response to inquiries from the Tribal and Mohegan Sun Human Resource Departments;

- (k) Provision or verification of tribal membership database information to tribal departments, i.e. Legal Department, Contract Health Services, Public Safety Department, etc.;
- (l) Administering the membership database in accordance with this Ordinance, the Enrollment Ordinance and any rules, policies and procedures promulgated by the Council of Elders;
- (m) 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;
- (n) Any other duties as may be required to provide services to the tribal membership.

(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; Res. No. 2014-16-E, 8-7-2014)

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)