

Michigan Department of Civil Rights Guidelines for Determining Eligibility of American Indian and Tribal Organizations for Funding and Services

The Michigan Department of Civil Rights has been charged with the responsibility of developing a procedure and the criteria necessary to determine the eligibility of American Indian and tribal organizations to qualify for state and federal funding or services.

Section 1. Declaration of Policy

It is the responsibility of the Michigan Department of Civil Rights to determine if an American Indian or tribal organization shall be eligible to receive appropriate services and funding.

Section 2. Definitions

- A) “Indian” for the purposes of determining eligibility, means a person is a member of an Indian tribe, band, group or recognized organization, either federally or non-federally recognized, who can trace their ancestry to tribal, treaty, or annuity rolls, and meets the requirements of that tribe, band, or group;
- B) “Person” includes an individual, partnership, corporation, association, or public or private organization other than an agency;
- C) “Department” means the Michigan Department of Civil Rights;
- D) “American Indian or Tribal organization” for the purposes of determining eligibility for funding or services means a legally established Indian controlled, nonprofit, tax exempt organization whose governing body is democratically elected by the members of the American Indian community of which they serve. A majority of the governing body must be certified as American Indian by either a federally recognized tribe or the Bureau of Indian Affairs.

Section 3. Procedure

The Department has adopted the following procedure to determine whether or not an American Indian or Tribal organization meets the minimum requirements to be considered eligible for funding and services pursuant to the above definitions.

The following criteria will be accepted by the Department as evidence of an American Indian or Tribal organization meeting the requirements for determining eligibility:

- A) Those tribes included on the list of federally recognized tribes published by the Secretary of the Interior will automatically be determined eligible by the Department.
- B) Non-federally recognized American Indian or Tribal organizations must submit to the Department a copy or documentation of:
 - 1) State of Michigan Articles of Incorporation and the organization's constitution and bylaws
 - 2) proof of nonprofit tax exempt status from the Internal Revenue Service (IRS) by either a letter from the IRS or an application to the IRS
 - 3) current governing board members with their tribal affiliation and American Indian certification by either a federally recognized tribe or the Bureau of Indian Affairs

Section 4. Application for Determining Eligibility of Indian Tribes and Organizations

Any applicant seeking eligibility for funds and/or services shall complete and file an Application for Eligibility for Funding and Services with the Department.

Section 5. Decision Making Process

The Department shall issue a decision setting forth the underlying reasons for either supporting or denying the application for determining eligibility.

Section 6. Reporting

- A) On an annual basis, by June 1 of each year, the American Indian and Tribal organizations must submit to the Department a resolution from the governing body that affirms that they are in accordance with the criteria and definition for continuing eligibility status. This process will be repeated annually with a deadline of June 1.
- B) The Department shall annually transmit to the Office of the Governor a report on actions taken regarding the eligibility of American Indian and Tribal organizations as determined by this policy.