

PASCUA YAQUI TRIBE

ORDINANCE NO. 38-21

BE IT ENACTED BY THE PASCUA YAQUI TRIBAL COUNCIL AN ORDINANCE AMENDING TITLE 8, PART IV OF THE PASCUA YAQUI TRIBAL CODE.

SECTION 1.

The Pascua Yaqui Tribal Code, as codified at Title 6, Part IV, Chapter 4-2 is hereby amended as follows:

“SUBCHAPTER A GENERAL PROVISIONS

Section 10 Purpose (6 PYTC § 4-2-10)

The Tribe’s Higher Education Assistance Program provides financial support for the promotion of education and employment of tribal members.

Section 20 Lead Agency (6 PYTC § 4-2-20)

- (A) The Tribe’s Education Department is charged with the primary responsibility for administering the Tribe’s Higher Education Assistance Program.
- (B) The Education Director shall be charged with the responsibility of developing and implementing policies or the disbursement of funds through the program.

Section 30 Program Goals (6 PYTC § 4-2-30)

The goal of the program is to provide post-secondary education assistance to tribal members. The program goal will be accomplished by providing supplemental educational costs to attend an approved post- secondary institution.

Section 40 Definitions (6 PYTC § 4-2-40)

As used in this document:

- (A) “Academic Year” means the period of time in which a full-time student is expected to complete the equivalent of at least two semesters. The Academic Year includes Fall and Spring semester only, regardless of the trimester or quarter systems used by some post-secondary institutions. Each student may be eligible for 2 funding periods; January through May and August through December.
- (B) “Course credits” means credits that will be funded by the Program. These credits may include college credits earned through the College Level Examination Program (CLEP).
- (C) “Eligible Institution” means an institution of higher education that meets the criteria as established by the Pascua Yaqui Tribal Council for which a student may receive funding to attend.
- (D) “Non-degree seeking student” means a student who is taking undergraduate and graduate level courses, but has not been admitted into an undergraduate or graduate program.
- (E) “Full-time student” means a student who is enrolled in the minimum number of credits or more to be considered full-time as determined by the institution in which they are enrolled.
- (F) “Part-time student” means a student who is enrolled in less than the minimum number of credits to be considered full-time as determined by the institution.

- (G) "Accreditation" means the certificate of recognition of a post-secondary institution by a nationally recognized accrediting agency or association that certifies the institution is providing quality programs of study.
- (H) "Books" means textbooks that are required by an instructor for successful completion of the course for the semester and/or school term in which the student is registered.
- (I) "Tuition & Fees" means the required costs for enrollment and instruction charged by post-secondary institutions.
- (J) "CLEP" - (College Level Examination Program) means a program that allows students to take exams in undergraduate college courses for credit.
- (K) "Grade Point Average" (GPA) means the measure of the average performance of a student. It is usually determined by assigning a 4 for an A grade, 3 for B, 2 for C, 1 for D, and 0 for F. For the courses taken by a student, the average of these numerical scores is called the Grade Point Average (GPA). The GPA is usually reported as an average weighted by the credit hours of each course.
- (L) "Education Oversight Committee" means a committee made up of members of the Tribal Council to assist with and provide recommendations for policy development for the Education Department.
- (M) "Tribal member" means a Pascua Yaqui tribally enrolled member.
- (N) "Student Financial Assistance Request" is an approved form used by the Tribe's Education Department to request financial assistance.
- (O) "Individualized Education Program" means a written education plan designed to meet a student's learning needs.
- (P) "Tribe" means the Pascua Yaqui Tribe.
- (Q) "'Academic Career" means the path a student takes through his or her schooling from freshman to post-doctoral.

Section 50 Confidentiality of Records (6 PYTC § 4-2-50)

- (A) Except as provided in Paragraphs B and C, below, the Higher Education Assistance Program shall keep all applicant files confidential. In order for the Program to disclose information regarding an applicant, the applicant must submit a signed disclosure statement, specifying the individual(s) and/or entities to receive the information.
- (B) Applicant files, or portions thereof, may be disclosed to other Pascua Yaqui tribal departments when:
 - (1) The information is needed for purposes of determining an individual's initial or continuing eligibility for aid, services or other benefits accruing on the basis of tribal membership, or
 - (2) The information is needed for purposes of pursuing an investigation or prosecution of alleged or suspected fraud or similar abuse of the program.
- (C) Applicant files, or portions thereof, may be disclosed to other educational institutions without a signed disclosure statement from the applicant when:
 - (1) The disclosure occurs pursuant to a signed agreement between the Tribe and the education institutional;
 - (2) The disclosure is necessary to further the purposes of the agreement; and
 - (3) The agreement provides for appropriate safeguards against unauthorized use or disclosure, which are at least as stringent as those contained in any applicable relevant tribal, state, or federal law, by

the parties thereto and any third-parties which may have access to such disclosure.

SUBCHAPTER B HIGHER EDUCATION ASSISTANCE PROGRAM STANDARDS

Section 60 General Eligibility (6 PYTC § 4-2-60)

Beneficiaries of the Higher Education Assistance Program must be enrolled members of the Pascua Yaqui Tribe.

Section 70 Specific Eligibility Requirements (6 PYTC § 4-2-70)

Applicants must:

- (1) Be admitted to and enrolled at an eligible institution.
- (2) Be pursuing an associate, baccalaureate, graduate degree or post graduate degree at an eligible institution. Individual courses taken for the purpose of professional development or personal interest will not be funded.
- (3) Have graduated from high school or have obtained a General Equivalency Diploma certificate.
- (4) Meet academic deadlines as set forth by the program.

Section 80 Continuing Eligibility Requirements for Assistance (6 PYTC § 4-2-80)

- (A) Undergraduate students are required to maintain a GPA of 2.5 or better per academic term.
- (B) Graduate students are required to obtain a GPA of 3.0 or better per academic term or GPA required by the institution for each academic term.
- (C) Post graduate students pursuing a juris doctorate, medical doctorate, pharmacy doctorate, or doctor of dental science must meet the cumulative minimum GPA required by the institution for each academic term.
- (D) Students are required to complete the number of course credits for which they are funded, and earn a passing grade in each course.
- (E) Students are required to submit official transcripts at the conclusion of each funded semester.
- (F) Undergraduate students must declare a major.

Section 90 Maximum Periods of Eligibility for Assistance (6 PYTC § 4-2-90)

- (A) The Program shall provide supplemental assistance to students for the following classes of degrees, provided that a student shall only be eligible for supplemental assistance for one (1) degree of each class:
 - (1) Associate
 - (2) Baccalaureate (also known as Bachelor's)
 - (3) Master's
 - (4) Doctoral
 - (5) Post-doctoral degree
- (B) Except as set forth in Paragraph (C), below, a student may enroll in "remedial" coursework, accounting for no more than 25% of the student's scheduled coursework.

- (C) At the discretion of the Tribe's Education Department, a student who is the subject of an Individualized Education Program may enroll in "remedial" coursework accounting for greater than 25% of the student's scheduled coursework.
 - (1) The student must provide evidence that the Individualized Education Program has been shared with the student's institution of higher learning; and
 - (2) The Education Department shall accord deference to the terms of the student's Individualized Education Program when exercising discretion hereunder.
- (D) The Program shall provide assistance to students pursuing an Associate Degree for a maximum of 72 credits excluding remedial courses.
- (E) The Program shall provide assistance to students pursuing a Baccalaureate Degree for a maximum of 130 credits, excluding remedial courses.
- (F) Transfer students will only be funded for the remaining credits or semesters to earn their Baccalaureate Degree, not to exceed 130 credits.
- (G) A student may pursue double degrees at the baccalaureate and associate level, provided that the additional degree is at no added cost to the Tribe.
- (H) The Program shall provide assistance to students pursuing a Master's Degree for a maximum of 36 credits.
- (I) The Program shall provide assistance to students pursuing a Doctorate Degree, provided that students applying for doctoral programs must meet with the Higher Education Assistance Program (HEAP) Supervisor and the Education Director to determine the amount of funding and the amount of semesters/credits that will be funded.
- (J) Repeat Courses. In general, the Program will not pay for an individual course more than once.
- (K) Fees for Graduate Entrance Exams. Students interested in attending graduate or professional programs at an eligible institution may apply for funds to cover fees for graduate entrance exams such as the Graduate Record Examination (GRE), Law School Admissions Test (LSAT), and the Medical College Admissions Test (MCAT).
 - (1) Financial assistance for exam fees will be based on available funding.
 - (2) A student may not receive funding for exam fees more than two (2) times, regardless of whether the exam is for a different program.
 - (3) The student will be responsible for providing exam scores as proof of completing exam. Failure to provide appropriate documentation will terminate a student's ability to receive any funding available under the Program until documentation is provided or the Tribe is reimbursed.
 - (4) Cancellation of the exam by the student or failure to take the exam will result in immediate reimbursement to the Program by the organization or the student. Failure to reimburse the Program will terminate a student's ability to receive any funding available under the Program.

Section 100 Funding (6 PYTC § 4-2-100)

- (A) Amounts.
 - (1) Funding amount depends upon the academic status of the applicant, and upon the availability of funds.

- (2) Prior to receiving funding, applicant must have completed all required agreements and obligations of the program to include the Students Expectations Contract and required financial/college literacy personal development courses provided by the Program.
 - (3) Students requiring additional or special funding must meet with the Higher Education Assistance Program (HEAP) Supervisor and the Education Director to determine appropriate funding.
- (B) All agreements entered into by a student with the Program shall be documented in the student's file.

Section 110 Cohort Programs and Continuous Programs (6 PYTC § 4-2-110)

- (A) The Program does not provide assistance for summer academic sessions, but the Program may holistically review, on an annual basis, programs of study requiring continuous semesters and that may be a part of a cohort program to determine whether any such continuous semester will be eligible for assessment as a regular semester of enrollment.
- (B) Students enrolled in such programming will be given an individual progress plan that outlines the funding disbursement for the program; at no time will a student be provided additional funding for what is deemed an additional semester within an academic school year.

Section 120 Eligible Institutions for the Program (6 PYTC § 4-2-120)

- (A) In order to receive funding, an eligible student must also be attending an eligible institution. Generally, an institution will be considered eligible if it:
- (1) Is legally authorized to provide a program of education beyond secondary education;
 - (2) Provides an education program for which the institution awards baccalaureate degrees or provides not less than a 2-year program that is acceptable for full credit toward such a degree (community college vocation programs are the exception);
 - (3) The majority of credits earned at the institution are transferable to state-funded institutions;
 - (4) Is accredited by the North Central Association of Colleges and Schools, or other nationally recognized accreditation associations;
- (B) An eligible institution can be a public; private; or for-profit institution, including those with religious affiliation so long as the factors in Paragraph (A), above, are satisfied.

Section 130 Requests for Extension of Assistance (6 PYTC § 4-2-130)

- (A) Students who cannot meet their program requirements within the time specified in Section 90 of this Chapter because the program of study exceeds the allowable funded credits outlined must submit a written request, which must include a plan that demonstrates when and how the student expects to complete his/her program requirements, for an extension of credits to the Program as part of their initial application
- (B) The Program shall determine eligibility for an extension by reviewing the student's academic plan, school transcripts, history regarding requests for extensions and appeals.
- (C) The extension granted shall not exceed the amount of required credits for the student's program of study.

SUBCHAPTER C PROGRAM RESPONSIBILITIES

Section 140 Determination of Eligibility and Amount of Award (6 PYTC § 4-2-140)

- (A) The Program shall review all applications for completion, eligibility, and pre-approved determined award amount based on their academic classification at the institution (i.e. freshman, sophomore, junior and senior).
 - (1) To avoid conflicts of interest, staff members of the Program are prohibited from reviewing, evaluating, or processing:
 - (a) Their own application;
 - (b) A relative's application, regardless of the degree of relation, whether cultural or biological; and
 - (c) An application of an individual who works within the same program office.
 - (2) In the event of a conflict of interest as set forth in Subsection (A)(1), above, the application will be reviewed, evaluated, and processed by the following individuals, in order of precedence, until the conflict is resolved:
 - (a) By another staff member working at a different office location;
 - (b) By the Deputy Director of Education;
 - (c) By the Director of Education;
 - (d) By the Education Oversight Committee.
- (B) The Program standards shall be used as the basis to determine whether an applicant is eligible for assistance.
- (C) Eligibility for scholarship shall be determined within fifteen (15) business days after the Program has received a complete application and all other required and requested information from the applicant's institution.

Section 150 Notification of Award (6 PYTC § 4-2-150)

The Program shall notify each applicant in writing of his/her eligibility within five (5) business days after determination has been made by the Higher Education Assistance Program (HEAP) Supervisor.

SUBCHAPTER D DENIAL OF BENEFITS, CONDITIONAL GOOD STANDING, PROBATION, AND SUSPENSION OF BENEFITS

Section 160 Notification of Denial (6 PYTC § 4-2-160)

- (A) The Program shall notify each applicant in writing if the applicant is denied funding or is placed on academic probation or suspension.
- (B) A notification letter shall be sent to the applicant with supporting reason(s) for such determination.
- (C) The notification shall also include an explanation of the applicant's right to appeal the decision, as provided in this Subchapter E.

Section 170 Denial of Program Assistance Benefits (6 PYTC § 4-2-170)

The Program may deny assistance to applicants if:

- (A) The applicant knowingly provides false information or purposefully omits relevant information on the application. Applicants may be excluded from any future funding.
- (B) At the time of application, the applicant owes the Tribe for unreimbursed exam fees or for any overpayment of a previously dispersed award.
- (C) The applicant has been accused of obtaining a previous award due to misrepresentation, fraud, or other bad act; and, after investigation, the Tribe found probable cause existed to support the accusation. Applicants may be excluded from any future funding.
- (D) Any act of the applicant which, in the sole discretion of the Tribe, negatively impacts the integrity of the purpose and processes set forth in this Chapter.

Section 180 Conditional Good Standing (6 PYTC § 4-2-180)

- (A) A student is in a status of Good Standing if:
 - (1) The student is meeting the requirements of their program of study, including maintaining the required GPA, as determined by the institution in which the student is enrolled; and
 - (2) The student's academic performance, including attendance, academic history, and other factors as determined by the Program, demonstrates a likelihood of academic success without the need for specialized intervention.
- (B) Students whose academic performance indicates ongoing struggles may be placed into a status of Conditional Good Standing by recommendation of their Education Assistance Specialist (EAS) with the concurrence of the Higher Education Assistance Program (HEAP) Supervisor.
- (C) The purpose of placing a student into a status of Conditional Good Standing is to provide a level of intervention between that provided to students in a status of Good Standing and that provided to students in a status of Academic Probation with the goal of preventing the need for placing a student into a status of Academic Probation.

Section 190 Probation (6 PYTC § 4-2-190)

- (A) Students may be placed on Academic Probation for failing to meet the minimum requirements for continuing eligibility as stipulated in this Chapter.
- (B) Upon determination that the applicant has failed to meet the minimum requirements, the Program shall notify the student in writing of the reason(s) for placing him/her on probation.
- (C) A student must sign an Academic Probation Contract prior to receiving funding.

Section 200 Suspension of Program Assistance (6 PYTC § 4-2-200)

- (A) A student who fails to meet the requirements of Academic Probation shall be placed on Academic Suspension.
- (B) Upon making the determination to suspend assistance, the Program shall notify the student in writing with an explanation of the reason(s) for suspension.
- (C) A student placed on Academic Suspension shall not be eligible to receive funding of any kind from the Program.

Section 210 Automatic Suspension (6 PYTC § 4-2-210)

When a student, whether part-time or full-time, fails to complete any credits during a semester for which the

Program has awarded assistance, the student shall automatically be placed on Academic Suspension without further notice.

Section 220 Regaining Full Eligibility Status (6 PYTC § 4-2-220)

- (A) To be removed from Academic Probation and/or Suspension and regain full eligibility status:
 - (1) A full-time student must successfully complete 12 credits, and earn a GPA of 2.5 if an undergraduate student, or 3.0 if a graduate student.
 - (2) A part-time student must successfully complete the same number of credits for which they were previously funded (credits must be applicable to the program of study for which the student is enrolled), and earn a GPA of 2.5 if an undergraduate student, or 3.0 if a graduate student.
- (B) In order to demonstrate eligibility for reinstatement pursuant to Paragraph (A), above, students shall submit official transcripts that verify credits completed and GPA earned.

SUBCHAPTER E APPEALING DECISIONS

Section 230 Appeals Regarding Probation, Suspension, or Ineligibility (6 PYTC § 4-2-230)

If an applicant/student wishes to appeal a decision made regarding his/her Higher Education Assistance application, he/she may appeal within ten (10) days of notification of probation, suspension or ineligibility.

- (A) Student appeals will only be considered for extenuating circumstances. Examples of extenuating circumstances for which an appeal will be considered are death of immediate family member and medical issues.
- (B) A student is entitled to no more than two (2) appeals during their entire academic career.
- (C) Students will be required to submit the following to the Education Assistance Specialist:
 - (1) A letter of appeal addressed to the Education Director.
 - (2) The supporting documentation that the student wishes to be considered by the Education Director, which must be of a sufficient nature to allow the Department to verify the extenuating circumstances.
- (D) The Program staff shall provide to the Education Director documentation supporting the decision that is being appealed, including:
 - (1) The student's academic standing at the academic institution (e.g. GPA, consistency of enrollment, academic patterns);
 - (2) Any contracts the Program has with the student;
 - (3) Any record of communication between the Program and the student; and
 - (4) Any other relevant information upon which the Program relied in making its determination.
- (E) In deciding the appeal, the Education Director will review:
 - (1) The provisions of this Chapter;
 - (2) The Program's policies and procedures;

- (3) The documentation provided by the student, with particular attention to the documentation proving the student's extenuating circumstances;
 - (4) The documentation provided by the Program staff; and
 - (5) Any other information which the Education Director believes relevant to determining the appeal.
- (F) The Education Director will have twenty-one (21) days from the date a student submits an appeal to uphold or deny the appeal. Appeals not considered within twenty-one (21) days shall be deemed denied.
- (G) The Education Director will produce a written finding to uphold or deny the appeal within ten (10) business days of the decision.
- (H) The student will be provided a copy of the Education Director's written finding within five (5) business days of the issuance of the Education Director's finding.
- (I) If the Education Director denies the appeal, the student may request in writing to have their file reviewed by the Education Oversight Committee.
- (J) Appeals which do not follow the process set forth in this Subchapter F will not be considered."

SECTION 2.

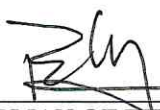
The Code Reviser of the Pascua Yaqui Tribe is hereby authorized and directed to insert this Ordinance into the Pascua Yaqui Code, to include a section on legislative history, and to renumber the sections hereof in accordance with Title 1 Chapter 1 of the Pascua Yaqui Code, the Codification Ordinance, without further action or approval.

SECTION 3.

If any section or part of this Chapter is later determined to be void or unenforceable, the remainder of this Chapter shall nevertheless remain in full force and effect, unless this Chapter, without said void or unenforceable section or part, fails in its purpose.

SECTION 4.

This Ordinance shall go into effect immediately.



 CHAIRMAN OF THE PASCUA YAQUI TRIBE

7/28/2021
 Date



 SECRETARY OF THE PASCUA YAQUI TRIBE

7/28/2021
 Date

