

Title 10. General Welfare Exclusion - Chapter 1005

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It is helpful they'll go on to school

People of the Standing Stone, the great place where they teach them the traditions, money

HIGHER EDUCATION GRANT LAW

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1005.1. Purpose and Policy

1005.1-1. *Purpose.* The purpose of this law is to implement the Higher Education Grant program; and set forth the funding requirements and procedural controls for awarding Higher Education grants.

1005.1-2. *Policy.* It is the policy of the Nation to provide a fiscally responsible and consistent methodology for awarding Higher Education grants to enhance postsecondary educational opportunities for members of the Nation.

1005.2. Adoption, Amendment, Repeal

1005.2-1. This law was adopted by the Oneida Business Committee by resolution BC-04-22-26-F.

1005.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

1005.2-3. Should a provision of this law or the application thereof to any person or circumstances be held invalid, such invalidity does not affect other provisions of this law which are considered to have legal force without the invalid portions.

1005.2-4. In the event of a conflict between this law and a provision of another law of the Nation, the provisions of this law shall control.

1005.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

1005.3. Definitions

1005.3-1. This section governs the definitions of words and phrases used within this law. All words not defined herein are to be used in their ordinary and everyday sense.

(a) "Accredited program" means any educational institution accredited by a federally approved accrediting agency.

(b) "Appeal" means a request for review of a grant decision made by the Higher Education Office for which the requestor shall demonstrate that the entity has failed to abide by the provisions of this law or the Higher Education Student Rulebook.

(c) "Financial Needs Analysis" or "FNA" means the financial needs analysis form Oneida Higher Education sends directly to the school's financial aid office for completion. The school's financial aid office uses the appropriate FAFSA to complete our FNA.

- (d) “Free Application for Federal Student Aid” or “FAFSA” means the application which determines eligibility for any financial resources such as state and federal funding.
- (e) “Full-time student” means a student taking twelve (12) or more credits in an undergraduate or lower tier program, and nine (9) or more credits in a graduate level program.
- (f) “Grade Point Average” or “GPA” means the average of a student’s academic performance, calculated by dividing the total grade points earned by the total number of credits funded by Oneida Higher Education Grant for the term.
- (g) “Grant” means monetary funds awarded to a student through the Oneida Higher Education Grant Program.
- (h) “Higher Education Student Rulebook” means the source of the rules and regulations for carrying out this law as further described in 1005.4-1(b).
- (i) “Member of the Oneida Nation” means an enrolled member of the Nation.
- (j) “Nation” means the Oneida Nation.
- (k) “Part-time student” means a student taking between six (6) and eleven (11) credits per term in an undergraduate or lower tier programs, and between six (6) and eight (8) credits for graduate or doctorate degree programs.
- (l) “Postsecondary” means education following secondary school such as college, university, or vocational school.
- (m) “Probation” means the term during which students must improve their GPA to meet the eligibility criteria for Higher Education Grant funding, pursuant to 1005.5-1(f). A student placed on probation by the Higher Education Office shall continue to receive funding for one (1) term, during which they are required to regain eligibility.
- (n) “Rule” means a set of requirements, enacted by the Oneida Higher Education Office in accordance with the Administrative Rulemaking law based on authority delegated in this law to implement, interpret and enforce this law.
- (o) “Term” means a portion of an academic year during which an educational institution holds classes. Common terms such as a quarter, trimester, and semester are used to denote terms of specific durations.

1005.4. Higher Education Office

1005.4-1. The Higher Education Office shall award grants in accordance with the provisions of this law.

1005.4-2. *Administrative Rulemaking.* The Oneida Higher Education Office shall be delegated rulemaking authority in accordance with the Administrative Rulemaking law to promulgate rules to govern the administration of the Higher Education Grant program and shall make such rules and regulations available in the Higher Education Student Rulebook. The rules promulgated by the Higher Education Office shall at a minimum address:

- (1) The Higher Education Student File clearly describing the documents required to complete the Higher Education Student File.
- (2) Funding
 - (a) how funding periods are calculated.
 - (b) cap amounts for the following tiers:

- (i) associate degree, vocational or certificate program.
 - (ii) undergraduate degree.
 - (iii) graduate degree.
 - (iv) doctoral degree.
- (3) Clearly describe application requirements and process.
 - (4) Clearly describe the appeals process.
 - (5) Additional rules may be promulgated, provided they do not conflict with any provision of this law.

1005.4-3. The Oneida Higher Education Office shall develop and maintain standard operating procedures for the Higher Education Office.

1005.5. Higher Education Grant

1005.5-1. *Eligibility Requirements.* To be eligible for a Higher Education Grant award, a student shall:

- (a) be an enrolled member of the Nation.
- (b) be enrolled in an accredited postsecondary vocational program, college, or university.
- (c) complete the Higher Education Student File with the Higher Education Office.
- (d) comply with FAFSA standards.
- (e) be pursuing a degree in a higher funding tier than any previously earned degree, unless unused credits remain within the funding cap of their current degree tier pursuant to 1005.5-2.
- (f) meet GPA requirements, as follows:
 - (1) associate degree, vocational or certificate program must maintain a GPA of 2.0
 - (2) undergraduate students must maintain a GPA of 2.0
 - (3) graduate students must maintain a GPA of 3.0
 - (4) doctoral must maintain a GPA of 3.0; except where:
 - (i) The school's grading policy considers professional doctoral students (MDs and JDs) to be in good academic standing even with a GPA below 3.0.
 - (5) apprenticeship/certificate/license students must maintain academic progress and submit scheduled/monthly progress reports.

1005.5-2. *Length of Funding.* The following are the maximum credit allocations for grant funding:

- (a) ninety (90) credits for an associate degree, vocational or certificate program.
- (b) one hundred fifty (150) credits for an undergraduate degree.
- (c) sixty (60) credits for a graduate degree.
- (d) one hundred twenty (120) credits for a doctoral degree.

1005.5-3. Students who have not used the maximum credit allocation under their highest degree earned tier may remain in that tier up to the credit limit.

1005.5-4. *Tiered Funding System.* The Oneida Higher Education Office, in accordance with the Administrative Rule Making Procedure, shall establish maximum funding caps for the following funding tiers (listed from lowest to highest, a through d):

- (a) associate degree, vocational or certificate program.
- (b) undergraduate degree.
- (c) graduate degree.

(d) doctoral degree.

1005.5-5. *Award*. The amount of the grant awarded to a student is based upon:

(a) The funding cap for each tier under Section 1005.5-4.

(b) The minimum award package shall consist of:

(1) Full-time students shall receive funding for tuition, fees, books, and room and board up to the funding cap amount for their program.

(2) Part-time students shall receive funding for tuition, fees, and books up to the funding cap amount for their program.

(3) Students enrolled in one (1) to five (5) credits shall receive funding for tuition, fees, and books up to the funding cap for their program.

(c) If the student's financial need, as determined by the financial needs analysis, exceeds the minimum award package, the student shall receive an award equal to their financial need, up to the maximum allowed by the funding tier cap.

(1) A full-time student's award may also cover transportation and personal/miscellaneous expenses.

(2) A part-time student's award may also cover room and board, transportation and personal/miscellaneous expenses.

1005.5-4. *Probation*. Students may be placed on probation for failure to earn the required GPA if their GPA falls between:

(a) 1.0-1.9 for associate degree, vocational, certificate program, and undergraduate students.

(b) 2.0-2.9 for graduate students.

1005.6. Establishment. The Higher Education Grant meets the requirements of the General Test as defined in the Oneida General Welfare law; General Criteria as defined in I.R.S. Rev. Proc. 2014-35, section 5; and the requirements of the Tribal General Welfare Exclusion Act of 2014, 26 U.S.C. §139E(b). The assistance provided through the Higher Education Grant is:

(a) paid on behalf of the Nation;

(b) pursuant to an approved program of the Nation;

(c) does not discriminate in favor of members of the governing body of the Nation;

(d) available to any eligible member of the Nation who meets the guidelines of the approved program;

(e) provided for the promotion of general welfare;

(f) not lavish or extravagant;

(g) not compensation for services; and

(h) not a per capita payment.

1005.7. Enforcement

1005.6-1. *Accountability*. The Higher Education Office shall deny funding to any student who violates this law or fails to comply with the Higher Education Student Rulebook.

1005.8. Appeals

1005.7-1. *Appeal Process and Requirements*. An appeal is a request for review of a grant decision made by the Higher Education Office, in which the student must demonstrate that the Higher Education Office failed to comply with this law or the Higher Education Student Rulebook. A

student may appeal a grant decision made by the Higher Education Office within thirty (30) calendar days of receipt of the decision the student is appealing.

End.

Adopted. BC-04-22-26-F