

POKAGON BAND OF POTAWATOMI INDIANS ELDER TRIP POLICY

1. PURPOSE.

- (a) In honor and recognition of the role of Elders in protecting and promoting the culture of the Band, the Elders Council was established to provide guidance and advice to the Band.
- (b) In connection with fulfilling this important role, the Elders periodically participate in trips which advance and promote the recognized social and cultural needs of the Elders and the Band.
- (c) The purpose of this Policy is to state the eligibility requirements; registration procedures; and rules governing trips offered by the Band to Elders.
- (d) This Policy does not apply to Michigan Indian Elders Association conferences, which are governed by a separate policy.

2. DEFINITIONS.

- (a) “Band” means the Pokagon Band of Potawatomi Indians.
- (b) “Bus Policy” means the Band’s Bus Policy.
- (c) “Band Bus” or “Band Buses” mean the passenger buses purchased by the Band for carrying out official functions, duties and responsibilities, including by the Elders Council.
- (d) “Citizen” means a duly enrolled member of the Band.
- (e) “Contact Person” means a representative of the Elders Council assigned by the Elders Council, at any time, to fulfill the requirements of this Policy or the Bus Policy, or both, as applicable, in connection with a trip.
- (f) “Elder” or “Elders” means a duly enrolled member of the Band who is at least fifty-five (55) years of age.
- (g) “Elders Council” means the representative body of the Elders comprised of Elders elected by the Elders.
- (h) “Include” or “Including” will be deemed to be followed by the words “without limitation”.

- (i) “Policy” means this Elder Trip Policy.
- (j) “Trip Deposit” means the deposit which a Trip Participant must pay to secure registration for a trip.
- (k) “Trip Notice” means the notice which must be posted and published to solicit interest from Elders in participating in a trip.
- (l) “Trip Participant” means all persons participating in a trip, including Elders, their spouses, and the Contact Person.

3. **BUS USE.**

- (a) When a Band Bus is available, and is suitable for a trip, the Contact Person must ensure that a Band Bus is utilized for the trip, unless waived by the Tribal Council. All use of Band Buses must be in accordance with the Bus Policy.
- (b) When a Band Bus is not available, or is not suitable for a trip, or such use is waived by the Tribal Council, the Contact Person may seek to use a bus supplied by a third party; subject, however, to all required reviews, approvals and procedures of the Band.

4. **ELIGIBILITY.**

- (a) Only Elders are eligible to participate in trips offered by the Band; provided, however, the spouse of an Elder may accompany the Elder on trips, regardless of whether the spouse is a Citizen or an Elder.
- (b) Elders and spouses are eligible to register and participate in trips offered by the Band regardless of past registration and participation.

5. **TRIP NOTICE.**

- (a) At least thirty (30) days prior to the departure date for each trip, the Contact Person must post conspicuously within the Elders Hall and publish in the Tribal Monthly Newspaper, a Trip Notice, which must state:
 - (i) destination of the trip;
 - (ii) departure location, date and time;
 - (iii) return location, date and time;

- (iv) location and telephone number to register;
 - (v) date(s) and time(s) of registration;
 - (vi) location, date and time of any random drawing;
 - (vii) amount of Trip Deposit;
 - (viii) deadline to pay Trip Deposit;
 - (ix) that if the number of Elders and spouses who register for the trip exceeds the number of available trip positions, then the Elders Council will select all Trip Participants and alternates through a random drawing;
 - (x) the name of the Contact Person and a contact telephone number; and
 - (xi) any other information deemed necessary by the Contact Person.
- (b) Registration for a trip must be open for a minimum of ten (10) calendar days.
 - (c) Any random drawing to select Trip Participants must occur within ten (10) calendar days after the date registration is closed.
 - (d) Elders must have a minimum of seven (7) calendar days after the date registration is closed or the date of the random drawing, as applicable, to pay the Trip Deposit.

6. **REGISTRATION.**

- (a) Any Elder who wishes to participate in a trip must register in person or by telephone in accordance with the Trip Notice and, at the time of registration, must provide his or her enrollment number and address, and a contact telephone number.
- (b) All Elders and spouses who have registered for a trip in accordance with this Policy will be placed on a trip registration list.
- (c) If the number of Elders and spouses on the trip registration list does not exceed the number of available trip positions, then the Elders and spouses on such list shall be the Trip Participants.
 - (i) The Contact Person shall ensure that a Trip Participant list is prepared and posted within Elders Hall; and

- (ii) The Contact Person shall ensure that each contact number is called to notify the Elder and any spouse of placement on the Trip Participant list, and the deadline to pay the Trip Deposit.
- (d) If the number of Elders and spouses on the trip registration list exceeds the number of available trip positions, then the Elders Council will select all Trip Participants and alternates through a random drawing.
 - (i) The random drawing will be conducted at a meeting of the Elders Council in accordance with this Policy and the Trip Notice.
 - (ii) Neither an Elder nor spouse are required to attend a random drawing to be selected as Trip Participants.
 - (iii) All who register will be placed on a separate random drawing slip; except an Elder and spouse must be listed on the same slip. All random drawing slips must be drawn.
 - (iv) All Elders must be listed on the Trip Participant list or alternate list, as applicable, pursuant to the order of drawing. If a random drawing slip contains an Elder and spouse, the Elder shall be listed before the spouse on the Trip Participant list or alternate list.
 - (v) The Elders Council will prepare a Trip Participant list and alternate list based upon the results of the random drawing, which must be posted within Elders Hall.
 - (vi) The Contact Person shall ensure that each contact number is called to notify the Elder and any spouse of placement on the Trip Participant list and alternate list, and the deadline to pay the Trip Deposit.
- (e) The Elders Council and their spouses retain the right to participate in all trips and are not subject to random drawing because of the duties and responsibilities of the Elders Council under this Policy.
- (f) Trip Participants are ultimately responsible for confirming registration for all trips, including timely receipt of the Trip Deposit, by calling the Contact Person at the number stated on the Trip Notice.

7. **TRIP DEPOSIT.**

- (a) The Trip Deposit will be Twenty-Five and 00/100 Dollars (\$25.00) per person for all trips; provided, however, if a trip is five (5) days or more (including the day of departure and return), then the Trip Deposit will be Fifty and 00/100 Dollars (\$50.00).
- (b) If a Trip Deposit is not paid in accordance with the Trip Notice, or an Elder or spouse is not able to participate in a trip, then the Elder or spouse, as applicable, will be removed from the Trip Participant list and the Elders Council will endeavor to notify the next alternate of the available trip position. An Elder must promptly notify the Elders Council upon becoming aware that the Elder or spouse is not able to participate in a trip.
- (c) All Trip Deposits will be returned to Trip Participants at the beginning of a trip after boarding the bus. Any person who paid the Trip Deposit, but fails to participate in a trip, for any reason whatsoever, will forfeit the Trip Deposit; provided however, the Trip Deposit will be returned if, pursuant to Subparagraph 10(f), such person did not participate in the trip either: (i) at the request of the Contact Person because such person is sick or ill; or (ii) because such person failed to provide the Contact Person the required physician certification.
- (d) A Trip Deposit cannot be transferred, assigned or credited to any other person for any reason whatsoever.

8. **IDENTIFICATION BADGES.**

- (a) Trip Participants will be issued identification badges, which will state the participant's name on the front and the Contact Person's name and cellular telephone number on the back. The Contact Person's identification badge shall state on the back the name and cellular telephone number of another Trip Participant.
- (b) Any Trip Participant who becomes disconnected from the group during the trip should promptly call the cellular telephone number on the back of the Trip Participant's identification badge.

9. **BUS RULES.** At all times while on a Band Bus or any bus supplied by a third party, Trip Participants must:

- (a) not engage in any illegal activity;
- (b) not be under the influence or possess, use, or sell alcohol or illegal drugs;

- (c) not smoke or chew any tobacco product;
- (d) not cause damage to the bus or any property of another;
- (e) not cause injury to another person;
- (f) not use profane or abusive language;
- (g) not be loud, disruptive or distracting;
- (h) not possess any firearm, any knife with a blade longer than three (3) inches, or any other weapon;
- (i) not engage in any activity which threatens the health or safety of others;
- (j) remain seated when the bus is moving, except when necessary for official purposes or to use the restroom;
- (k) wear seat belts if available;
- (l) be orderly and properly dispose of all litter and trash;
- (m) not wear heavily scented perfume or other products; and
- (n) abide by all lawful directives of the bus driver.

10. **TRIP RULES.**

- (a) Compliance. Trip Participants must conduct themselves in a safe, respectful, courteous, and lawful manner at all times while on a trip and, accordingly, must strictly comply with:
 - (i) all applicable rules, regulations, policies and procedures of: (1) the Band; (2) any third party bus supplier; and (3) all other places or establishments visited during the trip, including any lodging establishment; and
 - (ii) all applicable statutes, codes, acts, ordinances, laws, and rules and regulations of every governing authority.
- (b) Seating. The Contact Person may assign Trip Participants bus seats. In such event, Trip Participants must use the assigned bus seat the entire trip, unless the Contact Person authorizes a seat change.
- (c) Luggage. Trip Participants may bring a small carry-on and no more than one (1) piece of luggage on a trip. Trip Participants shall limit shopping to items which can be stored in the carry-on or luggage. Trip Participants shall ensure that all

luggage contains a completed identification tag. Trip Participants shall be solely responsible for loading, unloading and the security of all luggage and all other personal belongings.

- (d) **On Time.** Buses will depart at scheduled times and will not wait for any Trip Participant. Trip Participants are solely responsible for being present on the bus at scheduled departure times. If a bus departs without a Trip Participant for any reason whatsoever, or a Trip Participant is required to exit the bus pursuant to Subparagraph 11(a) of this Policy, the Trip Participant shall be solely responsible for arranging alternate transportation at the Trip Participant's sole cost.
- (e) **Self-Sufficient.** Trip Participants must be self-sufficient, or accompanied by a spouse who is able to provide all necessary assistance. The Band will not provide any type of aide service to Trip Participants while on a trip, and Trip Participants are solely responsible for all medications. Trip Participants should not venture off alone while at destinations, but should travel with other Trip Participants at all times.
- (f) **Illness.** Prior to departure, the Contact Person may request, but not require, that any person who is sick or ill not participate in a trip. The Contact Person may require certification from a physician that any person is able to participate in a trip; provided such person must be informed of any such requirement at least fourteen (14) days prior to the date of departure stated in the Trip Notice. Any person who does not provide such certification shall not participate in a trip.
- (g) **Trip Cancellation.** The Contact Person may cancel a trip at any time, including due to insufficient participation or inclement weather or other hazards. If a trip is cancelled prior to departure, the Contact Person shall use reasonable efforts to publicize the cancellation. A cancelled trip may be rescheduled. Unless a trip is rescheduled, and a Participant wishes to participate in such trip, the trip deposit will be returned.
- (h) **Expenses.** Prior to departure, the Contact Person will provide Trip Participants with a written statement describing all amounts to be paid by the Band in connection with the trip. Trip Participants shall be solely responsible for all other costs, expenses, fees, assessments and amounts, including all assessments for damages or violating non-smoking rules.
- (i) **Excess Amounts.** If any Trip Participant is paid any per-diem or other amount for which he or she is not entitled, including pursuant to any applicable Band policy, then the Elders Council shall send such person a written demand for payment. The Trip Participant must repay such per-diem or other amount within ten (10) calendar days of the date stated in the written demand for payment. Acceptance of a per-diem or any other amount constitutes agreement to the foregoing obligation.

11. **VIOLATIONS.**

- (a) Any Trip Participant, who violates any provision of this Policy, will be subject to appropriate remedial action, including:
 - (i) the bus driver may require such person to exit the bus at an appropriate location;
 - (ii) the Elders Council may declare such person ineligible for future trips for a period of up to two (2) years;
 - (iii) the Elders Council may require such person to repay on demand all amounts paid by the Band in connection with the trip; and/or
 - (iv) the matter may be referred to law enforcement.
- (b) The Elders Council may deem any violation of this Policy by any person accompanying an Elder on a trip to be a violation by both the Elder and such person.
- (c) All alleged violations of this Policy shall be reported to the Contact Person who may investigate the alleged violations.
- (d) If the Contact Person believes that a Trip Participant violated this Policy and that the violation should be reported to the Elders Council, then the following shall apply:
 - (i) the Elders Council shall schedule a meeting for the sole purpose of addressing the alleged violation(s) and appropriate remedial action(s);
 - (ii) the Elders Council shall prepare a written notice which describes the alleged violation(s) and states the date, time and location of the meeting;
 - (iii) the written notice shall be hand delivered or sent by first class U.S. mail to the Trip Participant at least ten (10) calendar days prior to the date of the meeting;
 - (iv) the Contact Person and the Trip Participant shall be afforded an opportunity at the meeting to address the alleged violation(s) (without the assistance of legal counsel), including to call and question witnesses;
 - (v) the Trip Participant may participate in the meeting in person or by telephone with prior notice to the Elders Council; and

- (vi) the Elders Council shall decide (by motion or resolution) whether the Trip Participant violated this Policy and the appropriate remedial action(s) pursuant to Subparagraph 11(a) of this Policy. The Contact Person shall abstain from any such vote.
 - (e) All decisions of the Elders Council under Paragraph 11 of this Policy shall be final and not subject to review or appeal, including but not limited to, pursuant to the Band's Grievance Policy.
12. **NO WAIVER.** No provision of this Policy, including Subparagraph 10(d), shall be deemed waived by past practice. Trip Participants should expect all provisions of this Policy to be strictly enforced.
13. **DISTRIBUTION.** The Elders Council shall ensure that this Policy is posted in Elders Hall and that copies of this Policy are available upon request. The Contact Person shall provide all Trip Participants with a copy of this Policy at the beginning of a trip, and shall answer any questions regarding this Policy.

HISTORY

Elder Trip Policy, enacted April 30, 2012 by Res. No. 12-04-30-01; Amended June 11, 2012 by Res. No. 12-06-11-05; Amended September 10, 2012 by Res. No. 12-09-10-01.