

CASE NO. 25-1872

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

UNITED STATES OF AMERICA, *Ex Rel,*
Movant,

and

JESSE KOENIG

Plaintiff-Appellant,

v.

KEWEENAW BAY OJIBWA COMMUNITY COLLEGE; LORI ANN
SHERMAN, President, Individually and as Representatives of Keweenaw Bay
Ojibwa Community College; BETH LOUISE VERTANIN, Dean of Instruction,
Individually and as Representatives of Keweenaw Bay Ojibwa Community
College; ROBIN CHOSA, Chairman of the Board, Individually and as
Representatives of Keweenaw Bay Ojibwa Community College,
Defendants-Appellees,

On Appeal from the United States District Court for the Western
District of Michigan at Marquette, Case No. 2:23-cv-00103

**BRIEF OF THE AMERICAN INDIAN HIGHER EDUCATION
CONSORTIUM AS *AMICUS CURIAE* IN SUPPORT OF DEFENDANTS-
APPELLEES**

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UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Disclosure of Corporate Affiliations and Financial Interest

Sixth Circuit

Case Number: 25-1872

Case Name: Koenig v. Keweenaw Bay Ojibwa Comm

Name of counsel: Gregory A. Smith

Pursuant to 6th Cir. R. 26.1, American Indian Higher Education Consortium

Name of Party

makes the following disclosure:

1. Is said party a subsidiary or affiliate of a publicly owned corporation? If Yes, list below the identity of the parent corporation or affiliate and the relationship between it and the named party:

No.

2. Is there a publicly owned corporation, not a party to the appeal, that has a financial interest in the outcome? If yes, list the identity of such corporation and the nature of the financial interest:

No.

CERTIFICATE OF SERVICE

I certify that on May 26, 2026 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by placing a true and correct copy in the United States mail, postage prepaid, to their address of record.

s/Gregory A. Smith

This statement is filed twice: when the appeal is initially opened and later, in the principal briefs, immediately preceding the table of contents. See 6th Cir. R. 26.1 on page 2 of this form.

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IDENTITY AND INTEREST OF *AMICUS CURIAE*

The American Indian Higher Education Consortium (AIHEC) is a 501(c)(3) non-profit corporation organized as a consortium of 35 Tribally controlled colleges and universities (TCUs) chartered by their own Tribal governments and two universities that serve Tribal communities chartered by the federal government.¹ Collectively, AIHEC members provide higher education opportunities to American Indians and Alaska Natives (collectively, “Native” or “Indian”) through programs that are locally based, holistic, and culturally supportive. Founded in 1973, AIHEC is the leading organization representing the collective interests of TCUs through a wide range of programs and initiatives, including research, leadership training, networking, technical assistance, and the promotion of Native languages

¹ Regular Members of AIHEC include the Keweenaw Bay Ojibwa Community College, Aaniiih Nakoda College, Bay Mills Community College, Blackfeet Community College, Cankdeska Cikana Community College, Chief Dull Knife College, College of Menominee Nation, College of the Muscogee Nation, Diné College, Fort Peck Community College, Haskell Indian Nations University*, Iḷisaḡvik College, Institute of American Indian Arts, Lac Courte Oreilles Ojibwe University, Leech Lake Tribal College, Little Big Horn College, Little Priest Tribal College, Navajo Technical University, Nebraska Indian Community College, Northwest Indian College, Nueta Hidatsa Sahnish College, Oglala Lakota College, Red Lake Nation College, Saginaw Chippewa Tribal College, Salish Kootenai College, Sinte Gleska University, Sisseton Wahpeton College, Sitting Bull College, Southwestern Indian Polytechnic Institute*, Stone Child College, Tohono O’odham Community College, Turtle Mountain College, United Tribes Technical College, and White Earth Tribal and Community College. California Indian Nations College is the sole Associate Member of AIHEC. California Tribal College and San Carlos Apache College are Developing Members of AIHEC. (An asterisk indicates that the Member is a federally chartered TCU.)

and culture. Because of its central role in the development of TCUs over five decades, AIHEC is uniquely situated to inform the Court on the history of TCUs in general, and on the legal status of the Keweenaw Bay Ojibwa Community College (KBOCC), an AIHEC Regular Member, in particular. AIHEC has a direct interest in the subject matter of this dispute as it could affect the legal status of all of its members.

As required by Fed. R. App. P. 29(a)(2), AIHEC submits this brief alongside a motion for leave to file. Neither party's counsel authored this brief in whole or in part. No person (including a party or party's counsel) other than AIHEC and their counsel contributed money to fund the preparation and submission of this brief.

SUMMARY OF THE ARGUMENT

Each Regular Member of AIHEC is required to meet and continuously affirm its compliance with strict criteria, including that they are a subdivision of a federally recognized Tribal government. Tribal nations and their subdivisions are cloaked in Tribal sovereignty that renders them immune from suit absent Tribal consent or Congressional action. Congress has recognized that TCUs are inherently Tribal entities and has authorized federal programs and funding that support TCUs, including KBOCC, as institutions founded and controlled by Tribal nations to which the federal government owes trust responsibilities.

ARGUMENT

To be an AIHEC Regular Member a TCU must meet strict criteria, including that they are a subdivision of a federally recognized Tribal government. As a subdivision they are necessarily cloaked in attributes of Tribal sovereignty and sovereign immunity.² Further, the federal government has trust responsibilities to Tribal nations which are in part reflected in federal laws and policies that support TCUs.

I. TCUs, like KBOCC, can only be Regular Members of AIHEC if they are a subdivision of their founding Tribal nation.

Regular members of AIHEC, including KBOCC, must be “a subdivision of a Federally recognized American Indian Tribal government” that has been “chartered, sanctioned, or formally established by such Federally recognized Tribal

² Tribal nations “exercise inherent sovereign authority over their members and territories.” This authority entitles Tribal nations to sovereign immunity that bars “[s]uits against Indian tribes” “absent a clear waiver by the tribe or congressional abrogation.” *Oklahoma Tax Comm'n v. Citizen Band Potawatomi Indian Tribe of Oklahoma*, 498 U.S. 505, 509 (1991); *see also Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 58 (1978) (“Indian tribes have long been recognized as possessing the common-law immunity from suit traditionally enjoyed by sovereign powers.”) (internal citations omitted). A Tribal nation’s sovereign immunity extends to “suits arising from a tribe's commercial activities, even when they take place off Indian lands.” *Michigan v. Bay Mills Indian Cmty.*, 572 U.S. 782, 790 (2014); *see also Kiowa Tribe of Oklahoma v. Mfg. Techs., Inc.*, 523 U.S. 751, 760 (1998) (“Tribes enjoy immunity from suits on contracts, whether those contracts involve governmental or commercial activities and whether they were made on or off a reservation.”). As extensions of their Tribal nations recognized by Tribes, Congress, and AIHEC, TCUs like KBOCC are entitled to immunity from suit.

government....” AIHEC Bylaws § 4.02(a)³. Essentially, to be a Regular Member of AIHEC, a Tribal educational entity must demonstrate that it is a legal extension of its chartering Tribal nation. In addition to this legal status, Regular Members of AIHEC must also meet a heightened standard that requires the AIHEC Board to determine that the Regular Member:

- b. Has a governing board that is composed solely of American Indian or Alaska Native members, except in those cases where the charter of the institution authorizes a majority of such members;
- c. Primarily serves an American Indian or Alaska Native community or communities;
- d. Has a majority of full-time equivalent American Indian or Alaska Native students;
- e. Has demonstrated that it is fulfilling the purpose of advancing American Indian and Alaska Native higher education and the goals for which it was established and is adhering to an educational plan of operation;
- f. Is accredited or a candidate for accreditation by an institutional accrediting association recognized by the U.S. Secretary of Education; and
- g. Has made application as outlined in section 4.08 of these Bylaws.

AIHEC Bylaws § 4.02(b–g).

Each Regular Member must further “remain in uninterrupted compliance with each of the criterion set forth in this Article” to be considered a member in good standing. AIHEC Bylaws § 4.10(a). AIHEC requires all Members to “file with AIHEC in December of each year an annual report [that] . . . shall verify uninterrupted compliance with each of the criterion set forth in this Article for the

³ The AIHEC Bylaws are included in an addendum to this brief as Exhibit A.

relevant class of membership; shall be accurate; and shall be signed by the chief executive officer or president of the member.” AIHEC Bylaws § 4.10(d)(i).

AIHEC does not lightly recognize Regular Member status as it carries with it real authority. The AIHEC Board of Directors is composed entirely of “the president or acting/interim president” of each TCU that is a Regular Member of AIHEC. AIHEC Bylaws § 3.01–2.

KBOCC met each of the requirements for AIHEC membership, including status as a subdivision of the Keweenaw Bay Indian Community, and was admitted to AIHEC as an Affiliate Member in fall 1999. AIHEC 1999 Fall Membership Meeting Minutes § 6⁴; *see also Keweenaw College Accepted in AIHEC*, Tribal College Journal of American Indian Higher Education, Feb 15, 2000, <https://tribalcollegejournal.org/keweenaw-college-accepted-aihec/>. KBOCC subsequently became a Regular Member of AIHEC. KBOCC is in good standing with the organization.

II. TCUs, like KBOCC, were established in response to decades of harmful federal Indian education policies and have a special status under federal law arising from the federal government’s trust responsibility to Tribal nations.

For more than a century, the United States implemented education policies designed to diminish Tribal nations by removing, “civilizing”, and assimilating

⁴ The AIHEC 1999 Fall Membership Meeting Minutes are included in an addendum to this brief as Exhibit B.

American Indian and Alaska Native children. *See* 25 U.S.C. § 271; AMERICAN STATE PAPERS: CLASS II INDIAN AFFAIRS VOLUME II, 151 (William S. Hein & Co., Inc, 1998); TWENTIETH ANNUAL REPORT OF THE BOARD OF INDIAN COMMISSIONERS: 1888, 5 (Jan. 31, 1889). A leading proponent of the Indian boarding school system, Captain Richard Henry Pratt, distilled the purpose of the federal Indian education policy as “all the Indian there is in the race should be dead. Kill the Indian in him, and save the man.” Richard Henry Pratt, *The Advantages of Mingling Indians With Whites*, Address Before the National Conference of Charities and Correction (Jun. 1892), in ISABEL C. BARROWS, PROCEEDINGS OF THE NATIONAL CONFERENCE OF CHARITIES AND CORRECTION, 46 (Press of Geo. H. Ellis, 141 Franklin Street) (1892).

Federal Indian education policy proved disastrous for Tribal nations on many levels, including with regard to postsecondary education. By 1932, only 385 American Indians or Alaska Natives had attended a postsecondary institution, and only 52 of those students completed their degrees. BOBBY WRIGHT, DEP’T OF EDUC., AMERICAN INDIAN AND ALASKA NATIVE HIGHER EDUCATION: TOWARD A NEW CENTURY OF ACADEMIC ACHIEVEMENT AND CULTURAL INTEGRITY 3 (1991). By 1961, only 66 Native students were known to have graduated from a four-year institution. *Id.*

A 1977 report from the General Accounting Office (GAO) indicated that “weak academic backgrounds, culture shock, and inadequate supportive services, such as counseling and remedial and tutoring services, tend to limit Indian academic performance in college.” U.S. GEN. ACCT. OFF., HRD-77-155, THE BUREAU OF INDIAN AFFAIRS SHOULD DO MORE TO HELP EDUCATE INDIAN STUDENTS, ii (1977). The GAO further explained that the “BIA does not have a higher education information system for matching Indian students with institutions where they would have the best chance of furthering their education.” *Id.* at 16. Congress itself recognized one year later that:

[t]raditional higher education opportunities have often been either unavailable or inappropriate for the Indian high school graduate. The geographic isolation of Indian reservations has meant that traditional institutions have not provided services to these areas. Today, most States with Indian reservations or populations have no postsecondary schools located on reservation. This forces young Indian men and women to leave their homes and families to seek education in what is a distant, alien, and often hostile environment. The results are not good.

H. COMM. ON EDUC. AND LAB. REP. TO ACCOMPANY H.R. 9158, H.R. REP. NO. 95-1558, at 2 (1978). In short, American Indian and Alaska Native students faced unique challenges resulting from a long history of disastrous and harmful federal Indian education policies designed to diminish Tribal nations and destroy Tribal culture, and few institutions of higher education were equipped to support Native students as a result.

With the 1975 passage of the Indian Self-Determination and Education Assistance Act (ISDEAA) came a monumental shift in federal policy toward Tribal nations and their citizens. After decades of federal Indian education programs foisted upon Tribal nations without their consent, consultation, or collaboration, Congress explicitly:

recognize[d] the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

25 U.S.C. § 5302(a). Congress further committed to “provide the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being.” 25 U.S.C. § 5302(c). The ISDEAA marked a new era of federal Indian education policy centered around Tribal self-determination, sovereignty, and nation-building.

Tribal nations established TCUs as a form of self-determination and nation-building, consistent with the ISDEAA, to provide postsecondary education options that serve the unique educational, cultural, and geographic needs of Native students and fill the gap created by a failure of postsecondary institutions nationwide to adequately serve American Indian and Alaska Native students.

A 90 percent college dropout rate among citizens of the Navajo Nation in the 1960s led Navajo officials and educators to establish the nation's first TCU, Navajo Community College. Wayne J. Stein, *Tribal Colleges: 1968-1998*, in NEXT STEPS: RESEARCH AND PRACTICE TO ADVANCE INDIAN EDUCATION 259, 261–262 (Karen Gayton Swisher and John Tippeconnic ed., 1999). Tribal leaders across the country soon followed suit, chartering their own institutions of higher education designed to serve the unique needs of Tribal students. Recognizing that “[a]ttrition rates for Turtle Mountain Chippewa Indian students at off-reservation colleges exceed[ed] 50% in most cases,” the Turtle Mountain Band of Chippewa Indians established a TCU that served over 200 students each year with an attrition rate of less than ten percent. *Hearings Before the Subcomm. on Postsecondary Educ. of the Comm. on Educ. and Lab. on H.R. 9158 to Provide for Grants to Tribally Controlled Community Colleges*, 95th Cong. 72–73 (statement of W. Larry Belgarde, Turtle Mountain Community College). More Tribal nations found similar success with over 180 students enrolled at Salish Kootenai Community College and 146 students enrolled in Blackfeet Community College by 1978. *Id.* at 36 (statement of Joe McDonald, Director of Native American Programs at Flathead Community College). This Tribally created movement was very successful. The Government Accountability Office reported that approximately 16,000 American Indian and Alaska Native students received postsecondary scholarships in 1976 to

attend accredited institutions. U.S. GEN. ACCT. OFF., HRD-77-155, THE BUREAU OF INDIAN AFFAIRS SHOULD DO MORE TO HELP EDUCATE INDIAN STUDENTS, 2 (1977). KBOCC was established on July 12, 1975, during this period of explosive expansion of postsecondary education for Native students. KBOCC 1998 Charter, ECF No. 69-6, Page ID #1198.

As Tribally established, controlled, and operated institutions designed to address the needs of Tribal students, train future Tribal government leaders, and serve Tribal communities, TCUs operate as extensions of their chartering governments. TCUs embody Tribal sovereignty and self-determination over postsecondary education and are recognized as Tribal entities by Tribes themselves, other TCUs, and the federal government.

III. Congress recognized TCUs as extensions of their chartering Tribal nations through the Tribally Controlled Community College Assistance Act of 1978 (TCCCAA).

Following the early success and rapid proliferation of TCUs during the 1970s, Tribal nations faced considerable structural challenges that limited funding for basic operations and accreditation, reducing the options for Tribal nations seeking to exercise self-determination in the provision of postsecondary opportunity to their citizens. Congress, acknowledging its trust responsibility to Tribal nations, passed the TCCCAA to build upon the success of the ISDEAA by providing TCUs “with a stable source of funding” designed “to enable these

schools to achieve accreditation, since security of the program is of primary concern to the accrediting organizations.” H.R. REP. NO. 95-1558, at 10 (1978).⁵

In discussing the TCCCAA, the House Committee on Education and Labor recognized the relationship between the Federal government’s trust responsibility and TCUs:

[t]he Federal Government has an intergovernmental relationship with the Indian tribal governments. This legislation carries out this intergovernmental relationship by having funds go only to those institutions chartered and controlled by Federally recognized tribes. These are, effectively, tribal entities and are viewed as such by both the tribal governments and the institutions.

H.R. REP. NO. 95-1558, at 7 (1978). Congress “intended [the TCCCAA] to recognize the legal responsibility that the Federal Government has for the education of the American Indian, a responsibility embedded in the more than 200 treaties which exist between the Federal Government and the Indian nations.” *Id.* at 2; *see also* S. SELECT COMM. ON INDIAN AFF. REP. TO ACCOMPANY S. 1215, S. REP. NO. 95-582, at 5 (1977) (“The concept of Federal support for these institutions is rooted in the trust responsibility of the U.S. Government for Indian tribes.”). On the House floor, Representative Albert Quie (R-MN), a member of the House

⁵ Federal courts have long recognized a trust responsibility to Tribal nations arising from “the course of dealing of the federal government with them, and the treaties in which it has been promised.” *United States v. Kagama*, 118 U.S. 375, 384 (1886). “Congress has expressed this policy in a series of statutes that have defined and redefined the trust relationship between the United States and the Indian tribes.” *United States v. Jicarilla Apache Nation*, 564 U.S. 162, 176 (2011).

Committee on Education and Labor, explained that the TCCCAA upholds the federal trust responsibility “not only by giving Native Americans the educational opportunity which they readily need, but by allowing their participation in shaping the future direction of their colleges consistent with the intent of the Indian Self-Determination and Educational Assistance Act (Public Law 93-638).” 95 CONG. REC. 31653 (1978) (statement of Rep. Albert Quie).

The TCCCAA defines a “tribally controlled college or university” as “an institution of higher education which is formally controlled, or has been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes, except that no more than one such institution shall be recognized with respect to any such tribe.” 25 U.S.C. § 1801(4). A TCU is distinguished under federal statute by whether it is Tribally controlled, not by a set quota of Tribal students served, faculty employed, geographic location, or any other criteria. In recognizing TCUs as Tribal entities, the House of Representatives made clear “that tribal governments are to be allowed to structure the governing boards and chartering instruments of their schools to fit their needs and wishes.” H.R. REP. NO. 95-1558, at 9 (1978). However, a TCU recognized under the TCCCAA must demonstrate “an element of true control vested in the tribal council” and any “action establishing a college or giving a tribal sanction to an institution [must be] a formal action (as defined by the rules and practices of that tribal government) agreed to by

a majority of the governing body of said tribe.” *Id.* The House of Representatives clarified these stipulations, explaining that “a simple letter from a tribal official is definitely not sufficient. However, total control of all phases of an institution, or even of a Board of Regents, is likewise not required. Such a rigid rule would cause tremendous problems, especially in multitribal situations.” *Id.*

Although various federal programs may institute additional requirements to establish funding eligibility, the baseline definition of a TCU under federal or Tribal law remains unchanged. All Tribally chartered TCUs, including KBOCC, meet the definition of a “tribally controlled college or university” as articulated in the TCCCAA because they are the only institution of higher education formally chartered and controlled by their founding Tribal nations.

The Keweenaw Bay Indian Community, which founded KBOCC, was active in the congressional deliberations regarding the TCCCAA and provided a resolution of support for the legislation as a member of the Inter-Tribal Council of Michigan. *Hearings Before the Subcomm. on Postsecondary Educ. of the Comm. on Educ. and Lab. on H.R. 9158 to Provide for Grants to Tribally Controlled Community Colleges*, 95th Cong. 31–32 (resolution of the Inter-Tribal Council of Michigan in support of H.R. 9158). The House Committee on Education and Labor expressly recognized the role of the Keweenaw Bay Educational Committee, Inc. in informing its drafting and formation of the TCCCAA. H.R. REP. NO. 95-

1558, at 5 (1978) (“[W]e do wish to express our appreciation for the time and effort involved by specifically recognizing the support of . . . Keweenaw Bay Educational Committee, Inc.”).

KBOCC is entitled to Tribal sovereign immunity because it is recognized as a subdivision of its founding Tribal nation, as required for membership in AIHEC, and meets the elements of Tribal control for a TCU as defined by Congress.

CONCLUSION

For the foregoing reasons, AIHEC respectfully requests that the Court affirm the lower court’s decision.

Dated: May 26, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g), I certify the following:

1. This brief complies with the type volume limitations of Rule 32(a)(7)(B) of the Federal Rules of Appellate Procedure because it contains 3,240 words, excluding those parts exempted by Rule 32(f) and Sixth Circuit Rule 32(b).

2. This brief complies with the typeface requirements of Rule 32(a)(5) of the Federal Rules of Appellate Procedure and the type style requirements of Rule 32(a)(6) because it was prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

Dated: May 26, 2026

/s/ Gregory A. Smith
Gregory A. Smith

CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2026, a copy of the foregoing was filed with the Clerk of Court via this Court's CM/ECF's electronic filing system, which will provide notice and service on all counsel of record for all parties.

Dated: May 26, 2026

/s/ Gregory A. Smith

Gregory A. Smith

ADDENDUM – ATTACHED *AMICUS CURIAE* DOCUMENTS

RE	DESCRIPTION
Exhibit A	American Indian Higher Education Consortium Bylaws
Exhibit B	American Indian Higher Education Consortium 1999 Fall Membership Meeting Minutes

EXHIBIT A

**RESTATED BYLAWS
OF
AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM**

ARTICLE I

Name and Purpose

Section 1.01. Name. The name of AIHEC shall be American Indian Higher Education Consortium (hereinafter, AIHEC).

Section 1.02. Purpose. The purpose of AIHEC shall be to strengthen and sustain sovereign Tribal nations through excellence in Tribal higher education.

ARTICLE II

Offices

Section 2.01. Principal Office. The principal office of AIHEC shall be 121 Oronoco Street, Alexandria, Virginia 22314, or such other place as designated by the Board of Directors (hereinafter, the Board).

ARTICLE III

Board of Directors

Section 3.01. Power of the Board. The business and affairs of AIHEC shall be under the direction of a Board and the management of a Chief Executive Officer (hereinafter, CEO).

Section 3.02. Directors. The Board shall be composed of one representative from each Regular Member, who shall be the president or acting/interim president of the Regular Member.

Section 3.03. Term, Removal, and Vacancies.

3.03.01 Term. The initial directors were those persons named in the Articles of Incorporation. Each director will serve as long as such director holds the position of president of the Member.

3.03.02. Removal. If a director is no longer the president of the Member, such director shall cease to be a director and a vacancy on the Board will occur.

3.03.03. Resignations. A director may resign at any time by delivering written notice to the Board through the Chair. Such resignation shall take effect when the notice is delivered unless the notice specifies a later effective date, and unless otherwise specified therein, no acceptance of such resignation is required.

3.03.04. Vacancies. Any vacancy on the Board caused by a vacancy in the presidency of a Regular Member shall remain vacant until the affected member institution designates a new, acting, or interim president. Upon designation by the Member of a new, acting, or interim president, such individual shall fill the vacant directorship.

Section 3.04. Fiduciary Responsibilities. Each director shall act as a guardian of AIHEC's mission and steward of AIHEC's resources. Each director shall be governed by and comply with the Code of Conduct adopted by the Board. Each director shall actively participate in meetings and activities of the Board, which shall include serving on at least one committee of the Board. The creation of, delegation of authority to, and action by a committee does not absolve any director of his or her fiduciary responsibilities as a director of AIHEC.

Section 3.05. Compensation of Directors. A director shall not receive compensation for attendance at meetings of the Board. Directors may receive reimbursement for costs incurred, including traveling expenses, for participation in requested AIHEC events.

ARTICLE IV

Membership

Section 4.01. Membership. AIHEC shall have six classes of membership: Regular Member, Associate Member, International Member, Organization Member, Developing Member, and Founding Member.

Section 4.02. Regular Member. A Regular Member shall be a Tribally or Federally-chartered institution of higher education that has been determined by the Board to meet each of the following criteria:

- a. Is a subdivision of a Federally recognized American Indian Tribal government, including an Alaska Native Village or Alaska Native Corporation, and has been chartered, sanctioned, or formally

- established by such Federally recognized Tribal government, including an Alaska Native Village or Alaska Native Corporation; or is chartered by the Federal government for the purpose of providing higher education opportunity specifically to American Indians and Alaska Natives;
- b. Has a governing board that is composed solely of American Indian or Alaska Native members, except in those cases where the charter of the institution authorizes a majority of such members;
 - c. Primarily serves an American Indian or Alaska Native community or communities;
 - d. Has a majority of full-time equivalent American Indian or Alaska Native students;
 - e. Has demonstrated that it is fulfilling the purpose of advancing American Indian and Alaska Native higher education and the goals for which it was established and is adhering to an educational plan of operation;
 - f. Is accredited or a candidate for accreditation by an institutional accrediting association recognized by the U.S. Secretary of Education; and
 - g. Has made application as outlined in section 4.08 of these Bylaws.

Regular Members shall have voting rights and have a representative on the Board as defined in section 3.02, who may hold office in AIHEC, and have other rights and responsibilities as specified in these Bylaws and the AIHEC Membership Handbook.

Section 4.03. Associate Member. An Associate Member shall be a Tribally or Federally-chartered institution of higher education that has been determined by the Board to meet each of the following criteria:

- a. Is a subdivision of a Federally recognized American Indian Tribal government, including an Alaska Native Village or Alaska Native Corporation, and has been chartered, sanctioned, or formally established by such Federally recognized Tribal government, including an Alaska Native Village or Alaska Native Corporation; or is chartered by the Federal government for the purpose of providing higher education opportunity specifically to American Indians and Alaska Natives;
- b. Has a governing board that is composed solely of American Indian or Alaska Native members, except in those cases where the charter of the institution authorizes a majority of such members;
- c. Primarily serves an American Indian or Alaska Native community or communities;
- d. Has a majority of full-time equivalent American Indian or Alaska Native students;

- e. Has demonstrated that it is fulfilling the purpose of advancing American Indian and Alaska Native higher education and the goals for which it was established and is adhering to an educational plan of operation;
- f. Is not accredited and not a candidate for accreditation by an institutional accrediting association recognized by the U.S. Secretary of Education; and
- g. Has made application as outlined in section 4.08 of these Bylaws.

Associate Members shall have no voting rights and may not hold office in AIHEC but may have other rights and responsibilities as specified in these Bylaws and the AIHEC Membership Handbook.

Section 4.04. International Member. An International Member shall be an institution of higher education that has been determined by the Board to meet each of the following criteria:

- a. Is located outside of the United States;
- b. Serves primarily Indigenous students from the region of the world in which such institution is located;
- c. Has a majority of Indigenous people on its governing board and has an educational plan of operation to which it is adhering;
- d. Has demonstrated that it has a purpose of advancing Indigenous higher education and is meeting the goals and purposes for which it was established; and
- e. Has made application as outlined in Section 4.08 of these Bylaws.

International Members shall have no voting rights and may not hold office in AIHEC but may have other rights and responsibilities as specified in these Bylaws and the AIHEC Membership Handbook.

Section 4.05. Organization Member. An Organization Member shall be an association or organization composed of institutions of postsecondary or higher education that has been determined by the Board to meet each of the following criteria:

- a. Serves primarily Indigenous people, institutions, or organizations from any region of the world;
- b. Has a majority of Indigenous people on its governing board;
- c. Is incorporated as a non-profit entity that serves the higher education needs of its membership; and
- d. Has made application as outlined in Section 4.08 of these Bylaws.

Organization Members shall have no voting rights and may not hold office in AIHEC but may have other rights and responsibilities as specified in these Bylaws and the AIHEC Membership Handbook.

Section 4.06. Developing Member. A Developing Member shall be a federally recognized American Indian tribe, Alaska Native Village, or Alaska Native Corporation that has expressed to AIHEC an immediate interest in exploring establishing a Tribal College or University that would ultimately meet all of the criteria of an Associate as outline in Section 4.03, and which has made application as outlined in Section 4.08 of these Bylaws. Developing Members shall have no voting rights and may not hold office in AIHEC but may have other rights and responsibilities as specified in these Bylaws and the AIHEC Membership Handbook.

Section 4.07. Founding Member. The following members of AIHEC are designated as the Founding Members: D-Q University, Navajo Community College (Diné College); Oglala Sioux Community College (Oglala Lakota College); Sinte Gleska College (Sinte Gleska University); Standing Rock Community College (Sitting Bull College); and Turtle Mountain Community College. If a Founding Member is deemed ineligible for Regular Membership in AIHEC, such institution shall retain Founding Member status but shall have no voting rights or responsibilities and may not hold office in AIHEC.

Section 4.08. Membership Application Process.

- a. AIHEC shall publish policies and guidelines that provide information on the membership application process for AIHEC. These documents shall be available upon request.
- b. Written application, application fee, and required supporting documents must be submitted to the Chair to initiate the application process.
- c. A site visit, including application review, of the prospective institution will be conducted at such institution's expense prior to consideration for Regular and Associate membership and a report of the visit prepared and presented to AIHEC's Committee on Membership and Accreditation for consideration.
- d. Written notification of an application for membership approved or withheld will be made by the Chair following the meeting at which the application was considered. If membership is withheld, the Chair will give written reasons for either the deferral or denial of the applicant.

Section 4.09. Board Votes on Membership.

4.09.01. Materials. When determining what action to take in response to an institution's application for membership, voting members shall have available to them the materials submitted by the prospective institution, the report of the site visitation team, and the recommendation of AIHEC's Committee on Membership and Accreditation.

4.09.02. Votes. Notwithstanding any other provision of these Bylaws, each vote of the Board to admit, remove, or sanction a Member under this section shall be by an affirmative vote of 75 percent of the directors then holding office.

Section 4.10. Member in Good Standing. Each Member shall be deemed to be a Member in good standing within its relevant membership class and shall retain all the rights and privileges of such membership class until such time as the Member fails to meet one or more of the following requirements:

- a. Adherence to Membership Class Criteria. Each Member shall remain in uninterrupted compliance with each of the criterion set forth in this Article for the relevant class of membership.
- b. Participation in Meetings and Activities. Each Regular Member will be represented at meetings and activities of the Board by the director or other official representative of the Member, who in no case shall be absent from more than 2 (two) consecutive meetings of the Board.
- c. Code of Conduct. Each Member shall comply with the Code of Conduct adopted by the Board.
- d. Reports.
 - i. Submission of Annual Report. Each Regular and Associate Member will file with AIHEC in December of each year an annual report of its operations for the preceding year, which shall be designated by the Board and submitted in a form and manner prescribed by AIHEC. The report shall verify uninterrupted compliance with each of the criterion set forth in this Article for the relevant class of membership; shall be accurate; and shall be signed by the chief executive officer or president of the member.
 - ii. Additional Reporting Requirements. Each Member shall ensure that all other reports required to be submitted to AIHEC, under these Bylaws or by contract, grant, or cooperative agreement with AIHEC, are submitted in a complete and timely manner.
- e. Payment of Fees. Each Member shall pay an annual membership fee in October of each year, which shall be fixed by the Board for each class of membership. The Board may, in its discretion, impose additional fees upon each class of members.

Section 4.11. Sanctions. If a Member fails to comply with any of the requirements set forth in section 4.10 such member shall be deemed a Member Not in Good Standing and shall be subject to any penalties and reapplication process established in these Bylaws or designated by the Board.

Section 4.12. Withdrawal of Membership. Any Member may withdraw from AIHEC at any time by submitting to the Chair, a written statement of withdrawal. All benefits of membership in AIHEC shall cease on the effective date of the withdrawal, and all monies, property, contracts, and other assistance shall be returned to AIHEC or canceled. AIHEC may require an audit of the withdrawing member if it deems an audit is necessary for any reason concerning financial fiduciary relationships to AIHEC. AIHEC shall pay all costs associated with any such audit.

Section 4.13. Record of Member Status. AIHEC shall maintain a current and complete online directory of Members by class.

ARTICLE V

Board Meetings

Section 5.01. Meetings. The Board shall meet three times each year, in the spring, summer, and fall. The meeting of the Board held in the fall of even numbered years shall be for the purpose of electing officers and committee chairs and for the transaction of such other business as may come before the Board.

Section 5.02. Special Meetings. Special meetings of the Board may be called at any time by the Chair or, in his or her absence, by the Vice-Chair, or by 33 percent of the directors, and may be held at such time and place as the notice or waiver thereof may specify.

Section 5.03. Electronic Meetings. Unless otherwise restricted by the Articles of Incorporation or these Bylaws, a meeting of the Board may be convened and conducted by electronic means. A director may participate in a meeting of the Board by electronic means provided that all persons participating in the meeting can communicate with each other. Participation in a meeting by such means shall constitute attendance at the meeting.

Section 5.04. Meeting Notice.

5.04.01. Notice Required. Notice, which may be electronic, stating the place, day, and hour of a meeting of the Board shall be delivered to each Regular Member as follows: for regular meetings of the Board, not less than 10 or more than 45 business days before the date of the meeting; for special meetings of the Board, not less than 3 (three) nor more than 5 (five) business days before the date of the meeting. Notice of a special meeting of the Board shall include the purpose or purposes for which the meeting is called.

5.04.02. Non-compliance. Any Regular Member in attendance at a meeting may raise an objection that the requirements of this section have not been met. If the chair determines that the objection has merit, the chair shall adjourn the meeting until such time as the requirements are met.

5.04.03. Record Date. The record date for determining directors entitled to notice of, or to vote at, a meeting of the Board is the close of business on the day before the deemed delivery date of the notice to members.

5.04.04. Reconvened Meetings. If a meeting of the Board is adjourned to a new date, time, or place certain, additional notice need not be given of that new date, time, or place. However, notice of the new meeting shall be given to those deemed to be Regular Member subsequent to the initial meeting record date.

Section 5.05. Waiver of Notice. A director may waive any notice required by law or these Bylaws before, during, or after the date and time of the meeting that is the subject of such notice. The waiver shall be in writing, shall be signed by the director entitled to such notice, and shall be delivered to AIHEC to be filed with the minutes of the meeting or the corporate records. A director who attends or participates in a meeting waives objection to lack of notice or defective notice of the meeting unless the director at the beginning of the meeting objects to holding the meeting or transacting business at the meeting and does not thereafter vote for or assent to action taken at the meeting.

Section 5.06. Quorum. A quorum at all meetings of the Board shall consist of a majority of the number of Regular Members.

Section 5.07. Procedure. Robert's Rules of Order, revised edition, shall provide the guiding framework for the conduct of all meetings of the Board unless provisions inconsistent therewith shall be set forth in the

Articles of Incorporation or these Bylaws, in which case the Articles of Incorporation or these Bylaws shall control.

Section 5.08. Proxy Authorization. Each director may authorize another director to act for such director by proxy for the purposes of establishing a quorum as specified in the laws of the state or Tribe in which AIHEC is incorporated. No other proxy authorizations may be granted by a director. Each proxy authorization must be through a written document.

Section 5.09. Executive Session. The Chair may declare an executive session and a director may offer a privileged motion to go into executive session during a meeting of the Board. Only directors may be present during an executive session, except that the Chair may invite additional attendees as deemed necessary. Sanctions may be imposed on a director if such director violates the confidentiality of an executive session. Any other individual permitted to attend an executive session is honor bound not to divulge anything that occurred during such executive session.

Section 5.10. Actions Outside of a Meeting. Unless otherwise restricted by the Articles of Incorporation or these Bylaws, any action required or permitted to be taken at a meeting of the Board may be completed by electronic means unless one or more directors objects in writing to the action proposed within 1 (one) business day following the initial notice. Such action shall be recorded in the minutes of the next board meeting.

ARTICLE VI

Committees

Section 6.01. Executive Committee. The Board may create an Executive Committee to handle and manage the affairs of AIHEC between meetings of the Board. The Executive Committee shall consist of not less than five directors and shall include the officers of the Board and the elected chairs of the Standing Committees. Only directors representing Regular Members shall be eligible to serve on the Executive Committee. The Executive Committee shall be empowered to do any and all things, not otherwise prescribed by law, the Articles of Incorporation, or these Bylaws, which the Board might do. All actions

taken by the Executive Committee between meetings of the Board must be reported to the Board at its next regular meeting.

Section 6.02. Standing Committees. The Board shall create and maintain a Committee on Finance and Audit, Committee on Membership and Accreditation, Committee on Governance, Committee on Student Activities, and Committee on Research. The Committee on Governance shall be composed of the members of the Executive Committee and committee chairs.

Section 6.03. Other Committees. The Board may designate and maintain one or more committee(s) in addition to the Standing Committees.

Section 6.04. Authority and Power of Committees. Each committee shall have and may exercise, to the extent specified by the Board, all the powers and authority of the Board in the affairs of AIHEC. No committee, including the Executive Committee, shall have the power and authority to amend the Articles of Incorporation, adopt an agreement of merger or consolidation, authorize the sale, lease, or exchange of all or substantially all of AIHEC's property and assets, dissolve AIHEC or revoke a resolution dissolving AIHEC, or amend or repeal these Bylaws.

Section 6.05. Committee Membership. Each committee of the Board shall consist of three or more directors. Subject to section 7.05, the members of each committee shall elect a chair for a period of two years at the fall meeting of each even numbered year.

Section 6.06. Committee Rules. Unless the Board otherwise provides, each committee may establish its own rules for conducting business. Each committee shall otherwise conduct its business in the same manner as the Board conducts its business under Article IV of these Bylaws, except as stated in this Article.

Section 6.07. Quorum. Unless the Board otherwise provides, a majority of the members then serving on the committee shall constitute a quorum for the transaction of business, and the act of the majority of the committee members present at the meeting at which a quorum was established shall be the act of such committee.

Section 6.08. Process. Each committee may:

- a. Take action without a meeting if all members of the committee consent to the action in writing signed by each member of the committee, either before or after the action taken;
- b. Permit any member of the committee to participate in any meeting of the committee by electronic means, provided all persons participating in the meeting can communicate with each other; and
- c. Establish subcommittees and working groups.

Section 6.09. Motions and Resolutions. Any motion or resolution adopted by a committee shall be transmitted to the Governance Committee for consideration. If approved by the Governance Committee, the committee chair shall report the motion to the Board at its next meeting, to be filed with the corporate records.

Section 6.10. Committee Records. Each committee shall keep a written record of its proceedings, which shall include all motions and resolutions.

Section 6.11. Compensation of Committee Members. Committee members shall not receive compensation by AIHEC for attendance at committee meetings of the Board. Committee members may receive reasonable traveling expenses for participation in AIHEC requested events.

ARTICLE VII

Officers, Agents and Employees

Section 7.01. Officers. The officers of the Board shall be Chair, Vice-Chair, Secretary, Treasurer, and Member-at-Large, who shall be the immediate past Chair, for a minimum of one term. Except as permitted in section 7.05, no officer shall concurrently hold an additional office within AIHEC. An officer must also be a director of AIHEC and must have served a minimum of one year as president of a Regular Member. The Board may, by resolution or amendment to these Bylaws, establish additional officers as it may deem necessary.

Section 7.02. Election of Officers. The officers of AIHEC shall be elected for a term of two years by the Board at the fall meeting of each even numbered year. In electing the officers, if not by acclamation, the

Board may vote by confidential ballot. The officers shall hold office and serve at the pleasure of the Board. Officers may be eligible for immediate reelection, except that the Chair shall serve no more than two consecutive terms.

Section 7.03. Other Officers and Agents. The Board may appoint such other officers and agents as it may deem necessary to conduct the affairs of AIHEC. Any officers or agents of AIHEC shall hold office at the pleasure of the Board and shall have such authority and perform such duties as may be prescribed by the Board.

Section 7.04. Vacancies. Should any office of AIHEC other than the Chair become vacant, or be declared vacant for any reason, the Chair shall appoint a successor who shall serve until the next meeting of the Board at which time the Board shall appoint a successor to fill the vacancy until the next scheduled election of officers. In the event the office of Chair is declared or becomes vacant, the Vice-Chair shall serve the unexpired term of the Chair.

Section 7.05. Duties of the Officers. The officers of AIHEC shall have such authority and shall perform such duties as are customarily incidental to their respective offices and such other further duties as are prescribed in these Bylaws and as may be from time to time required of them by the Board. They will perform the following functions:

- a. The Chair shall be the presiding officer of the Board and shall preside at all meetings of the Board, the Executive Committee, and the Committee on Governance.
- b. The Vice-Chair shall preside at all meetings in the absence of the Chair.
- c. The Secretary shall certify the minutes of all meetings of the Board and oversee the maintaining all records of AIHEC.
- d. The Treasurer or his or her designee shall collect and receive all monies of AIHEC. The Treasurer or said designee shall be the custodian of all AIHEC monies and shall deposit them in a bank or other depository designated by the Board. The Treasurer shall have the authority to disburse AIHEC funds for duly authorized purposes. The Treasurer or his or her designee shall be responsible for the overall financial operation of AIHEC and shall promulgate bookkeeping

and accounting methods which shall be consistent with requirements of any grants or other donations made to AIHEC. The Treasurer, through his or her designee, shall also be responsible for timely completion of such audits as may be required by AIHEC's grantors or donors or as may be required by AIHEC's Board and of the members. The Treasurer shall chair the Committee on Finance and Audit.

- e. The Member-at-Large shall serve as Peacekeeper at meetings, ensuring compliance with AIHEC meeting protocols and the AIHEC Code of Conduct.

Section 7.06. Compensation of Officers. AIHEC may pay compensation in a reasonable amount to officers and may provide each officer with a standard indemnification insurance policy.

Section 7.07. Removal. Any officer or agent of AIHEC may be removed by the Board whenever in its judgment the best interests of AIHEC will be served thereby; but, such removal shall not affect any officer's position as a director and shall be without prejudice to the contract rights, if any, of the person so removed. Election or appointment of an officer or agent shall not, of itself, create contract rights.

Section 7.08. Absence, Inability to Act. In the event of absence or inability of any officer to act, the Board may delegate the powers and duties of such officer to any other officer or director whom it may select and whom shall serve until the absent or disabled officer is able to act or a successor officer has been duly elected.

Section 7.09. Resignation. Any officer may resign at any time by delivering written notice to the Board through the Chair. Such resignation shall take effect when the notice is delivered unless the notice specifies a later effective date, and, unless otherwise specified therein, no acceptance of such resignation shall be necessary.

ARTICLE VIII

Miscellaneous

Section 8.01. Fiscal Year. The fiscal year of AIHEC shall be from October 1 to September 30 or such period as may be fixed by the Board.

Section 8.02. Corporate Seal. AIHEC shall not have a corporate seal. All instruments that are executed on behalf of AIHEC, which are acknowledged and which affect an interest in real estate shall be executed by the Chair or Vice-Chair and the Treasurer. All other instruments executed by AIHEC, including a release of mortgage or lien, may be executed by the Chair or any member of the Executive Committee.

Notwithstanding the preceding provisions of this section, any written instrument may be executed by any officer(s) or agents(s) that are specifically designated by resolution of the Board.

Section 8.03. Checks, Notes, and Contracts. The Board shall, from time to time, determine who shall be authorized on AIHEC's behalf to sign checks, drafts, or other orders for payment of money; to sign acceptances, notes, or other evidences of indebtedness; to enter into contracts; or to execute and deliver other documents and instruments.

Section 8.04. Books and Records. AIHEC shall keep at its office correct and complete books and records of accounts regarding the activities and transactions of AIHEC, minutes of meetings of the Board, records of the proceedings of any committee of the Board, and a current list of the members, directors, and officers of AIHEC and their business addresses. The books, minutes, and records of AIHEC shall be in written or electronic form.

Section 8.05. Board Designated Funds. Upon determination by the Finance and Audit Committee that unrestricted funds are available within AIHEC's operating budget, the Board may designate funds for any purpose and project it deems appropriate, including capital asset purchase and investment. The Board may from time to time implement policies that shall guide the use and allocation of unrestricted funds.

Section 8.06. Amendment of Bylaws. These Bylaws may be altered, amended, or repealed at a regular meeting of the Board or any special meeting of the Board called for that purpose.

Section 8.07. Continuity Waiver During National Emergency. In the case of a national natural or man-made emergency occurring during a board election year, the Board may waive a term limitation, if any, imposed on a sitting officer under section 7.02.

Section 8.08. Official Representative. A Member may designate an official representative to attend a specified meeting or activity of the Board for the sole purpose of determining such Member's presence at

said meeting or activity. Such designation must be submitted to the Chair in writing by the president, or acting/interim president, of the Member prior to the convening of the specified meeting or activity. The representative shall have no right to vote during a meeting of the Board.

Section 8.09. Majority Vote. Each vote of the Board shall be by a majority of the directors then holding office, unless the act of a greater number is required by law, the Articles of Incorporation, or these Bylaws. In the case of a tie vote, the issue that is the subject of the vote shall be resolved by the Chair.

Section 8.10. In Writing. Any action required in these Bylaws to be in writing may be by electronic means.

Section 8.11. Dissolution. Upon dissolution of AIHEC, the assets of AIHEC shall be distributed in accordance with the Articles of Incorporation.

Section 8.12. Severability. To the extent that any provision or provisions of these Bylaws shall be determined by a court of competent jurisdiction to be in violation of any statute, rule of law, government regulation or decree, such provision or provisions shall be void and of no effect to the extent, and only to the extent, of such determination, but the remainder of the provisions of these Bylaws shall survive and continue in full force and with full effect.

Section 8.13. Effective Date. These Bylaws shall become effective upon approval by the Board.

I certify that the foregoing is a true and correct copy of the Bylaws of AIHEC, duly adopted by the Board of Directors on the March 23, 2007 at Rapid City, SD, and modified by subsequent action of the Board on October 22, 2008 at Seattle, WA; July 14, 2009 at Bellingham, WA; October 7, 2010 at San Diego, CA; October 25, 2011 at Albuquerque, NM; March 15, 2014 at Billings, MT; October 7, 2016 at New Orleans, LA; October 16, 2020 by zoom web conference; and March 17, 2022 at Washington, DC.

DocuSigned by:

5234C86F11E14F4...
Learner R. McDonald, Secretary

Certified: 6/27/2023 (date signed)

EXHIBIT B

1999 Fall Membership Meeting

Allegheny Room
Biltmore Hotel
Oklahoma City, OK

MINUTES

Thursday, October 21, 1999

1. **Call to Order.** Dr. David Gipp, AIHEC Vice President, called the meeting to order and expressed the regrets of Dr. Pease Pretty on Top, AIHEC President, for missing the meeting.
2. **Opening Prayer.** The invocation was given by Dr. Tommy Lewis, Diné College.
3. **Roll Call.** Roll call was taken by Veronica Gonzales, AIHEC Executive Director.

Members Present

Bay Mills Community College
Cankdeska Cikana Community College
Si Tanka College
College of Menominee Nation
Crownpoint Institute of Technology
Diné College
D-Q University
Fond du Lac Tribal and Community College
Fort Belknap College
Fort Peck Community College
Haskell Indian Nations University
Institute of American Indian Arts
Lac Courte Oreilles Ojibwa Community College
Leech Lake Tribal College
Little Priest Tribal College
Oglala Lakota College
Salish Kootenai College
Sisseton Wahpeton Community College
Southwestern Indian Polytechnic Institute
Stone Child College
Turtle Mountain Community College
United Tribes Technical College
White Earth Tribal and Community College

Members Absent

Blackfeet Community College
Dull Knife Memorial College
Fort Berthold Community College
Little Big Horn College
Nebraska Indian Community College
Northwest Indian College
Red Crow Community College
Sinte Gleska University
Sitting Bull College

Twenty-three institutions were present, and nine institutions were absent. A quorum was established.

4. Introduction of New Presidents, Guests, and Staff

5. Secretary's Report

Dr. Gipp presented the minutes of the 1998 Fall Membership Meeting in the Secretary's absence. He asked the membership to review the minutes.

Mr. Wallace Coffey **MOVED** that the minutes be accepted by the membership. Dr. Joe McDonald **SECONDED** the motion. The motion to accept the minutes was **AGREED** to by unanimous voice vote.

6. Keweenaw Bay Tribal College Site Visit Report

Mr. Jack Briggs announced that he had recently met with the Keweenaw Bay Ojibwa Community College President and Tribal College Board. Mr. Briggs indicated that the application for membership was complete. He recommended that Keweenaw Bay be allowed to join AIHEC as an associate member. He invited President Debrah Parrish to speak and answer questions about the institution.

Ms. Debrah Parrish gave background information on the college. Keweenaw Bay currently offers five liberal arts programs. The institution graduated its first student in 1980. The school has articulation agreements with a number of four-year institutions.

Mr. Briggs discussed some concerns about Keweenaw Bay's current operations like the lack of a full time president. The institution recently announced that President Parrish would now be full time in accordance accreditation standards. President Parrish has not made initial contact with the accreditation agency because of changes in requirements.

In response to a question about Keweenaw Bay's potential eligibility for Bureau of Indian Affairs (BIA) funds, Ms. Parrish indicated that after a discussion with BIA officials the institution would not be able to apply for support until after they were accredited.

Mr. Briggs **MOVED** that Keweenaw Bay Ojibwa Community College be approved for Affiliate Member status in AIHEC with a membership review with reference to accreditation in 2000. Dr. McDonald **SECONDED** the motion.

Mr. Tom Shortbull asked for clarification on "pre-accreditation status." Mr. Briggs suggested that candidacy may be the determining factor.

Mr. Shortbull indicated his concerns about the difference between affiliate and full AIHEC membership. Dr. Gipp indicated that SIPI, Haskell, IAIA were the only affiliate members that were allowed to vote and that the policy regarding them does not apply new membership applicants.

Dr. Gipp reemphasized that affiliate membership is non-voting. Mr. Shortbull inquired about the eligibility for American Indian College Fund Scholarships. Mr. Rick Williams, Executive

Director of the American Indian College Fund, responded that institutions must be fully accredited in order for students to be eligible.

The motion to extend affiliate membership to Keweenaw Bay Ojibwa Community College was **AGREED** to by unanimous voice vote.

7. Institutional reports

Mr. Shortbull **MOVED** that presentations be shortened from 3 minutes to 2 minutes. Mr. Erich Longie **SECONDED** the motion. The motion to shorten the institution presentations was **AGREED** to by voice vote.

At the conclusion of the reports, Mr. Jim Tutt, President of Crownpoint Institute of Technology, **MOVED** that the AIHEC membership accept the oral reports. Mr. Tom Davis **SECONDED** the motion. The motion was **AGREED** to by a unanimous voice vote.

8. Adjournment

Mr. Briggs **MOVED** that the meeting be adjourned. Dr. Jim Shanley, President of Fort Peck Community College, **SECONDED** the motion. The motion was **AGREED** to by unanimous voice vote.

Minutes taken by AIHEC Staff.

Executed and acknowledged by the undersigned, being the Secretary of the Corporation, as of the _____ day of _____, 1999.

Ron McNeil, Secretary
American Indian Higher Education Consortium