MICHIGAN DEPARTMENT OF CIVIL RIGHTS

MEMORANDUM

DATE: August 23, 2010

TO: Presidents; Government/State Relations Officers; Financial Aid Directors
Michigan's Public Colleges/Universities

FROM: Melissa Claramunt
Michigan Department of Civil Rights

SUBJECT: Michigan Indian Tuition Waiver, student eligibility verification

This memo is being sent to you to clarify what appears to be some confusion about the Michigan Indian Tuition Waiver (MITW) program.

The Michigan Department of Civil Rights (MDCR) assumed responsibility for verifying student eligibility for the Michigan Indian Tuition Waiver on July 1, 2010. Upon assuming this function, MDCR determined it can legally provide verification only to students who present documentation establishing they are ¼ Native American blood quantum and a member of a US federally recognized Indian tribe.

MDCR has not determined that students who were previously verified must reapply. We understand some institutions have determined verifications granted by the Inter Tribal Council of Michigan remain valid through the entirety of a given student's academic stay. Furthermore, some institutions have determined that all previously granted waivers are suspect and they are requiring every student to reapply through MDCR. We do not believe there is a clear requirement either way, nor do we believe it would be appropriate for our department to resolve this question in a way that would be binding to all institutions. Thus we are not challenging what is each institution's individual decision in this regard.

In no circumstance, however, should institutions be telling students that they are no longer eligible for the tuition waiver. The statute specifically provides that the eligibility determination be made by the State. Students may have multiple tribal affiliations or other options by which they may qualify even if their present verification indicates membership in a tribe that is not US federally recognized. As such, we ask that if you are challenging a previously verified student's eligibility to receive the tuition waiver, you at the very least make it clear that they have the right to reapply and provide them with our contact information.

Additionally, a number of individuals have contacted us indicating they were told by their

schools this issue has arisen because "MDCR changed its policy." This is not accurate. MDCR had no responsibility for decisions made prior to July 1, and thus had no policy to change. MDCR assumed responsibility because many institutions expressed a concern over the way the process was being administered by our predecessor and insisted that a state agency be responsible for administering the waiver. We are enforcing the statute as required by the Michigan Constitution. Suggesting that we simply changed our policy wrongly makes it sound like this was a political rather than a legal decision.

I also want to ensure that you are aware that the Department has posted the answers to many of the most Frequently Asked Questions (along with the application and other MITW related information) under the Michigan Indian Tuition Waiver link on our website at www.michigan.gov/mdcr. Please feel free to direct others to this information.

I know we all understand that these events have caused great consternation, stress, and often financial hardship, to the students and families affected. These individuals find themselves in a difficult situation not of their own making. While we may find some applicants are not eligible for the Michigan Indian Tuition Waiver, we certainly owe them the time it takes to be both understanding and accurate.

We appreciate the thought and consideration given to these matters and to the students you work with each day. Please share this memo with the appropriate staff working with the MITW program and students and please let me know if you have any questions. I can be reached at claramuntm@michigan.gov or 517-241-7748.

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