

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, the Tribal Council has been advised that there is a need to establish a handicap grievance procedure in order to comply with certain provisions of the Federal Revenue Sharing Regulations, said grievance procedure being available to all persons in connection with complaints alleging discrimination against handicapped persons in programs and activities funded and carried out pursuant to the Revenue Sharing Act; and

WHEREAS, the Tribal Council has ordered the promulgation of a grievance procedure and said procedure has been drafted, a copy of which is attached hereto; and

WHEREAS, the Tribal Council is of the opinion that the procedure is adequate to satisfy the requirements of Revenue Sharing Regulations, and should be adopted by the Tribal Council.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the handicapped grievance procedure attached hereto is hereby adopted as the formal grievance procedure for all individuals alleging discrimination against the handicapped in any program or activity receiving federal financial assistance pursuant to the Revenue Sharing Act.

The foregoing resolution was on June 4, 1987, duly adopted by a vote of TEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council

HANDICAP GRIEVANCE PROCEDURE

The White Mountain Apache Tribe has adopted this internal grievance procedure providing for the prompt and equitable resolution of complaints alleging any action prohibited by the Office of Revenue Sharing (ORS) Regulations [31 CFR 51.55(d)(2)] implementing Section 504 of the Rehabilitation act of 1973, as amended [29 U.S.C. §794]. Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance . . .".

Complaints should be addressed to: Vivian Williams, Personnel Director, White Mountain Apache Tribe, P.O. Box 700, Whiteriver, Arizona 85941, who has been designated to coordinate Section 504 compliance efforts.

1. A complaint should be filed in writing, and should contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. The complaint should be filed within fifteen (15) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure is in effect will be considered on a case-by-case basis).
3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Vivian Williams or her designated representative. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 31 CFR 51.55(d)(2), the White Mountain Apache Tribe need not process complaints from applicants for employment or from applicants for admission to post-secondary educational institutions.
4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Vivian Williams or her designated representative, and a copy forwarded to the complainant no later than forty-five (45) days after its filing.
5. The Section 504 coordinator shall maintain the files and records of the White Mountain Apache Tribe relating to the complaints filed.

6. A complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within ten (10) days after a written determination of the complaint by filing said request with Vivian Williams.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the White Mountain Apache Tribe complies with Section 504 of the ORS Regulations.

RECEIVED

JUN 11 1987

**Fort Apache Indian Agency
Whiteriver, Arizona**