

**Preserving the Vision of our Ancestors:  
An Educational Legacy**

***College of the  
Muscogee Nation***

***Annual Campus Crime Awareness /  
Security Report and Annual Fire Safety Report***



**VRAKKUECKV**  
RESPECT

**FVTCETV**  
INTEGRITY

**MECVLKE**  
RESPONSIBILITY

**EYASKETV**  
HUMILITY

**HOPORENKV**  
WISDOM



ANNUAL CAMPUS CRIME  
AWARENESS/SECURITY REPORT  
AND ANNUAL FIRE SAFETY REPORT  
2023-2024

College of the Muscogee Nation  
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# INTRODUCTION

In accordance with the Higher Education Act of 1965, §485(f) (20 U.S.C. 1092(f)), the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" this document provides the policies and procedures that the College of the Muscogee Nation (CMN) has implemented for the safety and security of the campus community. This disclosure is a combined annual campus crime awareness/security report and annual fire safety report which provides crime and fire statistics for the past three years.

On September 1st of every year (after CMN late enrollment ends), each member of the campus community is sent a notice of availability of institutional information, reports, and financial aid by electronic mail along with a brief description of its contents as follows:

"In compliance with Code of Federal Regulations 668.46 and the federal Higher Education Act of 1965, as amended by the Higher Education Opportunity Act of 2008 (HEOA), the College of the Muscogee Nation is providing the required disclosures for the 23/24 academic year. The following reports contain both general and specific information related to attending the College of The Muscogee Nation as well as drug/alcohol policies and campus crime and fire reports which contain statistics for the previous three years concerning reported crimes that occurred on-campus; in certain off-campus buildings or property owned or controlled by CMN; and on public property within, or immediately adjacent to and accessible from, the campus. Additionally, the reports contain institutional policies concerning campus security, such as policies concerning sexual assault, drug/alcohol violations, conduct, and other matters.

Please find the Consumer Information Guide, College Catalog, Campus Crime Awareness/Security Report and Fire Safety Report, and the Drug and Alcohol Prevention Program (Part 86) at [www.cmn.edu](http://www.cmn.edu). For a printed version of each report please visit CMN office #128 in the main CMN Administrative and Educational Building located at 2170 Raven Circle, Okmulgee, OK, 74447"

This document is designed to be an annual document and a notice will be sent out to inform prospective, new and returning students and employees of the annual publication. However, updates may be necessary due to the changing of State, Tribal and Federal laws, or changes to CMN policy. For the most recent publication of this document, please see the CMN website: [www.cmn.edu](http://www.cmn.edu)

## REPORTING CRIMES

### Accurate and Prompt Reporting of Crimes

CMN encourages accurate and prompt reporting of all crimes to campus security and appropriate police agencies when the victim of such crime elects or is unable to make such a report. Victims, witnesses or any other members of the campus community have a duty to report incidents immediately to campus security officers.

Criminal actions or other emergencies should be immediately reported to MCN Lighthouse Police by dialing (918-732-7800) or reporting in person to a law enforcement officer. All criminal reports are investigated by the MCN Lighthouse Police Department. There is no voluntary confidential reporting system available, and no report is held in confidence. To report criminal actions or emergencies to the appropriate CMN administrator call the campus information desk (918-549-2800), or campus security (918-758-8410) for assistance or information at any time, day or night.

Employees shall contact their immediate or nearest ranking supervisor to report any incident and will also report any criminal action to Lighthouse Police. Employees must also notify the campus information desk (CID) or Security of the situation; describe the person(s) involved and the location. CID or Security will notify the appropriate individuals with respect to necessary action.

Logs kept pursuant to these policies are kept for public inspection in CMN office #128. A printed copy will be made available upon oral or written request. New information about an entry into a log that becomes available to security shall be recorded in the log no later than two (2) business days after the information becomes available. If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.

## **TIMELY WARNINGS**

In the event that a situation arises, either on or off campus that, in the judgment of law enforcement or the college, constitutes an ongoing or continuing threat and/or a Clery Act reportable crime, a campus wide “timely warning” will be issued by CMN’s President, Dean of Student Affairs, or CMN Security. A warning will be issued as soon as all pertinent information is available. Clery crimes include homicide, manslaughter, sex offense, auto theft, burglary, robbery, assault, battery, and arson or hate crimes. The warning will include information about the reported offense such as the location and suspect description. Such reports shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. The warning will be issued to students, faculty, and staff via text message, voice call, and email through the Raven Alert emergency notification system. “Knock and talk” notification by residence life staff; and/or the use of portable address systems mounted in emergency or patrol vehicles will also be utilized.

Printed copies of the notice may also be posted in each residence hall and/or at other conspicuous locations throughout the campus as the situation permits. This process will be used for notifying the campus community of both Clery Act reportable crimes and other emergencies as described in the “Emergency Notification” section of this Annual Report.

## **PREPARING THE REPORT**

The annual disclosure of campus crime statistics is made possible through a partnership between the administration of College of the Muscogee Nation, CMN Security Department, and the Muscogee (Creek) Nation Lighthouse Police Department. Each entity provides updated

information on their educational efforts and programs to comply with the Jeanne Clery Act and other federal and state law. There is no policy for a voluntary confidential reporting system for annual crime statistics; all reports are investigated by law enforcement agencies. The following is a list of titles of each person or organization reports should be made to for the purpose of making timely warnings and the annual statistical disclosure:

- President, CMN
- Dean of Student Affairs, CMN
- Chief, Lighthorse Police
- Security, CMN

## **SAFETY OF AND ACCESS TO CAMPUS FACILITIES**

During business hours, the College (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests, and other invitees. During non-business hours, the campus is closed and access is restricted to all College facilities by identification card, key (if issued), or by admittance through the housing department. In the case of periods of extended closing, the College will admit only those with prior approval to all facilities.

Residence units are access controlled at all times. Some facilities may have individual hours, which may vary at different times of the year. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility. Emergencies may necessitate changes or alterations to any posted schedules.

Staff, faculty, and students will have a CMN identification card. Those without an identification card must sign in at the front information desk and identify themselves by name, state their purpose of the visit, the person to be visited and register their time in and out of the building. All rear and side access doors leading to the campus are closed and locked during evening hours starting at 5:00pm. When the school closes for the night, CMN Security will inspect the building to see that it is empty and then set the alarms and then lock down the campus. Other individuals present on institutional property at any time without the express permission of the appropriate administrator shall be viewed as trespassing and may as such be subject to a fine and/or arrest. In addition, students and employees present on CMN property during periods of non-operation without the express permission of the appropriate administrator shall also be viewed as trespassing and may also be subject to a fine and/or arrest.

## **CONFIDENTIAL REPORTING OF CRIMES TO COUNSELORS**

College of the Muscogee Nation does not have mental health counselors on its campus. There are no procedures that encourage professional mental health counselors or pastoral counselors to refer persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual crime statistics, as each report is investigated by law enforcement officials. For more information refer to the Sexual Misconduct Policy on page 7 of this document.



# **ENFORCEMENT AUTHORITY OF LIGHTHORSE POLICE AND CAMPUS PERSONNEL**

## **Campus Security and MCN Lighthouse Police Authority and Jurisdiction**

College of the Muscogee Nation has its own security department with licensed CLEET certified officers to enforce campus policies and issue violations. CMN security officers are armed certified and are vested with the statutory authority to investigate, detain and apprehend persons believed to be in violation of the law. CMN also utilizes Muscogee (Creek) Nation Lighthouse Police, which has the same authority and arrest powers as a municipal police department. Each Tribal police officer is duly sworn and commissioned in accordance with Muscogee (Creek) Nation law, Oklahoma state law and peace officer training standards and may enforce both criminal laws and the rules and regulations of CMN. Additionally, all Tribal police officers have powers of arrest throughout all of Okmulgee County by agreement with the Okmulgee County Sheriff's Office and any other place in which the College owns, leases, controls or otherwise holds property.

## **Arrest Authority**

Oklahoma law permits colleges to have both a police department (with sworn law enforcement officers) and employ security guards (which do not have arrest powers). CMN campus utilizes the MCN Lighthouse Police Department as its law enforcement agency. Lighthouse police officers have full power of arrest in accordance with the Oklahoma Statutes for violation of Oklahoma state law, MCN Tribal laws, and county ordinances. CMN security officers have no authority to arrest however; security may apprehend and detain individuals while conducting an investigation of any violation on campus.

CMN administrators have no powers of arrest other than the Citizens Arrest Law, and are required in the event of a crime or emergency to call Lighthouse Police (918-732-7800). The Citizens Arrest Law will be invoked only as a last resort, and after all other possibilities have been explored.

## **INFORMATION AND PROGRAMS**

CMN offers a crime awareness and prevention program to students in the orientation course, Bystander Intervention training, and other scheduled events. The Health & Wellness program hosts many events each trimester with specialists from prevention offices within the Muscogee Creek Nation that teach faculty, staff, and students about drug and alcohol abuse and suicide prevention. Documentaries and other informative films are shown regarding sexual assault on college campuses and depression. These programs are designed to educate faculty, staff, and students on how to protect themselves and others. Students are encouraged to exercise proper care in seeing to their personal safety and the safety of others. The following is a description of rules designed to inform students and employees about the prevention of crimes on campus.

- Do not leave personal property in classrooms.
- Report to your instructor, the Campus Information Desk or security, any suspicious persons.
- Always try to walk in groups outside the school premises.

- If you are waiting for a ride, wait within sight of other people.
- Employees (staff and faculty) will close and lock all doors, windows and blinds and turn off lights when leaving a room.
- The “Crime Awareness and Campus Security Report” is available upon request to students, employees (staff and faculty) and prospective students.
- The School has no formal program, other than orientation, that disseminates this information. All information is available upon request.
- Information regarding any crimes committed on the campus or leased/attached properties (parking lot) will be available and posted in a conspicuous place within two (2) business days after the reporting of the crime and be available for sixty (60) business days during normal business hours, unless the disclosure is prohibited by law, would jeopardize the confidentiality of the victim or an ongoing criminal investigation, the safety of an individual, cause a suspect to flee/evade detection, or result in the destruction of evidence. Once the reason for the lack of disclosure is no longer in force, the institution must disclose the information. If there is a request for information that is older than sixty 60 days, that information must be made available within two (2) business days of the request.

Incidents shall be recorded with a CMN Security officer. To file an incident report contact CMN Security at (918-758-8410) or visit the security office located within the Student Center. You may also contact the Campus Information Desk at (918-549-2800) or visit the front desk located on campus in the CMN Education and Administration building. Incident reports will include the date, time, location, incident reported, and disposition of incident and the name of the person who took the report. Except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, reports are open to public inspection within two business days of the initial report being made to a campus security authority.

## **STUDENT ORGANIZATIONS OFF-CAMPUS**

College of the Muscogee Nation does not have student organizations with off-campus locations, therefore there is no policy regarding monitoring and recording through local police criminal activity in which students engaged at off-campus locations of student organizations. However, all students participating in off-campus student organization trips and activities must abide by the CMN Student Code of Conduct.

## **ALCOHOL AND DRUG POLICY**

College of the Muscogee Nation does not permit alcohol on campus, and no alcohol is permitted on the grounds or at any activity sponsored or recognized by the College. All laws related to the sale, possession, and consumption of alcoholic beverages by minors are strictly enforced and aggressively prosecuted for the safety of our students.

## **Alcohol Policy**

The possession and/or consumption of any amount of beer and/or intoxicating liquors anywhere on campus (including off campus consumption of any amount and/or intoxication and returning to CMN campus under the influence) is forbidden by law and CMN policy. Any beer, including 3.2 beer, wine or liquor found in a Student-Resident's housing unit/room or in a Student's possession anywhere on CMN campus will be confiscated and will result in disciplinary and/or legal action. Students are expected to comply with all laws regarding the use of alcohol. Irresponsible behavior while under the influence of alcohol is not tolerated and anyone violating this policy will be subject to disciplinary and/or legal action. No decorative alcohol posters, alcohol bottles, alcohol cans or alcohol bottle caps are allowed in the Student-Resident's housing unit/room at any time. Please see Alcohol Violation Chart on page 10.

## Alcohol Violation Sanction Chart

Alcohol Related Behavior	1 <sup>st</sup> Incident	2 <sup>nd</sup> Incident	3 <sup>rd</sup> Incident
Possession and/or Consumption of any amount on campus or off campus and returning to campus	Research paper, Health & Wellness, community service, parental notification if under 21, and/or \$100.00 fine	1 trimester housing probation, research paper, Health & Wellness, community service, parental notification if under 21, and/or	1 year housing suspension, parental notification if under 21
Providing	1 trimester housing probation, research paper, Health & Wellness, community service, parental notification if under 21, and/or	1 year housing suspension, college probation, research paper, Health & Wellness, parental notification if under 21, counseling and/or	College suspension, parental notification if under 21
Intoxication	1 year housing probation, research paper, Health & Wellness, community service, parental notification if under 21, counseling and/or up to \$300.00 fine	1 year housing suspension, college probation, research paper, Health & Wellness, parental notification if under 21, counseling and/or up to \$400.00 fine	College suspension, permanent housing suspension, parental notification if under 21

College of the Muscogee Nation is a drug-free campus, and no illegal substances are permitted on the grounds or at any activity sponsored or recognized by the college. All laws related to the sale, possession, and consumption of illegal drugs or associated paraphernalia are strictly enforced and aggressively prosecuted for the safety of our students.

## Drug Policy

The College of the Muscogee Nation (CMN) is a drug and alcohol free campus. CMN recognizes illegal, non-prescription drug and alcohol abuse as a potential health, safety, and security problem to the students and the CMN community. CMN has a zero tolerance policy on the use and/or possession of drugs. Students are expected to comply with all laws regarding the use and possession of drugs. The possession, manufacture, purchase, sale or use of drugs, synthetic drugs, prescription drugs, narcotics, stimulants, or any other substances for illicit purposes on campus and/or in CMN student housing is forbidden and prohibited by law. Law enforcement is typically involved in all drug related issues and/or searches which may include the use of drug dogs.

The use of any drugs, including medical marijuana, is prohibited. CMN receives federal funds, and as a result, must abide by tribal and federal laws.

Students in violation of the drug and alcohol policy will attend a Student Housing Judicial Hearing or Student Conduct Hearing. Drug hearing sanctions may include but are not limited to a referral to the CMN Health and Wellness program, one-year housing probation, or removal from student housing. Other sanctions may be required on a case-by-case basis. Upon second violation of this policy, the student will be removed from housing without an option of counseling services.

The CMN Health and Wellness program coordinates a mandatory drug assessment with a licensed clinician. Based on the clinician's recommendations, students will be referred to counseling, Life Skills, or both. Students sanctioned by the Student Conduct Committee or Housing Judicial Committee are not in 'good standing' with the Office of Student Affairs. Students not in good standing are required to meet the criteria to return to good standing which includes completing all assigned sanctions and may include maintaining this status until one full trimester has passed. Those not in good standing with the Office of Student Affairs are ineligible to hold officer positions within campus student organizations or to participate in off campus CMN student activities.

CMN will contact the parents/ guardians of students under the age of 21 in regards to violations relating to alcohol and/or substance abuse.

## **DRUG OR ALCOHOL-ABUSE EDUCATION PROGRAMS**

A description of drug or alcohol-abuse education programs as required under 120(a)-(d) of the Higher Education Act may be obtained through the CMN Student Affairs Office. Additionally, CMN student housing partners with MCN Behavioral Health to host alcohol abuse education programs to inform students about the dangers related to alcohol consumption/abuse. CMN Health and Wellness Services host drug and alcohol prevention programs on campus year round. Alcohol programming and assistance is available through Health and Wellness Services. In addition, the CMN Drug Free Campus Policy is printed in the CMN Catalog and Student Handbook.

## **OBTAINING SEX OFFENDER REGISTRATION INFORMATION**

The Oklahoma Sex and Violent Crime Offender Registry is maintained by the Oklahoma Department of Correction and is available via Internet pursuant to Oklahoma state law (Sex Offenders Registration Act, 57 O.S. 581-590) at

<https://sors.doc.ok.gov/ords/svorp/sors/r/sors/disclaimer>.

# **TITLE IX SEXUAL MISCONDUCT: DISCRIMINATION, HARASSMENT, AND ASSAULT POLICY**

## **Policy:**

The College of the Muscogee Nation will address all incidents of sex discrimination and sexual harassment reported to the CMN Title IX Coordinator in compliance with the Higher Education Opportunity Act, the Clery Act, and Title IX of the Education Amendments of 1972, as amended.

## **Purpose:**

This policy informs all prospective students, current students, and all CMN employees of college policies and procedures regarding sex discrimination and sexual harassment to which all students, members of the faculty, and non-faculty personnel are expected to adhere during their time at CMN. In addition, comprehensive information is provided regarding the reporting of sex discrimination and sexual harassment and avenues to seek immediate assistance.

## **Procedure:**

The College of the Muscogee Nation (CMN) seeks to create a positive educational environment on and off campus through our academic programs, services, activities, policies and procedures aimed at providing protection against sex discrimination and harassment. To that end, CMN condemns discrimination in its education programs and activities based on sex or gender, sexual orientation, gender identity or expression, sexual harassment, sexual violence, domestic violence, dating violence, and stalking. Notice of a sex discrimination or sexual harassment incident to the CMN Title IX Coordinator charges CMN with actual knowledge and triggers CMN's response obligations as described in the institutional action section.

## **Scope of the Policy**

CMN must respond when sex discrimination and harassment occurs in the school's education program or activity, against a person in the United States. Education program or activity includes locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the discrimination or harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. Title IX applies to all of a school's education programs or activities, whether such programs or activities occur on-campus or off-campus, including online instruction.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including

office address, listed for the Title IX Coordinator.

Individuals are responsible for immediately reporting any knowledge or information concerning sexual harassment to the CMN Title IX Coordinator identified in this policy which covers unwelcome conduct of a sexual or gender-based nature, whether committed on-campus, or off-campus where CMN has control over the respondent or the context of the harassment.

CMN encourages victims of sexual harassment to talk with a counselor. Different employees within the scope of CMN's resources (MCN Family Violence Prevention Program) have different abilities to maintain a victim's confidentiality.

- **MCN Family Violence Prevention Program Counselors** are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."
- **MCN Family Violence Prevention Program Employees** may talk to a victim in confidence, and generally only report to CMN that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a College investigation into an incident against the complainant's wishes.
- **CMN Employees** are required to report all the details of an incident (including the identities of both the complainant and respondent) to the Title IX Coordinator. A report to CMN employees (called "responsible employees") constitutes a report to CMN and places CMN on notice to take appropriate steps to address the situation.

Compliance with this policy does not constitute a violation of the Family Educational Rights and Privacy Act (FERPA). For the purpose of this policy, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex discrimination or sexual harassment offense and any sanction that is imposed against the respondent. This policy also applies to retaliation by CMN or any person against any other person when for the purpose of interfering with Title IX rights, or because the person has participated or refused to participate in any manner in a proceeding under Title IX that is prohibited.

### **Assistance Following an Incident of Sexual Harassment**

- **Immediate Assistance:**  
Persons who have complaints of sexual harassment may file their complaints with the Title IX Coordinator (Lisa Bear) located in the CMN Administration Building, 2170 Raven Circle, Okmulgee, OK 74447, in room #129, phone number 918-549-2821, or email [cmntitleix@cmn.edu](mailto:cmntitleix@cmn.edu).

Victims of sexual violence should get to a place of safety and call Lighthorse Police at 918-732-7800. Obtain necessary medical treatment; time is a critical factor for evidence collection and preservation. An assault should be reported directly to a law enforcement officer, and college officials will aid in facilitating this process. Filing a police report will

not obligate the complainant to prosecute, nor will it subject the reporting party to scrutiny or judgmental opinions from officers. Filing a police report will ensure that a complainant of sexual violence receives the necessary medical treatment and tests, at no expense to the complainant to the extent provided for by Oklahoma law, and provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later.

**COMPLAINANT OR WITNESS: CALL LIGHTHORSE POLICE (918-732-7800) FOR IMMEDIATE ASSISTANCE.**

- **Ongoing Assistance:**

In order to ensure the safety and well-being of the complainant, CMN may take interim measures such as changing living arrangements, work schedules, academic schedules, addressing transportation issues, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring), leaves of absence, campus escort services, or similar measures. In addition, while an investigation is pending CMN may initiate a “no contact order” between the parties that carries a sanction of expulsion if violated.

CMN does not offer internal counseling options, but law enforcement officials and college representatives are available to facilitate access to support services, which may be obtained through MCN Family Violence Prevention at 918-732-7869 or the Oklahoma Coalition Against Domestic Violence & Sexual Assault. Several service organizations in Oklahoma have provided telephone numbers and made available other services for students, faculty, staff and campus community members. CMN Campus Security will assist any interested person in contacting these agencies.

- **Additional Support Services:**

Oklahoma Safeline - 1-800-522-7233 (SAFE)

Oklahoma Safeline - Oklahoma City Metro Area - 405-522-7233 (SAFE)

National Domestic Violence Hotline - 1-800-799-7233 (SAFE)

Rape, Abuse & Incest National Network Hotline - 1-800-656-4673 (HOPE)

Communication Services for the Deaf (TTY) - 1-800-252-1017 (TTY)

Communication Services for the Deaf (Voice) - 1-866-845-7445 (Voice)

Oklahoma Coalition Against Domestic Violence/Sexual Assault 405-524-0700 (M-F/9-5)

## **Title IX Coordinator and Staff**

- Title IX Coordinator has primary responsibility for overseeing the process of coordinating CMN's Title IX compliance efforts including the development, implementation, and monitoring of policies, procedures and practices designed to achieve full compliance with federal and state legislation, regulations, and case law requiring the prompt and equitable resolution of Title IX complaints. To file a complaint or submit questions concerning actions governed by this policy contact the Title IX Coordinator (Lisa Bear) located in the CMN Administration Building, 2170 Raven Circle, Okmulgee, OK 74447, room #129, phone: 918-549-2821, or email: [cmntitleix@cmn.edu](mailto:cmntitleix@cmn.edu).



- Deputy Title IX Officers have the secondary responsibility and assist in the duties of the Title IX Coordinator. Deputy Title IX Officers include the Dean of Student Affairs (Krystal Wind) located in the CMN Administration Building, room 128, 2170 Raven Circle, Okmulgee, OK 74447, phone: 918-549-2817, and the Director of Business Affairs (HR Manager) (Jan L. Hart) located in the CMN Administration Building, 2170 Raven Circle, Okmulgee, OK 74447, phone: 918-549-2803. Both can be contacted by email at [cmntitleix@cmn.edu](mailto:cmntitleix@cmn.edu).
- Title IX Investigators may include but not be limited to CMN security officers and staff. The primary responsibility of the investigator is to collect statements and any evidence directly related to any allegations of a Title IX policy violation as directed by the Title IX Coordinator. Investigators will receive appropriate Title IX training.
- Title IX Hearing Officer may include a CMN administrator or external legal counsel. The primary responsibility of the hearing officer will be to ensure both parties receive due process in the event allegations of a Title IX policy violation are directed to a hearing by the Title IX Coordinator. Hearing Officers will receive appropriate Title IX training.
- Title IX Hearing Member may include CMN faculty or staff members. The primary responsibility of the hearing member is to listen to both sides of the complaint. Each hearing member will evaluate the information being provided by both parties to make a decision whether or not a Title IX policy violation took place. Hearing members will receive appropriate Title IX training.

## Definitions

CMN defines sex discrimination and sexual harassment broadly to include any of three types of misconduct on the basis of sex (or gender), all of which jeopardize the equal access to education that Title IX is designed to protect: Any instance of quid pro quo harassment by a school's employee; any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Offenses prohibited under CMN's policy include, but are not limited to sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination), sexual harassment, sexual violence to include non-consensual sexual contact, non-consensual sexual intercourse, sexual coercion, domestic/dating violence, stalking, and sexual exploitation.

- A. Sex Discrimination: includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or institutional benefits, on account of sex or gender (including sexual orientation, gender identity, and gender expression discrimination). It may include acts of verbal, nonverbal, or physical

aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

B. Sexual Harassment: is unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or is sexual in nature and is so severe, pervasive, or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities. Students and visitors who are subject to or who witness unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any CMN employee. Employees who are subject to unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any CMN employee. Employees who witness or receive reports of unwelcome conduct of a sexual nature are required to report the incident(s) or reports received to the Title IX Coordinator. The only exception is a counselor designated as a confidential resource for students and a student has engaged in a privileged communication and declines to authorize the counselor to disclose the student's identity or the incident.

1. Hostile Environment: Sexual Harassment includes conduct that is sufficiently severe, pervasive, or persistent, objectively and subjectively offensive that it alters the conditions of education or employment or institutional benefits of a reasonable person with the same characteristics of the victim of the harassing conduct. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct was deliberate, repeated humiliation based upon sex;
- The effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes; and
- Whether the speech or conduct deserves constitutional protections.

2. Quid Pro Quo Sexual Harassment exists when individuals in positions of authority over the complainant:

- Make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- Indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or institutional activity or benefit is conditioned upon the complainant's submission to such activity.

Examples of Harassment:

- An instructor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student agrees to the request.
- A student repeatedly sends sexually oriented jokes around in an email list he or she created, even when asked to stop, causing one recipient to avoid the sender on campus and in the dorms in which they both live.
- The instructor probes for explicit details, and demands that students respond to him or her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to his clear discomfort.

C. Sexual Violence: refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties.

1. Non-Consensual Sexual Contact is any intentional touching, however slight, whether clothed or unclothed, of the victim's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim's body using the perpetrator's genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct.
2. Non-Consensual Sexual Intercourse is defined as any sexual intercourse or penetration of the anal, oral, vaginal, genital opening of the victim, including sexual intercourse or penetration by any part of a person's body or by the use of an object, however slight, by one person to another without consent or against the victim's will. This definition includes rape and sexual assault, sexual misconduct, and sexual violence.
  - a) Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
3. Sexual Coercion is the act of using pressure (including physical pressure, verbal pressure or emotional pressure), alcohol, medications, drugs, or force to have sexual

- contact against someone's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.
4. Dating violence is violence between individuals in the following circumstances:  
 The party is or has been in a social relationship of a romantic or intimate nature with the victim; and
    - The existence of such a relationship shall be determined based on a consideration of the following factors:
    - Length of the relationship
    - Type of relationship
    - Frequency of interaction between the persons involved in the relationship
  5. Domestic Violence under CMN policy means violence committed by a current or former spouse of the victim;
    - A person with whom the victim shares a child in common;
    - A person who is cohabitating with or has cohabitated with the victim as a spouse;
    - A person similarly situated to a spouse of the victim under Oklahoma domestic or family violence laws;
    - Any other person against an adult or youth victim who is protected from that person's acts under Oklahoma domestic or family violence laws.
- D. Advisor: A person who has agreed to assist a complainant or respondent during the Title IX process. The advisor may be a person of the student's choosing, including but not limited to a CMN faculty or staff member, a friend or an attorney.
  - E. Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
  - F. Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination or sexual harassment.
  - G. Formal complaint: a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment and stating the date, time, place, name(s) of person(s) involved (e.g. the accused, witnesses) and sufficient detail to make a determination regarding basic elements of the formal complaint process.
  - H. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.
  - I. Supportive measures - individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

## **Consent**

Consent is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing. Under this policy, “No” always means “No,” and the absence of “No” may not mean “Yes”.

- A. Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.
- B. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
- C. Previous relationships or consent does not imply consent to future sexual acts.
- D. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.
- E. In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, is a policy violation. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent. Note: indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.

Examples of when a person should know the other is incapacitated include, but are not limited to:

- The amount of alcohol, medication or drugs consumed,
  - Imbalance or stumbling,
  - Slurred speech,
  - Lack of consciousness or inability to control bodily functions or movements, or vomiting, or
  - Mental disability or incapacity.
- F. Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.

## **Reporting**

### **A. Mandatory Reporting**

All CMN employees are responsible for taking all appropriate action to prevent sex discrimination or sexual harassment, to correct it when it occurs, and must promptly report

it to the Title IX Coordinator. Failure to do so may result in disciplinary action up to and including termination. All CMN employees are considered responsible employees with a duty to report any incident to the Title IX Coordinator.

#### B. Confidential Reporting

Resources are available through MCN Family Violence Prevention. Family Violence Prevention staff, counselors, victims' advocates are available to speak with any person who wishes to report an incident and remain anonymous. All forms of sexual harassment should be reported, no matter the severity. In addition, CMN should be made aware of possible threats to the campus community in order to issue timely warnings.

#### C. Reporting to the Police

CMN strongly encourages anyone to report sexual violence and any other criminal offenses to the police. This does not commit a person to prosecution, but will allow the gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, College disciplinary actions and/or civil actions against the respondent.

- If the incident happened on campus, it can be reported to the Lighthouse Police Department at 918-732-3800. If the incident happened anywhere else, it can be reported to the local law enforcement with jurisdiction in the location where it occurred. Know that the information you report can be helpful in supporting other reports and/or preventing further incidents.
- Reporting for Faculty and Staff (Non-Student) Instances: Faculty and staff shall report any instances of sexual harassment by another faculty or staff member to the Title IX Coordinator. As stated above, CMN also strongly encourages reporting any instances to the police.
- Employee Obligation to Report (Student Instances): In compliance with Title IX, employees who become aware of a student instance of sexual harassment shall immediately report such instance to the Title IX Coordinator, including the name of the persons involved.

#### D. Reporting by Students

Students shall report any instances of sex discrimination or sexual harassment to any CMN employee and/or the Title IX Coordinator. A complaint should be filed as soon as possible. If either the complainant or the respondent is a student, the incident will be addressed through the Title IX process. The report can be made in person, by phone, mail, or email using the contact information listed for the Title IX Coordinator or by any other means that results in the Coordinator receiving the report. The report can be made any time, even during non-business hours.

After receiving a report or notice of an incident, the Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the

complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. A complainant's wishes with respect to whether the CMN investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

CMN will promptly take necessary steps to protect the complainant and ensure safety as necessary, including taking interim steps before the final outcome of any investigation once a report or knowledge of sex discrimination or sexual harassment has occurred. Periodic updates on the status of the investigation will be provided to the complainant. If the school determines that the sexual violence occurred, CMN will continue to take these steps to protect the complainant and ensure his or her safety, as necessary. CMN will provide the complainant with any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, legal assistance, and assistance in reporting a crime to local law enforcement.

### **Written Notice of Complaint**

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to all known parties in sufficient time to give the respondent time to prepare a response before an initial interview. Written notice includes:

- a. Notice of the grievance process, including any informal resolution process;
- b. Notice of the allegations, including sufficient detail (i.e., names of known parties, the conduct alleged to be sexual harassment, and the date and location of the conduct, if known) to allow the respondent to prepare a response;
- c. A statement that the respondent is presumed not responsible for the conduct and that responsibility will be determined at the conclusion of the grievance process;
- d. Notice of the parties' right to have an advisor (who may be, but is not required to be, an attorney) and to inspect and review evidence; and
- e. Notice that knowingly making false statements or providing false information in the grievance process is a violation of the code of conduct and subject to disciplinary action.

### **Investigation**

The Title IX Coordinator will make a determination to begin a formal investigation of sex discrimination or a sexual harassment incident which will lead to an institutional action. The coordinator will be available to explain to both parties the process and to notify in writing of the receipt of a complaint and the actions CMN will take. The burden of gathering evidence and burden of proof must remain on CMN, not on the parties.

An investigation will be conducted by a CMN Title IX official. This investigation will include:

- Meeting personally with the complainant, (unless extraordinary circumstances prevent a personal meeting),

- Meeting personally with the respondent, (unless extraordinary circumstances prevent a personal meeting),
- Presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made,
- Collecting any physical evidence,
- Meeting personally with any witnesses, (unless extraordinary circumstances prevent a personal meeting with one or more witnesses), and
- Reviewing any documentary evidence.

The investigation of complaints will be adequate, reliable and impartial. The investigation process can take up to 60 days. When investigating a complaint and throughout the complaint process, the investigator must: (1) ensure that the burden of proof and of gathering evidence rests on CMN rather than the parties; (2) provide an equal opportunity for the parties to present witnesses and evidence (3) not restrict either party's ability to discuss the allegations or gather and present evidence; (4) provide the parties with the same opportunities to have others present during interviews or related proceedings, including an advisor; (5) provide, to a party who is invited or expected to attend, written notice of the date, time, participants, purpose, and location of any investigative interview, hearing or other meeting with enough time to allow the party to prepare and participate; (6) provide both parties and their advisors an equal opportunity to review all evidence directly related to the allegations in the formal complaint (both exculpatory and inculpatory) at least 10 days prior to the completion of the final investigation; and (7) prepare a written investigation report that fairly summarizes the relevant evidence and provide the report to both parties and their advisors for review and written response at least 10 days before a hearing or determination of responsibility. CMN will determine if a Title IX hearing is necessary.

### **Mandatory or Permissive Dismissal**

Mandatory dismissal must occur when determined in the course of the investigation that allegation in a formal complaint: (1) did not occur in CMN's program or activity; (2) did not constitute sexual harassment as defined; or (3) did not occur against a person within the US. Both parties must receive written notice of a mandatory dismissal and reasons.

Permissive dismissal may occur at any time during the investigation or hearing when: (1) a complainant notifies the Title IX Coordinator in writing that they would like to withdraw; (2) the respondent is no longer enrolled or employed by CMN; or (3) specific circumstances prevent CMN from gathering evidence sufficient to reach a determination. Both parties must receive written notice of a permissive dismissal and reasons.

CMN may still address allegations of misconduct under the Student Code of Conduct.



## **Institutional Action**

- A. Mediation is a method of informal resolution. Informal resolutions are prohibited unless a formal complaint of sexual harassment is filed. Mediation may include conflict resolution or a restorative agreement between the parties with a trained Title IX Officer presiding over the mediation. Participation in mediation is not mandatory, but will only take place with the consent of both parties involved. Mediation may only be used:
1. Prior to a Notice of hearing being issued;
  2. When a trained Title IX Officer determines this is a suitable option for resolving the concern, and both the Complainant and Respondent agree to use the process;
  3. When the complaint does not involve sexual violence as defined in the Title IX Policy.
  4. When both parties acknowledge receipt of written notice of their rights under this policy and both parties provide written, voluntary consent.
  5. Mediation is not available when the complaint alleges a CMN employee harassed a student.

Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by parties involved, an appeal of the process and its result is not permitted. However, either the Complainant or the Respondent may terminate mediation at any time prior to the entry of a voluntary resolution and proceed with the Title IX hearing. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Title IX Coordinator to a Title IX Hearing. No offers to resolve the conflict that were made or discussed during the informal voluntary resolution process may be introduced during the Title IX Hearing.

## **B. Title IX Hearing**

The Title IX Coordinator will determine if a hearing is necessary; mediation is never appropriate in sexual violence cases. If it is determined that CMN will proceed with a hearing, the Title IX Coordinator will notify the Title IX Officer in writing and provide the details of the complaint and investigation to the Title IX Officer. The Title IX Officer will review the information provided. The complainant and the respondent will be notified in writing of the hearing date, the alleged policy violation and issued a notice to appear at the hearing. The written notice will be hand delivered directly to the student(s) or mailed to the local address as filed in the Registrar's Office. Students are responsible for providing and maintaining a current local address in the Registrar's Office. The Title IX Officer will notify the complainant and the respondent of the determinations in writing within 7 days

Description of the duties of the Title IX Hearing Officer will include but not limited to the following:

- Read and understand the Title IX Policy and Procedures, which include the hearing process.
- Read and understand all of the information of the Title IX case provided by the Coordinator prior to the hearing as part of a hearing packet.

- Read and understand the procedures of the Title IX hearing provided by the Coordinator prior to the hearing as part of a hearing packet.
- Have a clear understanding of the incident in question before going into deliberations for a decision.
- Decide the outcome (majority vote) and sanctions if needed based on the information presented, hearing notes, and the CMN Title IX Policy.
- Provide copies of notes, if made, to the hearing officer. The hearing officer will inform the parties of the decision at the hearing and send a letter as described in this policy.

#### Complainant's Rights:

- Be given a written explanation of the allegations and the hearing process;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students must provide CMN with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing (if the advisor is an attorney, CMN's attorney will also be present for the hearing);
- Be given a timely hearing;
- Exclude evidence of the victim's past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the respondent shall be presumed irrelevant;
- Clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual harassment;
- Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community;
- Written notification of any external counseling services that may be available;
- Written notification of options for changing academic, living, transportation, and work site situations if reasonable;
- Written notification of an avenue for appeal.

#### Respondent's Rights:

- Be given written notice of the allegations and the hearing process;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Have no violation presumed until found responsible;
- Be given a timely hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the

proceedings. Students must provide CMN with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing (if the advisor is an attorney, CMN's attorney will also be present for the hearing);

- Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community;
- Written notification of any external counseling services that may be available;
- Written notification of options for changing academic, living, transportation, and work site situations, if reasonable;
- Written notification of an avenue for appeal.

The hearing will include opening statements, each party's evidence and witnesses, and closing statements. Students are permitted to be present during the disciplinary hearing (except during deliberations of the panel). Students are permitted to make statements, present witnesses and present evidence during the hearing which has been previously collected and approved during the investigation process. Witnesses and evidence need to be directly related to the incident. The standard of proof used in CMN Title IX Hearings is the preponderance of the evidence, which means the determination to be made, is whether it is more likely than not a violation occurred. This is significantly different than proof beyond a reasonable doubt, which is required for a criminal prosecution. In-person hearings are preferred, but videoconference hearings may be conducted if the hearing officer determines that the health, safety and welfare of all participants is better served by the alternate hearing mode.

## **Outcome**

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is not responsible for a Sex Discrimination or Sexual Harassment policy violation the complaint will be dismissed.

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is responsible for a Sexual Harassment policy violation the following sanctions will be considered. The listing of sanctions below is not intended to be exclusive; in addition, sanctions may be imposed singularly or in combination when a violation of this policy is found.

Sexual Discrimination (includes gender discrimination) may include the following sanctions of the student(s) found responsible.

- Restriction – A limitation on a student's privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent CMN, or denial of participation in extracurricular activities.
- Service Project – Community service or an education class or project beneficial to the individual and campus or community.

- Probation Level I – A specified period of time during which the student is placed on formal notice that he/she is not in good social standing with CMN and that further violations of regulations will subject him/her to suspension or expulsion from the CMN.
- Housing Suspension – If applicable and warranted by the severity of the incident, separation of a student from the student housing for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified.
- Suspension – If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from CMN are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Dean of Student Affairs. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to CMN's normal withdrawal policy.
- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to CMN's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Sexual Harassment may include the following sanctions on the student(s) found responsible.

- Restriction – A limitation on a student's privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent CMN.
- Service Project – Community service or an education class or project beneficial to the individual and campus or community.
- Behavioral Change Requirement – Required activities including but not limited to, seeking academic counseling, substance abuse assessment, decision making class, writing a reflection paper, etc.
- Housing Suspension – If applicable, separation of a student from the student housing for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified.
- Probation Level II – Adds to Level I the stipulation that students are prohibited from participating in any extracurricular activities not directly associated with academics (e.g., intramural sports, attending athletic events, student organizations/clubs/associations, leadership positions within housing or other organizations). Students must apply to get off Conduct Probation Level II by submitting documentation of their significant proactive efforts to become good citizens of the community and engage in responsible, productive behavior.

- Suspension – If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from CMN are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Dean of Student Affairs. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to CMN's normal withdrawal policy.
- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to CMN's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Sexual Violence may include the following sanction on the student(s) found responsible.

- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to CMN's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Both parties will be notified of the outcome in writing by certified mail or other agreed upon form of notice within five business days after the hearing at the same time. Both parties have the right to appeal the decision reached through the hearing proceedings within five days after the hearing.

## **Appeal Procedures**

An appeal is not a new hearing, but is a review of the record of the original hearing. It serves as a procedural safeguard for the student. The burden of proof shifts from CMN to the student(s) found responsible for the policy violation. The student must show one or more of the listed grounds for an appeal.

- A. Appeals must be submitted in writing to the President within five (5) College of the Muscogee Nation working/school days of receiving the decision. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.
- B. The appeal must cite at least one of the following criteria as the reason for appeal and include supporting argument(s):
  1. The original hearing was not conducted in conformity with prescribed procedures and substantial prejudice to the complainant or the respondent resulted.

2. The evidence presented at the previous hearing was not “sufficient” to justify a decision against the student or group.
  3. New evidence which could have substantially affected the outcome of the hearing has been discovered since the hearing. The evidence must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal.
  4. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with CMN procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.
- C. The President will review the record of the original hearing, including documentary evidence. It is the President’s discretion to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to the original hearing committee for review/or reconsideration. If there is new evidence (unavailable at the time of the hearing through no fault of the parties) which is believed to substantially affect the outcome, or evidence presented at the previous hearing(s) was “insufficient” to justify a decision against the student or group, or a finding that a substantial procedural error resulting in prejudice occurred, the matter may be remanded to either a rehearing of the entire matter or reconsideration of specific issues. If remanded to the original hearing committee, either or both students may appeal the committee’s decision to the President and the procedures set out above shall control the appeal.
- D. The final decision will be communicated in writing by the President to the appealing student(s). The decision will be communicated within ten (10) working/school days of receiving the written recommendation. Both parties will be notified of the final outcome of the appeal.
- E. The decision of the President on appeal shall be final.

### **CMN Officers and Designees**

The designation of a CMN official responsible for prescribed actions shall automatically include the official’s designee in instances where an official is unable, unavailable or has concluded that the official may have a conflict of interest that causes the official to recuse from involvement in the matter. The official’s designee shall have the same authority as the official in matters involving this policy.

### **Recordkeeping Protocol**

CMN will document all reports and complaints of sex discrimination and provide copies of those reports to the Title IX Coordinator. CMN Title IX Office will maintain a secured electronic file system of all Title IX cases, reports, and complaints by academic year. The cases will include all information related to the individual case, which includes but is not limited to the initial complaint, letters sent to all parties, response from the respondent, immediate assistance, investigation notes,

mediation agreement if applicable, notice of a hearing, committee selection, hearing notes, hearing decision, written notice of the outcome, and any recordings made of the hearing or in the course of the investigation. The time period to maintain the case records will be no less than seven (7) years from the date of CMN's final action or decision (whether through report of the investigation, mediation, or hearing). The confidential reporting of the number of incidents and types will be sent to CMN Security for the preparation of the Annual Crimes Report.

## **Prevention and Education**

### **A. Education**

CMN requires all employees to take the following educational- training courses on an annual basis. Employees may be required to be recertified on demand. Failure to have a certification of this required training may result in appropriate disciplinary action. Additional in-person trainings are also offered periodically and on request.

### **B. Bystander Intervention**

If you witness a policy violation, or behaviors that may lead to a policy violation, there are a variety of things you can do as a bystander:

- Divert the intended victim (e.g., "help me out of here; I don't feel well")
- Distract the perpetrator (e.g., "looks like your car is being towed")
- Delegate to a person of authority (e.g., if at a nightclub let the bartender/bouncer know of the situation)
- Direct, confront the perpetrator (e.g., "don't speak to him/her in that manner; you are going to get yourself into trouble")

### **C. Risk Reduction Tips**

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to blame victims, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you reduce your risk of experiencing a non-consensual sexual act.

- Make your limits known as early as possible.
- Be aware of your alcohol intake. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Never leave a location at night with an unknown person, especially when you have been using alcohol or drugs; never enter a vehicle with a person unknown to you.
- Take care of your friends or colleagues and ask that they take care of you.

#### D. Potential Aggressor

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go; or about whether they are physically and/or mentally able to consent.
- If there are any questions or ambiguity, then you DO NOT have consent.

Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. You must respect the timeline for sexual behaviors with which they are comfortable.

- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size.
- Don't abuse that power. Understand that consent to one form of sexual behavior does not automatically imply consent to other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent.
- Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

#### **Training**

Training on sexual misconduct: discrimination, harassment, and violence is included in CMN's education program.

In-person training for student groups and students will be conducted through a variety of presentations, student orientation, and other meetings. In-person training for Active Bystander Intervention skills may include: On-going campus campaigns and information at a variety of events concerning the policy and appropriate behaviors, including Bystander Intervention. Informational website and brochures devoted to educating students will be presented at prevention workshops. When in-person training is neither practical nor safe, alternative modes of training shall be utilized.

Mandatory training for employees will be provided through in-person training on sexual misconduct: discrimination, harassment, and violence and mandatory reporting through new employee orientations and other periodic training opportunities and upon request. In-person training for Active Bystander Intervention skills may include: ongoing campus campaigns and information at a variety of events, concerning the policy and appropriate behaviors, including Bystander Intervention. Informational website and brochures devoted to educating employees.



CMN will post materials used to train staff, students Title IX coordinators, investigators, and decision-makers on the CMN website. These materials will also be available to the public.

Available Resources to all of the CMN community:

Call Rape/Tulsa Rape Crisis-(918) 585-3143-provides confidential resources off-campus

Tulsa Police Department-911 for emergencies; (918) 596-9222 for non-emergencies

Tulsa 211 Helpline - (918)836-4357

Oklahoma Coalition Against Domestic Violence and Sexual Assault (405)524-0700-provides confidential resources off campus

Oklahoma Safeline - (800) 522-7233 – provides confidential resources off campus

## **Retaliation**

The Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. This means that if an individual brings concerns about possible civil rights problems to a school's attention, including publicly opposing sexual harassment or filing a sexual harassment complaint with the school or any State or Federal agency, it is unlawful for the school to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she testified, or participated in any manner, in an OCR or school's investigation or proceeding. Therefore, if a student, parent, teacher, sponsor coach, or other individual complains formally or informally about sexual harassment or participates in an OCR or school's investigation or proceedings related to sexual harassment, the school is prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual's complaint or participation. Individuals who, apart from official associations with CMN, engage in retaliatory activities will also be subject to CMN's policies insofar as they are applicable to third party actions.

CMN will take steps to prevent retaliation against a student who filed a complaint either on his or her own behalf or on behalf of another student, or against those who provided information as witnesses. Complaints of retaliation will follow the same process of investigation, hearing, and appeal.

If it is determined under the preponderance of evidentiary standard (more likely than not to have occurred) that a student is responsible for retaliation the following sanction will be imposed.

- Suspension – Exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from CMN are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Dean of Student Affairs. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to CMN's normal withdrawal policy.

## **Free Speech and Academic Freedom**

Members of the CMN community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. This policy is intended to protect members of the CMN community from discrimination and is not designed to regulate protected speech. No provision of this policy shall be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

## **Availability of Other Complaint Procedures**

In addition to seeking criminal charges through local law enforcement, members of the CMN community may also file complaints with the following entities regardless of whether they choose to file a complaint under this procedure:

Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline: (800) 421-3481  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Office of Civil Rights:  
Kansas City Field Office: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov), (816) 268-0550; Washington D.C.: [OCR@ed.gov](mailto:OCR@ed.gov) 1-800-421-3481

Equal Employment Opportunity  
Commission: Oklahoma City Field Office:  
1-800-669-4000;  
Washington D.C.: 1-800-669-4000, [Eeoc.gov/contact/](http://Eeoc.gov/contact/)

# **DISCRIMINATION AND HARRASMENT POLICY AND PROCEDURES**

## **POLICY:**

The College of the Muscogee Nation (CMN), in compliance with Titles VI and VII of the Civil Rights Act of 1964, Executive Order 11246 as amended, and Title IX of the Education Amendments of 1972 (Higher Education Act), the Americans with Disabilities Act of 1990, and other federal and tribal laws and regulations, does not discriminate on the basis of race, color, national origin, genetic information, sex, age, sexual orientation, gender identity, religion, disability, or status as veteran, in any of its policies, practices or procedures. This provision includes, but it not limited to admissions, employment, financial aid and educational services, activities, or services. Any person (student, faculty, or staff) who believes that discriminatory practices have been engaged in may discuss their concerns and file information for formal complaints with the CMN Civil Rights Compliance Coordinator:

Patricia Farrell  
Case Manager/CMN Civil Rights Compliance Coordinator  
2170 Raven Circle  
Okmulgee, OK 74447  
Phone: 918-549-2845  
Email: [crcc@cmn.edu](mailto:crcc@cmn.edu)

## **PURPOSE:**

The College of the Muscogee Nation (CMN) is committed to establishing an environment for its students and employees that fosters inclusion, values equity and diversity, embraces and respects the dignity of people, and provides equal education and employment opportunity.

## **PROCEDURE:**

Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, residential, or social access, opportunities, or benefits of any member of the CMN community based on race, color, national origin, sex, age, religion, qualified disability, status as a veteran, sexual orientation, gender identity, or genetic information violates the Anti-discrimination and Harassment Policy.

This policy provides for the reporting and resolution of complaints of discrimination or harassment based on race, color, national origin, sex, age, religion, qualified disability, status as a veteran, sexual orientation, gender identity, genetic information, or any other legally protected class; denial of reasonable accommodations for religion, and discrimination or harassment due to denial of reasonable accommodations for a disability.

This policy includes prohibited conduct addressed in the Title IX Policy but with differing definitions in compliance with distinct federal law regulations. For example, the Title IX policy address dating violence, domestic violence, retaliation, sexual harassment, and stalking. Due to

these federal law regulations, CMN must address prohibited conduct differently depending on the circumstances of the alleged behaviors.

For questions or information regarding the Title IX Policy, visit our website at, <https://cmn.edu/consumer-information/>

### **Reporting Discrimination, Harassment, or Retaliation**

A Complainant has many options when deciding where and to whom to file a discrimination and harassment report:

- **Compliance Coordinator:** The Compliance Coordinator is available to discuss discrimination, harassment, or retaliation concern during business hours at 2170 Raven Circle, Okmulgee, Oklahoma, Phone 918-549-2845, [crcc@cmn.edu](mailto:crcc@cmn.edu).
- **Report Online:** A discrimination, harassment, or retaliation report may be submitted at <https://cmn.edu/security/>. Anonymous reports are accepted; however, it is impossible with an anonymous report to provide supportive measures. If you request a response and wish to remain anonymous, you may create an email address without direct identifiers and submit it on the form. Reporting carries no obligation to initiate a formal response, and the College respects the Complainant's request to dismiss complaints unless there is a compelling threat to health or safety. During the investigative process, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the College to discuss the option to file a formal complaint and provide supportive measures.
- **Mandatory Reporters:** All employees, including part-time and full-time, must report all acts of dating violence, domestic violence, harassment, threats, and bullying based on sex, retaliation, sexual harassment, sexual assault, and stalking to the Compliance Coordinator. A mandatory reporter must include their name when submitting a report. Due to the fact employees are mandatory reporters, Complainants may want to consider whether they share personally identifiable details with College employees as they must be shared with the Compliance Coordinator. Employees must share all components, including the name(s) of the parties, if known, even if the person requests information not be reported. As soon as a mandatory reporter has been notified of an incident, they should report it to the Compliance Coordinator to ensure supportive measures can be provided as quickly as possible. Supervisors of mandatory reporters shall not create additional processes within a department nor investigate a complaint before reporting to the Compliance Coordinator.
- **Campus Security:** A Complainant can choose to report any crimes in this policy directly to Campus Security by contacting 918-758-8410 or visiting the Campus Security office. Campus Security are considered Mandatory Reporters and must notify the Office of Civil Rights when they are made aware of a discrimination and harassment.

**Confidential Reporting:** If a Complainant would like the details of an incident to be kept confidential, the Complainant may seek confidential services from the following: Muscogee (Creek) Nation Behavioral Health Services, 918-758-1910.

Confidential Reporters will maintain confidentiality except in extreme cases of immediate threat, danger, or suspected abuse of a minor. Confidential Reporters will submit timely, anonymous, aggregated statistical information for Clery Act purposes unless they believe it would harm a specific employee or student.

**Request for Confidentiality:** If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want any form of resolution to be pursued, they may make such a request to the Compliance Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating a pattern, predation, threat, weapons, or violence, CMN is not likely able to honor a request for confidentiality. In other cases, where circumstances allow the College to keep a request for confidentiality, the College will offer resources and supportive measures to the Complainant but will not otherwise pursue formal action. A Complainant has the right to have and can expect CMN to take reports seriously and to have those incidents investigated and resolved through these procedures.

Formal reporting still affords privacy to the Complainant; therefore, only a small group of officials who need to know will be informed. Human Resources may be involved in complaints against employees and the Office of Student Affairs for complaints against students. This small group of officials will typically be notified about the complaint, including but not limited to Investigators, Hearing Panelists, or Appeal Panelists and supervisors, as deemed necessary to preserve the 'parties' rights and privacy.

### **On and Off-campus Resources**

The following supportive resources are available to students and employees who have been affected by any prohibited conduct, regardless of whether there is an investigation under this process:

- CMN Security 918-758-8410
- MCN Lighthorse Tribal Police Department 918-732-7800

Additional Emergency Contacts:

- After Hours Emergencies (MCN Tribal facilities).....1 (800) 219-9458
- MCN Lighthorse Police.....918) 732-7800 or 1(877) 547-3390
- National Suicide Prevention.....Text 988

- Reach Out Hotline (mental health/substance abuse).....1 (800) 522-9054

## **Prohibited Conduct**

4.1 Dating Violence: Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person. The existence of such a relationship shall be determined based on consideration of the following factors:

- The length of the relationship;
- The type of relationship;
- The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts that meet the definition of domestic violence.

4.2 Disability Discrimination: The College is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations about individuals with disabilities. Under the ADA and its amendments, a person has a disability if a physical or mental impairment substantially limits one or more major life activities.

The ADA also protects individuals with a record of a substantially limiting impairment or who are regarded as disabled by the College, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts one or more major life activities, such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

4.3 Discrimination Based on Any Protected Class: Is defined as engaging in objectively and subjectively offensive verbal abuse, threats, intimidation, harassment, coercion, bullying, or other conduct that threatens or endangers the mental or physical health/safety or causes reasonable apprehension of any person based on a protected class that is severe, pervasive, or persistent, and objectively offensive, such that it, has the effect of creating an intimidating, hostile, or offensive environment that limits or denies the ability that adversely affects their employment or education, or individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

Allegations of discrimination based on race, color, national origin, sex and gender (not covered in the Title IX Policy), age, religion, qualified disability, status as a veteran, sexual orientation, gender identity, or genetic information will be addressed under this prohibited conduct.

4.4 Domestic Violence: Dating violence is crime of violence committed by a:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the Muscogee (Creek) Nation;
- Any other person against an adult or youth victim is protected from that 'person's acts under the Muscogee (Creek) Nation domestic or family violence laws.

Domestic Violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions, or threat of actions that influence another person. To categorize an incident as Domestic Violence, the relationship between the Complainant and the Respondent must be more than just two people living together as roommates. The parties cohabitating must be current or former spouses or have an intimate relationship.

4.5 Pregnancy Discrimination: Is defined as engaging in behavior that discriminates against a student based on pregnancy or related conditions. Those behaviors include denying or limiting access to the educational environment by penalizing a student for absences due to medical conditions related to their pregnancy. If students are denied the opportunity to make up missed work due to a medical need and the faculty denies guidance from an official of the College about a specific pregnancy request.

4.6 Retaliation: Retaliation includes attempting to penalize or take adverse action against a person filing a complaint of discrimination or harassment, participating or assisting in any investigation, or resolving a complaint of discrimination or harassment. Adverse action includes, but is not limited to, making threats of actual violence against the person or that person's property, adverse educational or employment consequences, ridicule, intimidation, bullying, ostracism, reprisals, or other adverse action impacting employment, academic, health care, or institutional benefits. The College will impose sanctions on any faculty, student, or staff member found to be engaging in retaliation or on individuals who encourage third parties to retaliate on their behalf.

4.7 Sexual Harassment: Is defined as making unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact or communication of a sexual nature when:

- Quid Pro Quo Submission to or rejection of such conduct or communication is made either explicitly or implicitly a term or condition of educational benefits, employment, academic evaluations, or other academic opportunities; or submission or rejection of such conduct or

communication by an individual is the basis for an employment or academic decision affecting such individual.

- **Hostile Environment** A hostile environment includes conduct that is severe, pervasive, or persistent, and objectively offensive, such that it has the effect of creating an intimidating, hostile, or offensive environment that limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities. Discrimination based on sex or gender may occur in situations where there is a power differential between the parties (faculty-student, supervisor-employee) or where the persons share the same status (student-student, faculty-faculty) and between same or opposite sex (female-female, male-female, or male-male).

**4.8 Sexual Misconduct:** Is defined as engaging in non-consensual contact of a sexual nature. Sexual misconduct may vary in severity and consist of various behaviors. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation, or gender identity of those involved. The following are considered sexual misconduct:

- **Non-Consensual Sexual Contact:** Unwelcome sexual touching of intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering the same) touching an unwilling person with one's private parts or forcing an unwilling person to touch another's intimate parts;
- **Non-Consensual Sexual Intercourse:** Non-consensual sexual intercourse with another individual without their effective consent or by force, which could include penetrating any bodily opening with an object or body part. Sexual intercourse has vaginal or anal penetration by a penis, tongue, finger, or object, or oral copulation (mouth-to-genital contact) no matter how slight the penetration or contact;
- **Sexual Exploitation:** Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for one's advantage or benefit or to benefit or advantage anyone other than the one being exploited;
- **Sexual Exposure:** Engaging in indecent exposure, sexual acts in a public place, or voyeurism.

**4.9 Stalking:** Stalking refers to one who engages in the course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or to suffer substantial emotional distress.

- A course of conduct means two or more acts, including acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors,



observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;

- A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim;
- Substantial emotional distress means significant mental suffering or anguish, which may require medical or other professional treatment or counseling;
- The following includes the tracking of the movement or location of an individual through the use of a Global Positioning System (GPS) or another monitoring device by a person or persons who act on behalf of another without the consent of the individual whose movement or location is being tracked.

### **Assessment of a Discrimination and Harassment Report**

Upon notice of a report of discrimination, harassment, or retaliation, the Civil Rights Compliance Coordinator (CRCC) will assess whether an investigation will be conducted under this policy. The College may choose to forego a formal investigation under a variety of circumstances, for instance:

1. Anonymous correspondence;
2. Allegations that are communicated to CRCC only orally and not in writing;
3. A complaint is speculative, conclusory, incoherent, or fails to describe in enough detail to infer discrimination based on a protected class;
4. This policy does not cover the conduct described in the complaint;
5. The facts alleged in the report do not rise to the level of a policy violation;
6. Courtesy copies of correspondence or documentation filed with or otherwise submitted to another person or entity;
7. An appropriate resolution or remedy has already been achieved or has been offered and rejected;
8. The College has no authority over the Respondent;
9. The allegation was not filed timely, within 180 calendar days of the date of the alleged discrimination;
10. The complaint has been withdrawn; or
11. The Complainant stopped participating in the investigation but did not send a written withdrawal request;
12. When a formal complaint contains allegations already addressed or resolved by the College.

If a report has been filed and the assessment determines that the College will not investigate, the CRCC will send a notification letter explaining the reason(s) to the Complainant. To the extent

appropriate under this policy, the Respondent will be provided the same letter if involved in the assessment.

If the CRCC determines no further action, the decision is final and non-appealable. 6.

### **Promptness**

All allegations are acted upon promptly by the College once it has received notice or a Formal Complaint. All investigations will be thorough, impartial, and fair. Investigations include interviews with relevant parties and witnesses, obtaining evidence, and research.

An investigation should usually be completed within 180 business days. The Compliance Coordinator may extend this time frame for a good cause, including College breaks. After the investigation is complete, the resolution process should usually be completed within 60-90 business days.

### **Independence and Conflict of Interest**

Any individual involved in the resolution administration process including the Compliance Coordinator, Investigators, Hearing Panelists, and Appeal Officers, may neither have nor demonstrate a conflict of interest or bias for a party generally or for a specific Complainant or Respondent.

The Compliance Coordinator coordinates the College's responses to all complaints involving possible sex discrimination. This responsibility includes monitoring outcomes, identifying and addressing any patterns, and assessing effects on the campus climate with independence and authority free from bias and conflicts of interest. The Compliance Coordinator oversees all resolutions under this policy and these procedures. Investigators, Hearing Panelists, and Appeals Officers are vetted and trained to ensure impartiality by ensuring no actual or apparent conflicts of interest or disqualifying biases.

The investigation and resolution process involve an objective evaluation of all relevant evidence obtained, including evidence that supports the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or Witness.

The College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the preponderance of the evidence.

Any party who feels that there is actual or perceived bias by the assigned Investigator, Hearing Panelists, or Appeals Officer that would impact the determination of the case may submit a

written petition for the person's removal from the process. The petition should be submitted to the Compliance Coordinator. It can only be submitted within three (3) business days of the date of the Notice of Investigation. The petition should include specifics on how the actual or perceived bias by the assigned Investigator or the individual making the final determination could impact the outcome. The Compliance Coordinator will determine whether the concern is reasonable and supportable. If so, another individual will be assigned, and the impact of the bias or conflict, if any, will be remedied. After three (3) business days of the Notice of Investigation expiring, both parties waive the right to a petition.

If the Compliance Coordinator determines there is no conflict of interest or bias, the decision is final and nonappealable.

Employees or students should contact the Chief Human Resources Officer to raise any concern involving bias, conflict of interest, or report misconduct or discrimination by the Compliance Coordinator.

### **Resolution Options**

The College will resolve discrimination and harassment complaints through either an Informal or Formal process.

#### **Informal Resolution Process:**

The Informal Resolution process may be an appropriate choice when the conduct involved is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. No formal investigation is involved in the Informal Resolution process, and no finding is made.

The Compliance Coordinator will determine if an Informal Resolution process is appropriate based on the nature of the conduct at issue. The College reserves the right to agree with the Complainant without the Respondent's consent when the Respondent is an employee.

For the Informal Resolution process to be considered, a formal complaint must be filed, as defined in this policy. All persons involved in an Informal Resolution process are expected to maintain the privacy of the proceedings and final agreement.

The College will document any Informal Resolution agreement for retention by the CRCC, which will be kept confidential to the extent permitted by law. The Compliance Coordinator maintains records of any resolution reached. Failure to abide by the resolution agreement may result in appropriate disciplinary actions.

#### **Formal Resolution Process:**

The Formal Resolution process includes a formal investigation.

After the investigation is complete, the assigned Investigator will prepare an Investigation Report to be provided to a panel to determine the finding and sanctions. The College will designate a three-member panel referred to as the Hearing Panel, from a pool of designated trained employees at the discretion of the Compliance Coordinator. One of the three members will be appointed as the panel chair. Members of the Hearing Panel will not have had any previous involvement with the investigation. The Compliance Coordinator may elect an alternate from the pool of designated trained employees to sit in throughout the decision-making process if a substitute is needed.

The Compliance Coordinator, Investigator, and the three Hearing Panelists will meet without the Complainant and Respondent. The Hearing Panelists will be allowed to ask the Investigator questions about the Investigation Report or the Compliance Coordinator about process clarifications. The Chair will dismiss the Compliance Coordinator and Investigator after all questions have been answered for the three Hearing Panelists to deliberate.

In cases where a Respondent has allegations involving the discrimination and harassment policy and another college policy, all allegations will be resolved using this policy. The College does not want to require individuals to engage in more than one resolution process. If an allegation includes conduct covered by the Discrimination and Harassment Policy, then the Formal Resolution process outlined in this policy will be used to address all allegations. For example, if there is an allegation of disability harassment and an allegation of violating the computer usage policy, both allegations would be addressed simultaneously through the Formal Resolution Process. This practice assures that no one is subject to multiple processes and allows the College to maintain the appropriate level of confidentiality.

Previous disciplinary action involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only viewed at the sanction stage of the process and is not shared until then.

Upon completion of the investigation and the Formal process, the Compliance Coordinator or designee will issue each party a written Outcome Letter, including findings, sanctions, if applicable, and continued supportive measures.

### **Student Interim Suspension**

To quickly respond to an emergent situation, CMN may institute an Interim Suspension of a student from some or all of CMN-owned and controlled property and programs (may include remotely delivered courses). An Interim Suspension of a student will be instituted if there is an immediate threat to any student's or other party's physical health or safety. Students will be notified of their removal and have a right to appeal it to the Dean of Students or designee.

Appeals should be submitted on the form provided on the CMN website, located on the Security webpage. The Dean of Students or the designee will review the written request. The following will be checked: the initial reason for removal, any new information made available, and other pertinent information provided by the student. The purpose of this review is not to determine responsibility but to determine if there is a continuing threat to the physical health and safety of a CMN student or other party.

The hearing board or designee will issue one of the following outcomes: dismiss, modify, or affirm the interim suspension. The decision of the Dean of Students is final.

### **Employee Administrative Leave**

An employee may be placed on Administrative Leave during the pendency of the Informal or Formal Resolution process when an allegation of misconduct is made against an employee. Depending on the severity of the allegation, the Administrative Leave may be with or without pay.

Administrative Leave with or without pay may be used when it is determined to be in the College's best interest that an employee is not on campus for a period of time. Administrative Leave must be approved by the Chief Human Resources Officer or their designee. While on paid Administrative Leave, the employee must be responsive to requests by the College, or pay may be suspended while a decision is made about employment. (See the employee handbook for more information.)

### **The Investigation Process**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses, obtaining relevant evidence, and identifying sources of expert information as necessary. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to thoroughly review and respond to all evidence on the record.

A. Investigator Assigned: An Investigator will be assigned when a determination is made to proceed with an investigation.

B. Notice of Investigation and Allegations: At the outset of an investigation, the Complainant and Respondent will be advised of the investigation and the allegations in writing. Either party is allowed to have a support person present during the investigation process, which includes meetings with the Investigator.

C. Opportunity to Participate: The Complainant and Respondent will have a chance to respond to

the Notice of Investigation and Allegations in writing and a meeting with the assigned Investigator. Both parties have the right to request that the Investigator meet with relevant witnesses and evaluate relevant evidence.

D. Investigation: The Investigator will interview all available, relevant witnesses and conduct follow-up interviews as necessary. The Investigator will provide a comprehensive Investigation Report summarizing the investigation, witness interviews, and addressing all relevant evidence. Appendices, including relevant physical or documentary evidence, will be included.

Before the conclusion of the investigation, the Investigator will provide the parties with a copy of the investigation report and an opportunity to inspect and review all of the evidence obtained as part of the investigation. The report will include information directly related to the reported misconduct for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The Investigator may elect to respond in writing to the parties' submitted responses and share the parties' responses for additional clarity.

The Investigator will incorporate relevant elements of the parties' written responses into the final Investigation Report, including any additional pertinent evidence, make any necessary revisions, and finalize the report. The Investigator should document all rationales for any changes made after the review and comment period. When completed, the Investigator will submit the report to the Compliance Coordinator.

E. Evidentiary Determination: The Investigator has broad discretion in determining whether an offered witness or documentary evidence would be relevant or helpful to a determination. For example, an Investigator might decline to speak to a witness because there is not sufficient basis that the person could have relevant information to the factual determination; the information to be solicited would be repetitive, or confidentiality concerns outweigh the importance of the information.

### **Counterclaims**

Counterclaims by the Respondent may be made in good faith but are sometimes made in retaliation. The College is obligated to ensure that any process is not abused for retaliatory purposes.

The College permits the filing of counterclaims but uses the initial assessment described in this policy to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures in this policy, typically after resolving the underlying allegation(s).

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations

and counterclaims can be resolved through the same investigation at the discretion of the Compliance Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may violate this policy.

### **Sanctions**

Any person found responsible for violating the Discrimination and Harassment Policy may be assigned one or more of the following sanctions:

13.1 Written Warning: An official written notice of violation of college policies.

13.2 Conduct Probation: A specified period during which the person is placed on formal notice that they are not in good standing with the College and that further violations of college regulations will subject them to suspension, expulsion, or termination from the College.

13.3 Restitution: Reimbursement for damages to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.

13.4 Discretionary Sanctions: Work assignments, essays, and service to the College, program participation, or other related discretionary assignments, including a letter of apology, presentation of a workshop, performance improvement plan, training, preparation of a research paper or project, community service, evaluation of any referral assessment, or counseling, as deemed appropriate.

13.5 Class Removal: A student may be removed from a course or moved to another course section.

13.6 Demotion: An employee may be promoted to a lower-grade position. Demotions may be within the same department, to another location at the College, or in another job in another department.

13.7 Job Reassignment: An employee may be moved temporarily or permanently to a different position or location.

13.8 No Contact Order: A No Contact Order is an absolute prohibition from contact with a specified person or persons in any form whatsoever, including contact in person, by phone, electronically, and through another person. A No Contact Order may be implemented as a supportive measure. Supportive measures can be implemented without a formal complaint, conduct process, or investigation. A new investigation may occur if there is an allegation of violating a No Contact Order.

13.9 Restriction: A limitation on a student's and employee's privileges for a period of time may include the denial of the use of facilities or access to locations on campus, denial of the right to represent the College, and denial of participation in extracurricular activities not directly associated with academics (e.g., intramural sports, organizations/clubs/associations, or leadership positions on campus, or other organizations).

13.10 Revocation of Admission or Degree: Admission to CMN, a College Program, or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the admission or degree or for other serious violations committed while a student at CMN. 1

3.11 Suspension: Suspension is the exclusion from all classes and other privileges or activities for a specific time as outlined in the notice of suspension. Suppose a transcript is requested during the suspension period. In that case, a letter will be sent with the transcript to the requesting party/institution stating the student is under suspension for conduct reasons. Only unofficial transcripts will be released to the student directly. Any tuition refund or fees will be subject to the College's standard withdrawal policy.

13.12 Expulsion: Expulsion is the permanent termination of student status without the possibility of readmission to the College. A standard of clear and convincing evidence must be the burden to issue an outcome of expulsion. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's history in the Registrar's Office. Suppose a transcript is requested during the expulsion period. In that case, a letter will be sent with the transcript to the requesting party/institution stating the student has been expelled for conduct reasons. Only unofficial transcripts will be released to the student directly. Expulsion becomes a permanent part of a student's conduct record. Any tuition refund or fees will be subject to the College's standard withdrawal policy.

13.13 Termination: Removal of employment for a full or part-time employee, including work-study students.

Respondents assigned sanctions are expected to comply within the timeframe specified. Failure to follow through on sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions according to the Code of Conduct for students and the Employee Handbook for employees.

Sanctions shall not be implemented until the appeal deadline has expired, the entire appeal process is complete, or the individual voluntarily waives the right to appeal in writing.



## **Appeal Process**

Both parties, Complainant or Respondent, may request an appeal of the findings or sanctions from the Formal Resolution process. Appeals must be submitted to the Compliance Coordinator within seven (7) business days of the date of the Outcome Letter.

An Appeals Panel will review the request for an appeal to determine if the request meets the grounds for an appeal. During the review process, the person who initiated the appeal must show the grounds for an appeal to have merit. A review of the appeal will be completed to determine if the request meets at least one of the three grounds for appeal and is filed timely.

Grounds for an Appeal:

Appeals are limited to the following:

- A. A procedural irregularity that affected the finding and sanction from the Hearing Panelist;
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made could affect the finding and sanction of the matter; and
- C. The severity of the sanction.

The appeal process will require the Appeals Panel to review the appeal from the documentation provided without meeting with the Complainant or Respondent. The Appeals Panel will be chosen from a group of designated trained employees.

This appeal process is intended to be utilized when there is a documented error, new evidence is unavailable during the investigation, or the sanction is too severe related to the violation. Dissatisfaction with the finding and sanction is not grounds for approval of an appeal.

Before the Appeals Panel review, if an opposing party or College Investigator is involved in the case, they will be given seven (7) business days to provide a written response to the appeal. The Appeals Panel will review the record of the original resolution process, including documents, the appeal, and any written responses to the appeal, if applicable, and issue a finding as to the merits of the appeal.

The Appeals Panel has ten (10) business days to render a decision. If the Appeals Officer Panel finds merit in the appeal, the reason will be noted, and the case will be sent back to the original Hearing Panelist for another review. The original Hearing Panelist has ten (10) business days to review and respond accordingly to the information from the Appeals Officer Panel. The decision of the Hearing Panelists' second review is final.

If the Appeals Panel determines the appeal does not support one of the three grounds for an appeal, the appeal will be denied, and the original decision will be finalized.

### **When A Complainant Does Not Wish to Proceed**

Suppose a Complainant does not wish for their name to be shared, does not wish for an investigation to occur, or does not want a formal complaint to be pursued. In that case, they may make such a request to the Compliance Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law. The Compliance Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so. The Compliance Coordinator may determine an investigation is needed upon completing an appropriate risk assessment. The Compliance Coordinator's decision should be based on the risk assessment results that show a compelling risk to health or safety that requires the College to pursue formal action to protect the community.

A compelling risk to health or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, or violence. The College may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes. The Compliance Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the College's ability to pursue an investigation fairly and effectively.

If the College proceeds, the Complainant may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this policy irrespective of their level of participation.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation. The goal is to provide the Complainant with as much control over the process as possible while balancing the College's obligation to protect its community. If the Complainant elects to take no action, they can change that decision if they request an investigation later. Upon filing a complaint, a Complainant has the right to expect allegations taken seriously by College and have the incidents investigated and properly resolved according to this policy and procedure.

### **Withdraw Or Resignation While Allegations Are Pending**

**Student Withdraw:**

If a student has an allegation pending for violation of the policy, the College may place a hold on a student's ability to graduate or to receive an official transcript/diploma.

Should a student decide not to participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the College, the resolution process ends, as the College no longer has disciplinary jurisdiction over the withdrawn student. However, the College will continue to address and

remedy any systemic issues or variables that may have contributed to the alleged violation(s) and any ongoing effects of the alleged discrimination, harassment, or retaliation. The student who withdraws or leaves while the process is pending may not return to the College. A hold will be placed on their ability to be readmitted. They may also be barred from College property or events.

If the student Respondent only withdraws or takes a leave for a specified time (e.g., one semester or term), the resolution process may continue remotely. Students are not permitted to return to College unless and until all sanctions have been satisfied.

#### **Employee Withdraw:**

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the College no longer has disciplinary jurisdiction over the resigned employee. However, the College will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the College or any campus of the College. The records retained by the Compliance Coordinator will reflect that status.

Any official College response by Human Resources to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

#### **Investigation And Resolution Timeline**

Once the decision is made to proceed with a formal investigation, the CRCC appoints an Investigator to conduct the investigation, usually within seven (7) business days of determining that an investigation should proceed. A Notice of Investigation and Allegations will be provided to the Complainant and Respondent advising that an investigation will occur under this policy and include a general statement about the complaint.

All investigations will be thorough, impartial, and fair. Investigations include interviews with relevant parties and witnesses, obtaining available evidence and research. The College will communicate regularly with the parties to update them on the progress and timing of the investigation. At any point in the inquiry or investigation, if it is determined there is no reasonable cause to believe there was a policy violation, the CRCC has the authority to terminate the investigation.

The College will take action only concerning allegations that have been filed within 180 calendar

days of the date of the alleged discrimination. CMN may extend this time limit if a good cause can be shown.

Investigations are completed expeditiously, generally within 180 business days after the College has received a Notice of an Allegation, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. The Office of Civil Rights Compliance may extend this time frame for a good cause, including College breaks.

After the investigation, the College will make a good faith effort to complete the resolution process within 60-90 business days, including an appeal, which can be extended as necessary for reasonable cause by the Title IX Coordinator. The Compliance Coordinator will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

### **Evidentiary Standard**

For a student or employee to be found responsible, the information must support a determination that it is more likely than not that a violation of the Discrimination and Harassment Policy has occurred.

### **Confidentiality**

Reports of discrimination, harassment, or retaliation and investigations are kept confidential to the extent possible to reach a thorough and effective resolution of the allegation. Information about the Complaint will be shared only on a need-to-know basis to follow the procedures outlined in this policy and meet the College's obligation to address discrimination, harassment, or retaliation. All participants in the resolution process are asked to respect the matter as confidential.

### **Recording**

The College will inform participants before beginning any audio recording of a meeting. Others will not be allowed to make a recording of any type. All recordings are the property of the College. Requests to review audio recordings may be made to the CRCC. The recording will be retained in the confidential file.

### **Definitions**

21.1 Business Day: Monday through Friday, except federal or state holidays and any other days that College of the Muscogee Nation is closed. Deadlines may be extended during breaks and College holidays.

21.2 College: College of the Muscogee Nation

21.3 College Premises: The buildings or grounds owned, leased, operated, or substantially controlled by the College.

21.4 Complainant: An individual alleged to be the victim of conduct that could constitute sexual harassment, discrimination based on a protected category, or retaliation for engaging in a protected activity.

21.5 Dean's Hold: Restriction to enroll or may restrict transcript release.

21.6 Discrimination: Discrimination, including harassment, is defined as conduct directed at a specific individual or group that subjects the individual or group to treatment that adversely affects their employment, education, or access to institutional benefits based on race, color, national origin, sex, age, religion, qualified disability, status as a veteran, sexual orientation, gender identity, or genetic information.

21.7 Effective Consent: is informed, freely, and actively given, using mutually understandable words or actions that indicate a willingness to participate in mutually agreed-upon sexual activity. Initiators of sexual activity are responsible for obtaining effective consent. Silence or passivity is not effective consent. Intimidation, coercion, threats, force, or violence negates any consent obtained. Consent is ineffective if obtained from an individual incapable of giving consent due to lack of consciousness, age, mental disability, or incapacitation due to ingestion of drugs or alcohol. Consent can be revoked at any time. Consent cannot be given by an individual who is asleep or mentally or physically incapacitated either through drugs or alcohol or for any other reason or under duress, threat, coercion, or force.

21.8 Harassment: Harassment is a form of discrimination that is defined as verbal or physical conduct that is directed at an individual based on race, color, national origin, sex, age, religion, qualified disability, status as a veteran, sexual orientation, gender identity, or genetic information when such conduct is severe, pervasive, or persistent, and objectively and subjectively offensive, such that it, has the effect of creating an intimidating, hostile, or offensive environment that limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

21.9 Investigator: The person or persons charged by the College with gathering facts about an alleged violation of this policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

21.10 Investigation Report: The report of an investigation prepared by the investigator after a report or complaint is filed, processed, and investigated.

21.11 No Contact Order: A prohibition of direct or indirect physical, verbal, or written contact

between two parties. A No Contact Order is provided by the College, not by law enforcement.

21.12 Notice of Investigation & Allegation: A written statement provided to the Complainant and Respondent advising of an investigation and a specific statement of the allegation that will be investigated.

21.13 CRCC: Civil Rights Compliance Coordinator.

21.14 Outcome Letter: A letter provided to both parties at the end of the investigation will include the finding of responsible or not responsible and any sanctions if there is a finding of responsibility. In short, the Outcome Letter will consist of findings and sanctions, if applicable, at the end of an investigation.

21.15 Parties: The Complainant(s) and Respondent(s), collectively.

21.16 Privacy: Information related to a complaint will be shared with a limited number of College employees who need the knowledge to assist in the report's assessment, investigation, and resolution. According to state and federal law, all employees involved in the College's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information. Student education records' privacy will be protected per the Family Educational Rights and Privacy Act (FERPA). Employee records' privacy will be protected per the Records policy within the CMN Employee Handbook.

21.17 Protected Class: Groups of individuals protected from discrimination by law based on race, color, national origin, sex, age, religion, qualified disability, status as a veteran, sexual orientation, gender identity, or genetic information.

21.18 Report: For this policy, a report is an information about an allegation of discrimination and harassment communicated to the Compliance Coordinator. A report will prompt the CRCC to notify a Complainant about supportive measures and the process to file a formal complaint, but it does not prompt an investigation. A report is not required to be in writing and can be filed by a third party. A report can include an oral report, written report, personal observation, a newspaper article, an anonymous report, or other various means.

21.19 Respondent: An individual alleged to have exhibited conduct that could constitute discrimination, harassment based on a protected class, or retaliation for engaging in a protected activity.

21.20 Retaliation: The College will not tolerate retaliation against a person who, in good faith, brings a complaint under this policy forward. Retaliation against an individual who has brought a complaint forward or against an individual who has participated in an investigation or conduct

process is prohibited. Prohibition against retaliation extends even if the Complainant does not want to request a formal investigation. Retaliatory actions include threats or actual violence against the person or that person's property, adverse educational or employment consequences, ridicule, intimidation, bullying, or ostracism. The College will impose disciplinary actions on any faculty, student, or staff member found to be engaging in retaliation or on individuals who encourage third parties to retaliate on their behalf.

21.21 Sanction: A disciplinary action imposed for students or employees who are found responsible for violating this policy. Sanctions are designed to include educational measures that hold students and employees accountable for their behavior, providing the opportunity for behavior change. Sanctions can range from a written warning to expulsion and termination.

21.22 Student: A person who has been admitted or enrolled for the current or future term at College of the Muscogee Nation, including all modes of remote instruction. Students who leave the College before a complaint is resolved may be prohibited from future enrollment until the matter is resolved.

21.23 Student Code of Conduct: The code of standards and expectations consistent with its purpose as an educational institution. The Student Code of Conduct conveys these standards and expectations.

21.24 Support Person: A person who has agreed to provide support to a Complainant or Respondent during the College investigative and resolution process. The Support Person is an individual chosen by the student or employee, such as a parent, friend, or attorney. The College does not provide a support person for either party. Any compensation for a support person is the responsibility of the student or employee. A support person may not speak for the student or employee. An individual can only have one support person in attendance at any given time.

21.25 Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment or deter sexual harassment.

21.26 Witness: An individual requested to participate in an investigation or a hearing because the individual may have information about the alleged misconduct.

## **Civil Rights Process in Conjunction With A Police Investigation**

All student or employee conduct processes are separate from law enforcement investigations. A civil rights investigation and a police investigation may occur at the same time. The Muscogee (Creek) Nation Lighthorse Police Department is the contact for a police investigation. The Compliance Coordinator is the contact for a discrimination and harassment investigation.

When concurrent criminal charges or civil action are pending, the College may adjudicate complaints without regard to civil action or criminal prosecution. College action(s) or processes are not typically altered or precluded because civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced. College processes may proceed before, during, or after court proceedings.

If circumstances require, the College may delay an investigation (several days to a few weeks). Such circumstances include but are not limited to a request from law enforcement to temporarily delay an investigation, the need for language assistance, the absence of parties or witnesses, accommodations for disabilities or health conditions.

The College will communicate in writing the anticipated duration of the delay and the reason to the parties and provide the parties with status updates if necessary. The College will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the College will implement supportive measures as deemed appropriate.

The College encourages individuals to report sexual violence and other criminal offenses to the MCN Lighthorse Tribal Police Department, although students and employees are not required to report the matter to the Lighthorse police. Reporting to Lighthorse police does not commit an individual to prosecute but will allow the gathering of information and evidence. The information and evidence are maintained for future options regarding criminal prosecution, College conduct actions, or civil actions against the perpetrator.

On-campus incidents can be reported to CMN Security at 918-758-8410 and Lighthorse police at 918-732-7800. If the incident occurred off campus, it could be reported to the MCN Lighthorse police. All other incidents should be reported to local law enforcement with jurisdiction in the location where they occurred.

## **Rights And Responsibilities of The Parties And Witnesses**

### **23.1 Responsibilities of the Parties and Witnesses**

- To be truthful, to cooperate with the process, and to follow the directions of the College staff administering this process;
- To not retaliate against or intimidate any individual who has reported a civil rights concern or who has participated as a witness in the process; and
- To keep confidential all documents and



materials received from the College during this process.

### 23.2 Rights of the Parties and Witnesses

- To be provided an investigation and appropriate resolution of all credible allegations made in good faith;
- To be treated with respect, dignity, and sensitivity throughout the process;
- To be informed by CMN officials of options to notify proper law enforcement authorities and to be assisted in notifying such authorities if the Complainant so chooses. The Complainant does have the right to decline to notify law enforcement. This also includes the right not to be pressured to report and the right to decline to notify law enforcement;
- Not be discouraged by CMN officials from reporting sexual misconduct or discrimination to both on campus and off-campus authorities;
- Be notified of available counseling and other resources, both on campus and in the community;
- Ability to submit the names of relevant witnesses;
- To not have irrelevant prior sexual history considered;
- To receive regular updates on the status of the investigation or resolution;
- To have a support person of their choosing attend but not participate during all phases of the investigation and resolution meetings;
- Participate in the investigation, including providing relevant information to the Investigator;
- Be promptly informed of the outcome of the resolution process in writing, without undue delay between the notifications to the parties;
- Provided an investigation and appropriate resolution into complaints of retaliation where one has reported a discrimination and harassment concern or participated as a witness in the process; and
- Receive an Outcome Letter.

### **Consensual Relationships**

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty and student, supervisor, and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship may be perceived in different ways by each party, particularly in retrospect. Circumstances may change, and previously welcome conduct may become unwelcome. Even when both parties have consented to a romantic or sexual involvement at the outset, this past consent may not remove grounds for a later charge of violating applicable sections of this policy. The College does not wish to interfere with personal choices regarding personal relationships when these relationships do not impede the goals and policies of the College. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are generally discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party may be unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and this will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities or transition a party out of being supervised or evaluated by someone with whom they have established a consensual relationship. While this policy prohibits no relationships, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

### **Disability Accommodations During An Investigation**

The College is committed to providing qualified students and employees with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of the College.

Employees needing accommodations or support during a discrimination and harassment investigation and resolution process should contact the Human Resources Office to request accommodations. Students needing accommodations or support during a discrimination and harassment investigation and resolution process should contact the Dean of Student Affairs. For participants requesting interpreters throughout the investigation process, please notify [studentaffairs@cmn.edu](mailto:studentaffairs@cmn.edu). Advance notice is requested.

The Compliance Coordinator will work with the designated office to ensure the accommodations that have been approved are appropriately applied for full participation.

### **Religious Accommodations**

The College may adjust the work environment to allow employees or applicants to practice their religion. The need for religious accommodations may arise where an individual's religious beliefs, observances, or practices conflict with a specific task or requirement of the position or an application process. Accommodation requests often relate to work schedules, dress, grooming, or workplace religious expression. The employer must grant the accommodation if it would not pose an undue hardship. Employees requesting religious accommodations should contact the Human Resources Office to request accommodations if needed.

Students requesting religious accommodations should work with their instructors with a written request that specifics the dates, days, and times of the religious observance. The College recommends that students consider their scheduled observances before enrollment; at times, the choice of a different course section or modality could work without conflicting with the observance. If a faculty member denies a student a reasonable religious accommodation, the student should contact the Dean of Students to request a review of the denied accommodation.

### **Academic Freedom and Intellectual Inquiry**

In this policy, the definition of discriminatory misconduct, including harassment and retaliation, is meant to neither proscribe nor inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters related to a practical pedagogical purpose. The College promotes intellectual inquiry and debate. The mere expression of views that might be offensive does not by itself create a hostile environment or constitute a per se violation of this policy. The exercise of protected speech does not violate this policy.

### **Use of Non-Discrimination Statement in Marketing Materials**

CMN will include the non-discrimination statement, or an abbreviated version, on all public notifications, including print and nonprint materials, as well as in virtual environments, such as webinars.

Examples of abbreviated versions of the statement include the following:

*CMN provides equal opportunity for educational opportunities and employment to all. Contact the Civil Rights Compliance Coordinator and Human Resources for information.*

Or

*Equal Access/Equal Opportunity Institution*

CMN's marketing material, such as activity/event announcements and flyers, will be made available in language other than English, if requested by any member of the campus community or external community. To ensure accessibility for individuals with disabilities, a reasonable accommodation statement will be included on all activity/event announcements and outreach/marketing materials. The reasonable accommodation statement will provide the name and contact information for the Dean of Student Affairs, who can be contacted to request reasonable accommodations.

The reasonable accommodation statement is as follows:

*To request reasonable accommodations for this event, contact the Dean of Student Affairs, Krystal Wind, at 918-549-2817; [kwind@cmn.edu](mailto:kwind@cmn.edu).*

### **Revision Of This Policy and Procedures**

This policy and procedures supersede any previous policies addressing harassment, sexual misconduct, or retaliation and will be reviewed and updated annually by the Compliance Coordinator. The College reserves the right to make changes to this document as necessary, and once those changes are available online, they are in effect.

During the resolution process, the Compliance Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as accommodating summer schedules. The Compliance Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate, effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedures.

This document does not create legally enforceable protections beyond the protection of the background tribal and federal laws that generally frame such policies and codes.

### **External Reporting**

If a complaint is not resolved at the College level, an individual may file a complaint with the Office for Civil Rights.

Kansas City Office  
Office for Civil Rights,  
U.S. Department of Education  
One Petticoat Lane  
1010 Walnut Street, 3rd floor, Suite 320  
Kansas City, MO 64106  
Telephone: 816-268-0550  
FAX: 816-268-0599; TDD: 800-877-8339  
Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)  
<http://www.ed.gov/ocr/>

This policy is effective April 10, 2023.

## **EMERGENCY NOTIFICATION**

College of the Muscogee Nation will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus through the same measures outlined in the “Timely Warning” section of this Annual Report.

The institution will, without delay, and taking into account the safety of the community will determine the content of this notification and initiate the notification system, unless the notification will, in the professional judgment of the responsible authority compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

The process used by CMN will defer to the assessment of the emergency situation based on information and intelligence provided to the college and/or the observation of hazards or conditions that pose an imminent risk or immediate threat to life, safety, or environment. Notification will be made to all persons who may be affected by the emergency and will contain information about the hazard and immediate action steps that should be undertaken and will be initiated on the orders of the responsible authorities.

The process will be managed by:

- CMN President
- Dean of Student Affairs
- Chief of Lighthorse Police
- Campus Security

Emergency information will be disseminated to the larger community through the dispatch operator at the MCN Lighthorse Police Office, following the standard operating procedures of that agency.

Each year, CMN will test these procedures through a Full-scale exercise in conjunction with local, state, tribal and federal law enforcement agencies. The results of this exercise will be published and documented with the description of the exercise and whether it was announced or unannounced.

## **EMERGENCY EVACUATION PLAN**

In the event of a campus emergency, College of the Muscogee Nation may use a variety of tools to communicate to the campus and the public. Depending on the nature of the emergency, CMN may use all or some of the following when activating the Emergency Notification System:

- CMN Raven Alert Emergency Notification System - CMN Raven Alerts are notifications sent via text message, voice message, and e-mail. Only notifications regarding class cancellations and emergency notifications will be sent through
- Valcom emergency notification system – Valcom display panels are located in classrooms, lobbies, hallways, and resident housing units. These will be activated by Security, the Dean of Student Affairs, and/or other designees in the event of emergency.

- Campus email – in the event of an emergency, vital information may be communicated through email.
- Local Media – local media – radio, television, newspapers – will help announce and update campus closures or emergency situations.
- Security vehicle announcements – CMN Security vehicles are equipped with PA systems that allow officers to communicate during emergencies.
- The CMN Emergency Management Team and the CMN President are typically the ones who deliver emergency information to college administration. Upon considering this information, administration develops the messages and activates appropriate communications.
- In emergency situations where immediate action is required, CMN Security may activate vehicle sirens and employ other tools.

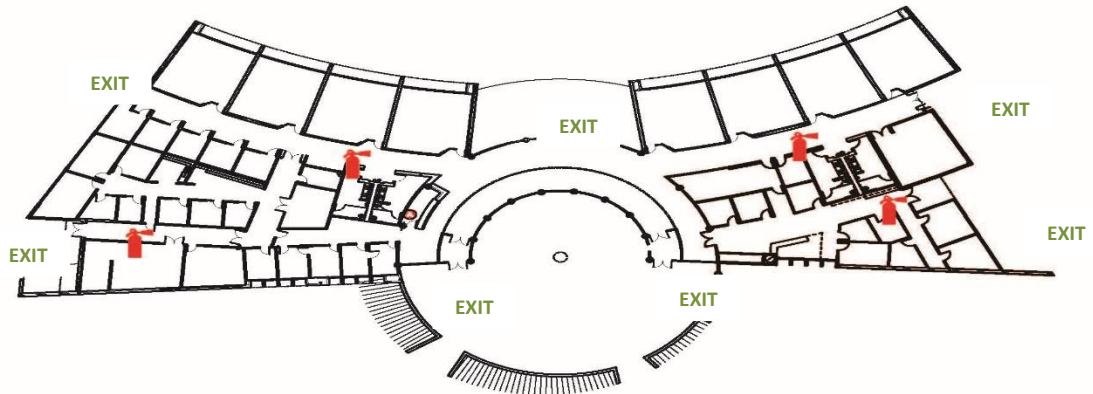
## **Evacuation of Buildings**

Upon hearing/seeing the audible/visual fire alarm or notification from the President or Designee the need to evacuate the building all faculty and staff should immediately instruct students to move towards the closest exit. All administration building classrooms and several offices are equipped with emergency evacuation windows. Everyone should exit the building as quickly as possible without stopping for personal items. Assigned CMN personnel will assist with the evacuation. CMN Security will ensure the building is clear of all persons. In accordance with the CMN Emergency Management Guide, everyone will assemble in their designated location. Faculty and staff will verify through class roster or work schedules that all students and staff are accounted for. Faculty and staff will report their headcounts to their immediate supervisor or department head in order to communicate the information to the President or Designee.

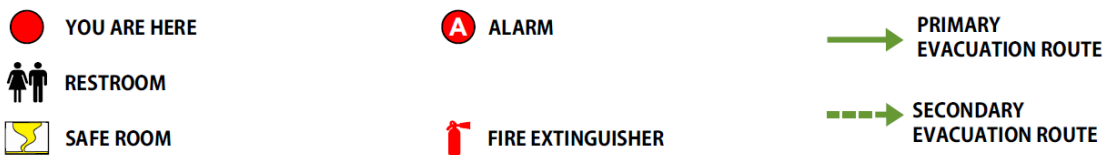
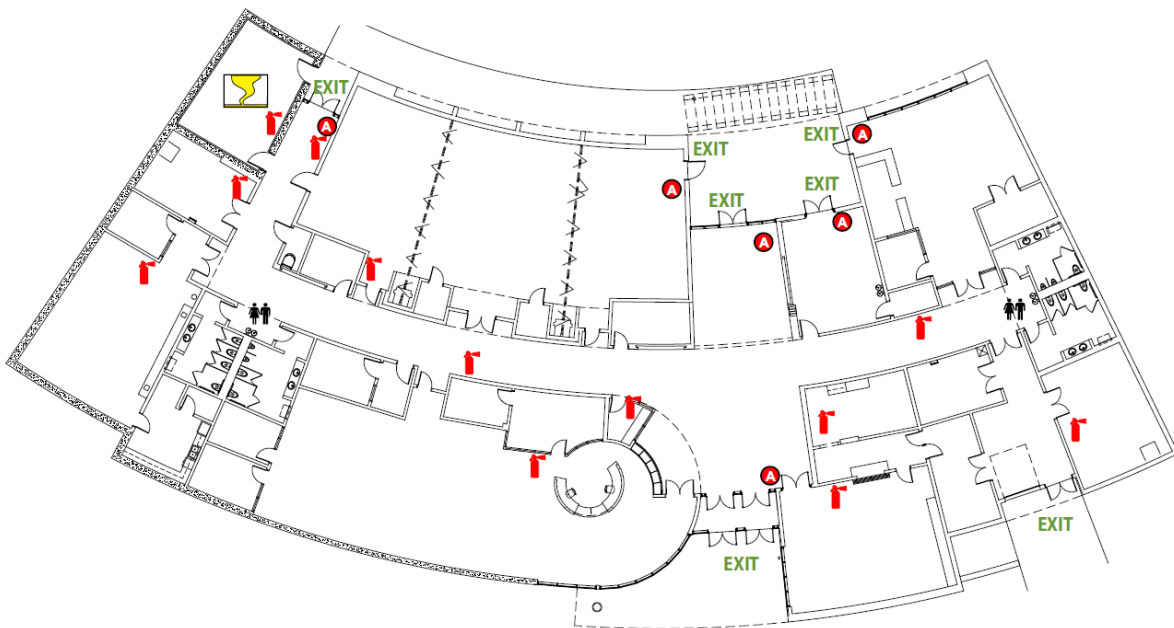
Steps to Remember in Emergencies:

- Evacuate the building in a safe and orderly manner by using the designated evacuation routes.
  - Obey the instruction of the President or Designee, Safety Coordinator, Security and Lighthouse Police.
  - Avoid crowding together.
  - Be calm, do not panic.
  - Do not stop or search for personal items.
1. Evacuation route for the CMN Administration/Education Building is shown on the following layout. Upon evacuation occupants shall assemble in the southeast corner of the main parking lot.
  2. Evacuation route for the CMN Student Center Building is shown on the following layout. Upon evacuation occupants shall assemble in the northeast corner of the student center parking lot.

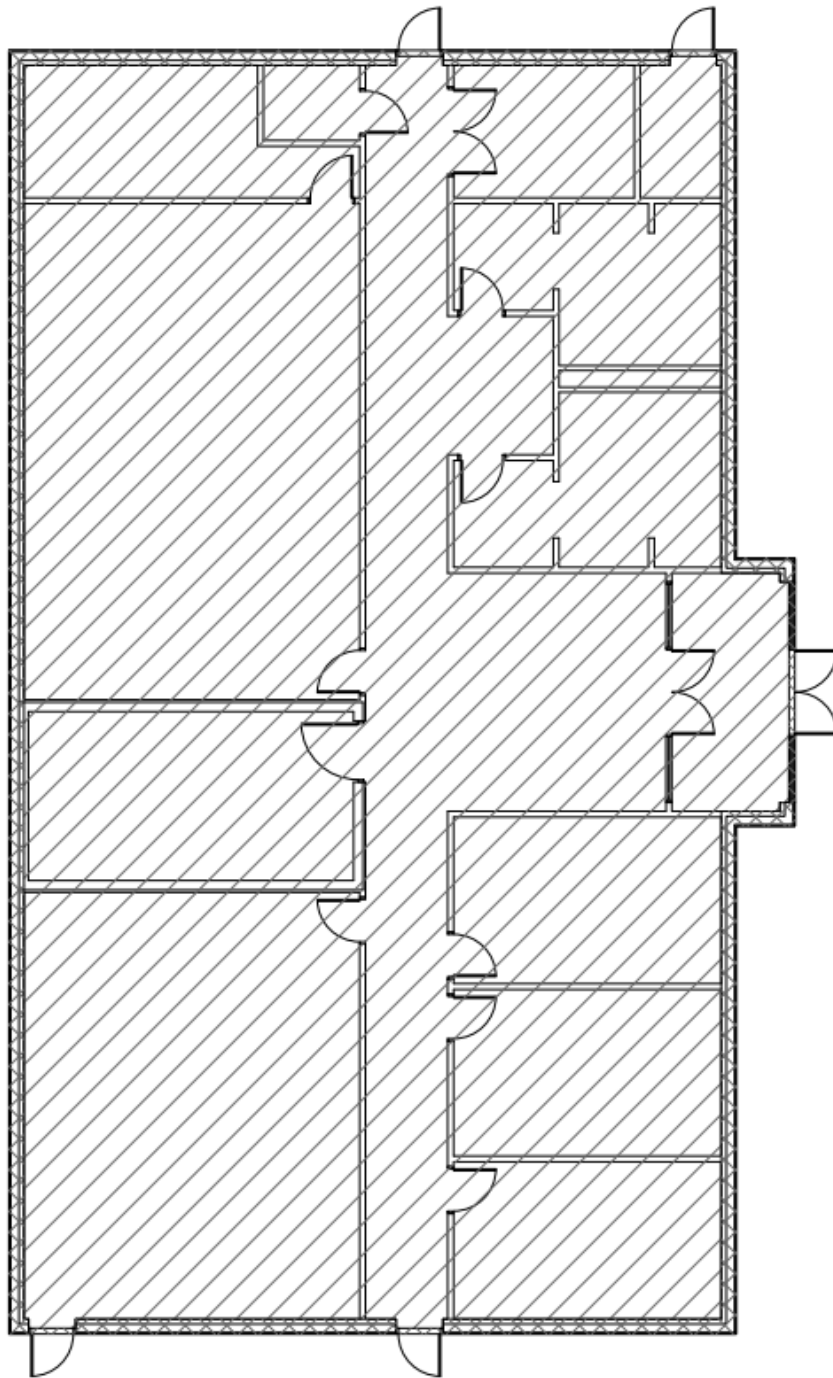
# CMN Administration/Education Building



# CMN Student Center Building



# Natural Resources Building





## **Evacuation of Persons with Limited Mobility/Special Needs**

In the event of a fire, immediate and complete evacuations are preferred if it can be accomplished in a safe manner. To ensure personal safety in emergency situations, the following guidelines should be observed by students with disabilities in advance of an emergency. Notify instructors and/or classmates of the type of assistance you need during an emergency situation.

1. If immediate and complete evacuation is not possible, ask someone to assist you to a safe area with as much distance from the affected area as possible until emergency personnel arrive and complete evacuation.
  - a. The assisting individual should stay with you until emergency personnel arrive. In addition, you should ask a second person to immediately notify emergency personnel of your location and the type of assistance required.
2. In the event of a tornado warning you should request assistance from instructors or classmates if assistance is needed. Remain in the corridors away from windows and exterior doors.
3. Pre-planning is essential to a safe evacuation.

## **CLERY ACT STATISTICS**

The CMN campus is located at 2170 Raven Circle, Okmulgee, OK of which the following statistics are reflected.

Logs kept pursuant to Clery Act reporting requirements are kept for public inspection at the CMN Dean of Student Affairs Office. A printed copy will be made available upon oral or written request. It should be noted that the Department of Education requires that summons/citations for marijuana and alcohol are listed as arrests, even when the subject was not arrested, for purposes of Clery Act reporting.

CMN may not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar non-campus official. Clery Act reporting does not require initiating an investigation or disclosing identifying information about the victim.

## **FBI Uniform Crime Reporting Definitions**

- Clery Geography: the areas that meet the definitions of “campus,” “noncampus building or property,” or “public property.” For the purposes of maintaining a daily crime log as required under § 668.46(f), Clery Geography would be defined to also include areas within the patrol jurisdiction of the campus police or security department.
- Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting (UCR) Program (FBI’s UCR program): a nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and Federal law enforcement agencies voluntarily report data on crimes brought to their attention.

- Murder and Non negligent Manslaughter: As a general rule, any death due to injuries received in a fight, argument, quarrel, assault, or commission of a crime.
- Negligent Manslaughter: The killing of another person through gross negligence. This offense does not include “Vehicular Manslaughter” which is reportable as “All Other Offenses”.
- Sex Offenses (from NIBRS): Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.
- Rape (from SRS): The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling (from NIBRS): The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest (from NIBRS): Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape (from NIBRS): Nonforcible sexual intercourse with a person who is under the statutory age of consent. Finally, we propose to restructure the paragraph by consolidating all of the reportable Clery Act crimes under § 668.46(c).
- Robbery: The taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person, or persons, by force or threat of force or violence and/or putting the victim in fear of immediate harm.
- Aggravated Assault: An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- Burglary: The unlawful entry into a building or other structure with intent to commit a felony or theft.
- Arson: To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.
- Motor Vehicle Theft: The taking or attempting to take a motor vehicle. A motor vehicle is a self-propelled vehicle that runs on the surface of land and not on rails.
- Hate crime: a crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.
- Liquor Law Violations: The violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.
- Drug Law Violations: The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, importation of any controlled drug or narcotic substance.

- **Weapon Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, possession, transportation, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.
- **Hierarchy Rule:** the requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense is committed during a single incident, only the most serious offense is to be included in the institution's Clery Act statistics.

Larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of other crimes involving bodily injury to any person, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of prejudice (Hate Crime).

Domestic violence, dating violence, and stalking incidents that were reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of VAWA.

CMN will record reports of stalking by complainant reports. Stalking activities in more than one calendar year or in more than one location within the institution's Clery Act-reportable areas will be recorded as separate occurrences. The Chief of security will determine when to report a new crime of stalking involving the same victim and perpetrator.

Situations in which an individual is a victim of a sex offense and a murder during the same incident will be included in both categories under CMN policy.

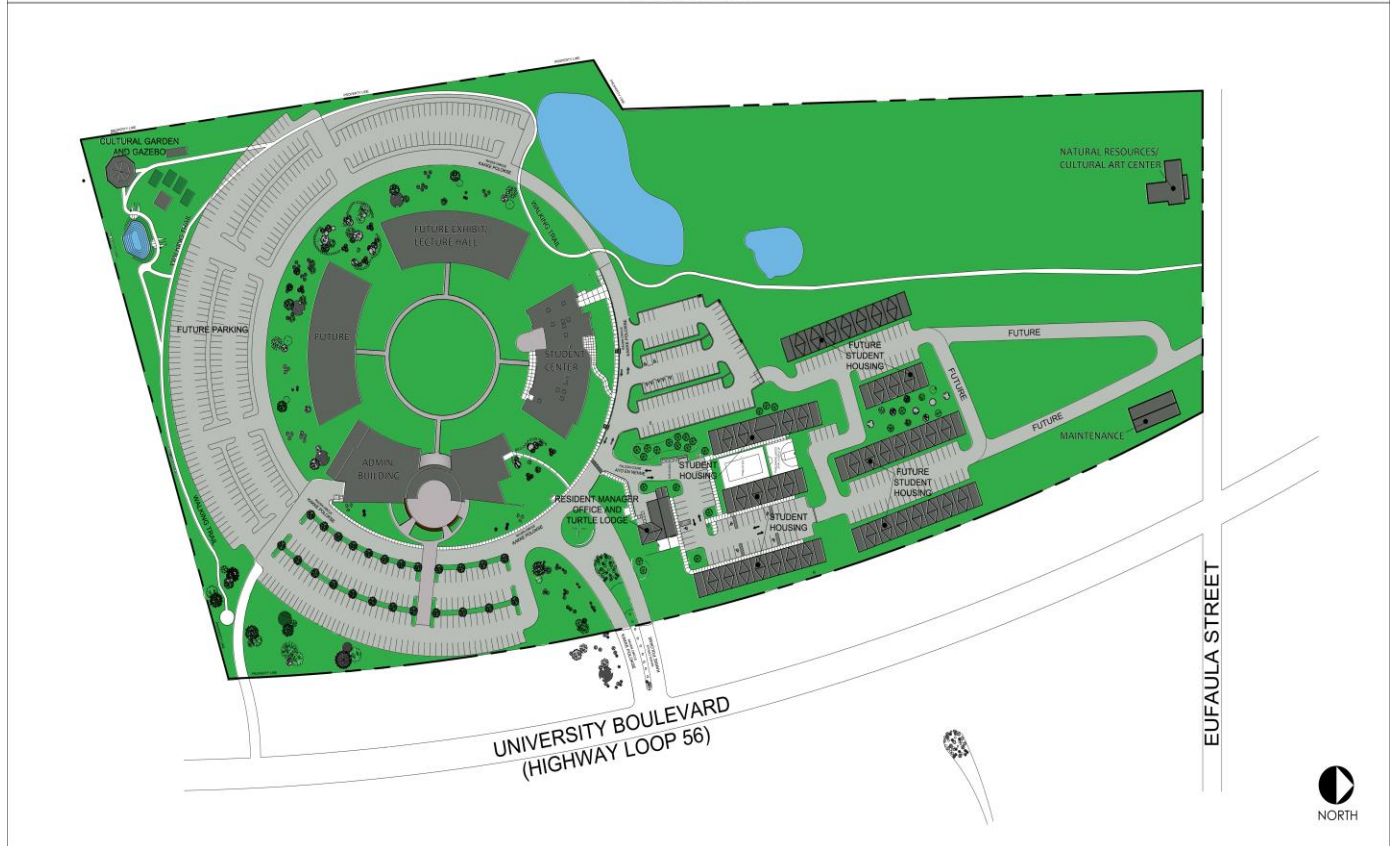
## **Clery Geography**

The Clery Geography for the MCN campus is 37.04 acres located at 2170 Raven Circle, Okmulgee, OK. The campus north border is Eufaula Street, on the east is University Blvd. and west is the fence line separating the CMN campus from OSUIT. The south border of the campus is separated from Green Country Technology Center by a fence line.

# COLLEGE OF THE MUSCOGEE NATION

## CAMPUS MAP

JUNE 2020



For purposes of reporting the statistics with the crimes described below, an institution of higher education shall distinguish, by means of separate categories, any criminal offenses that occur.

1. The terms "dating violence", "domestic violence", and "stalking" have the meaning given such terms in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).
2. The term "campus" means: (I) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).
3. The term "noncampus building or property" means: (I) any building or property owned or controlled by a student organization recognized by the institution; and (II) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational

purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

4. The term “public property” means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution’s educational purposes.
5. The term “sexual assault” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Table 1: Clery Act Statistics

Murder/Non-negligent manslaughter	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Negligent manslaughter	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Sex Offenses: Rape	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Sex Offenses: Incest	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Sex Offenses: Fondling	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Sex Offenses: Statutory Rape	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Robbery	On-Campus	Residential	Non-Campus	Public Property

2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Aggravated Assault	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Burglary	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Motor Vehicle Theft on Campus	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Arson	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Larceny - Theft	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Simple Assault	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Intimidation	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Destruction, Damage, or Vandalism of Property	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0

Arrests and Referrals for Disciplinary Action				
Weapons Law Violations	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Liquor Law Violations	On-Campus	Residential	Non-Campus	Public Property
2020	1	1	0	0
2021	2	2	0	0
2022	1	1	0	0
Liquor Law Arrests	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Drug Law Violations	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	1	1	0	0
2022	4	4	0	0
Drug Law Arrests	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Hate Crimes				
Race	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Religion	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Gender	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0

Gender Identity	Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Sexual Orientation	Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Ethnicity	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
National Origin	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Disability	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Violence Against Women Act				
Domestic Violence	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Dating Violence	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Stalking	On-Campus	Residential	Non-Campus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0



## MISSING STUDENT NOTIFICATION

Official missing student reports must be referred immediately to the campus security department or local law enforcement. If a student has been missing for more than 24 hours, report it immediately.

Report missing students by telephone to:

- Campus Security at (918-758-8410) or in person
- Dean of Student Affairs, CMN
- President, CMN
- Or other such designee as assigned

Each student living in an on-campus student housing facility has the option to register a confidential contact person to be notified in the case that the student is determined to be missing and that only authorized campus officials and law enforcement officers in furtherance of a missing person investigation may have access to this information. Even if a student does not register a contact person, local law enforcement will be notified that the student is missing. Students less than 18 years of age and not emancipated will have their parent or guardian notified.

Steps of Action:

1. Notify the Campus Information Desk (CID) (918-549-2800) or Security (918-758-8410) of the situation; identify the person(s) involved and the location.
  - a. CID or Security will immediately notify the appropriate individuals with respect to necessary action.
2. CMN administration will attempt to make contact by telephone.
3. Security will check dormitory room, dining facilities (if applicable), and surrounding areas;
4. Make contact with roommate (if applicable);
5. Make contact with friends/classmates;
6. Check common areas;
7. Verify absence of student in classes through student records;
8. Establish watch order on dormitory room (if applicable);
9. Patrol campus to find registered vehicle belonging to student, (if applicable);
10. **Refer to Lighthorse Police Office within 24 hours and follow standard operating procedure.**

This policy statement does not preclude implementing these procedures in less than 24 hours if circumstances warrant a faster implementation.

## ACTIVE SHOOTER SITUATIONS

An active shooter is an armed person who either immediately intends to, or has used deadly physical force against other people. The active shooter has very little concern for his/her own safety or threat of capture. In most cases, there is a defined list of intended victims the shooter is looking for. However, other people in the vicinity may become targets of opportunity.

Typically, the immediate deployment of law enforcement is required to stop the shooting and mitigate harm to victims.

Best practices for surviving an active shooter situation:

- Be aware of your environment and any possible dangers
- Take note of the two nearest exits in any facility you visit
- If you are in an office, stay there and secure the door
- If you are in a hallway, decide quickly to escape the building or find immediate cover
- As a last resort, attempt to take the active shooter down. When the shooter is at close range and you cannot flee, your chance of survival is much greater if you try to incapacitate him/her.

Because active shooter situations are often over within 10 to 15 minutes, before law enforcement arrives on the scene, individuals must be prepared both mentally and physically to deal with an active shooter situation.

The immediate response for an active shooter is to:

1. Get out/Call out: If there is an accessible escape path attempt to flee the area.
  - a. Evacuate regardless of whether others agree to follow.
  - b. Call for emergency assistance.
  - c. Follow the instructions of any Police Officers
2. Lockdown: If evacuation is not possible, lockdown and barricade the office or classroom door as best you can using desks or solid objects.
  - a. Turn off lights, radios, computer monitors, speakers, audible tones from cell phones, etc.
  - b. Keep occupants in the immediate area calm, quiet and out of sight.
  - c. Take adequate cover behind desks, filing cabinets, etc.
  - d. Wait for law enforcement to arrive, and obey commands upon arrival.
3. Take out: As a last resort, and only when your life is in imminent danger, attempt to disrupt and/or incapacitate the shooter.
  - a. Commit to your actions.
  - b. Act as aggressively as possible by yelling, throwing items and improvising weapons.
  - c. If with others, coordinate your attack and work together to survive.

When law enforcement arrives be prepared to be restrained, searched and questioned. Law enforcement will be focused on taking out the suspect first and will not stop to assist anyone for any reason until the immediate threat has been neutralized.

How to respond to law enforcement:

- Immediately show your EMPTY HANDS and spread your fingers out.
- Remain calm and follow instructions.
- Avoid making quick movements toward officers (i.e. attempting to hug for safety).
- Provide as much information about the shooter as possible (if known) such as location, number of shooters, description, and type of weapons.

# **ANNUAL FIRE SAFETY REPORT**

## **CMN On-campus Housing Fire Safety Systems**

CMN offers on-campus housing with 21 newly constructed units designed to provide students with a safe and comfortable living experience. On-campus housing units consist of apartment style living accommodations. Each unit has 2 bedrooms, 2 bathrooms and a common living area that houses 4 occupants.

To ensure every student is protected from fire/smoke dangers each unit is equipped with 3 smoke detectors, 3 fire alarms and 6 sprinklers. This fire/smoke detecting/suppression system is monitored 24 hours a day/7 days a week by a contracted system monitoring company. Smoke detectors sense dangerous toxins in the atmosphere which set off the fire alarm to notify occupants to evacuate the unit by emitting a visual strobe light and audible siren. Sprinklers are heat activated to extinguish any flames and keep fires contained within the unit.

One smoke detector is located in the hallway connecting the bedrooms to the common area and 2 other smoke detectors are located in each bedroom. One fire alarm is located in the common area and 2 other fire alarms are located in each bathroom. Six sprinklers are located in each room of the unit; 1 in the common area, 1 in the hallway, 2 in each bathrooms and 2 in each bedrooms.

The entire system is monitored offsite by Simplex Grinnell and 2 control panels with operating procedures are located on site in the Housing Resident Managers unit. One control panel is located inside the Resident Managers building with the main control panel located in the same building in a separate maintenance room. This unit is monitored by the same fire/smoke detection/suppression system of smoke detectors, fire alarms and sprinklers.

## **EVACUATION DRILLS**

College of the Muscogee Nation holds evacuation drills for student housing facilities and records these drills in the annual fire safety report. All occupants are required to exit the housing units upon hearing the alarm or evacuation notification. Occupants shall assemble at a designated location for accountability purposes. Each person shall follow the pedestrian walk way to the assembly area in order to avoid incoming emergency vehicles.

## **PORTABLE ELECTRICAL APPLIANCES AND SMOKING**

The institution's policies and rules prohibit portable electrical appliances that are fire hazards (including but not limited to heaters and hot plates), smoking, and open flames in all student housing facilities. Violation of these rules is considered a serious threat to life safety and will result in immediate suspension from student housing with a right to appeal. The CMN campus is a Tobacco-Free campus. Cessation assistance is available through the MCN Tobacco Prevention Program.

## PROCEDURES FOR STUDENT HOUSING EVACUATION

When the fire alarm is sounded, all students are required to evacuate to a designated assembly area as safely and quickly as possible. College staff and/or security will conduct a “knock and yell” sweep to ensure that each area of the student housing facility has been evacuated. Persons failing to evacuate when directed will be removed by CMN officials or security and will be held accountable under CMN policies. Designated persons at the assembly area will direct the students further and ensure that all students are accounted for.

## FIRE SAFETY EDUCATION AND TRAINING PROGRAMS

Fire safety education and training programs are made available by CMN/MCN officials and/or may be presented by special guests from the fire service or law enforcement. Programs are presented at the beginning of each fall trimester during the New Student Orientation and the Fall Housing Orientation meeting. At least one unannounced fire drill are conducted each trimester in the residence halls to allow students to experience what the evacuation process would be like during an actual fire. The CMN Security and Okmulgee Fire Department are notified prior to the drills. CMN is continually looking at fire safety devices and programs to further enhance the safety of the campus community.

## REPORTING A FIRE

Fires should immediately be reported to 911. After emergency notification has been made, reports of fires should be made to the Campus Security at (918-758-8410) or in person to:

- Any officer of the Campus Security
- Dean of Student Affairs, CMN
- President, CMN
- Chief of Lighthorse Police, MCN

## FIRE SAFETY STATISTICS

Table 2: Fire Safety Statistics for 2020

Number of fire drills held: 2

Cause of Fire	Total	Date(s)/Location(s)
Unintentional	0	N/A
Cooking	0	N/A
Smoking	0	N/A
Open Flames	0	N/A
Electrical	0	N/A
Heating Equipment	0	N/A
HAZMAT	0	N/A
Machinery/Industrial	0	N/A
Natural	0	N/A
Other	0	N/A
Intentional	0	N/A

Undetermined	0	N/A
Number OF DEATHS	0	N/A
NUMBER OF INJURIES	0	N/A
VALUE OF PROPERTY DAMAGED BY FIRE	0	N/A

Table 3: Fire Safety Statistics for 2021

Number of fire drills held: 2

Cause of Fire	Total	Date(s)/Location(s)
Unintentional	0	N/A
Cooking	0	N/A
Smoking	0	N/A
Open Flames	0	N/A
Electrical	0	N/A
Heating Equipment	0	N/A
HAZMAT	0	N/A
Machinery/Industrial	0	N/A
Natural	0	N/A
Other	0	N/A
Intentional	0	N/A
Undetermined	0	N/A
Number OF DEATHS	0	N/A
NUMBER OF INJURIES	0	N/A
VALUE OF PROPERTY DAMAGED BY FIRE	0	N/A

Table 4: Fire Safety Statistics for 2022

Number of fire drills held: 1

Cause of Fire	Total	Date(s)/Location(s)
Unintentional	0	N/A
Cooking	0	N/A
Smoking	0	N/A
Open Flames	0	N/A
Electrical	0	N/A
Heating Equipment	0	N/A
HAZMAT	0	N/A
Machinery/Industrial	0	N/A
Natural	0	N/A
Other	0	N/A
Intentional	0	N/A
Undetermined	0	N/A
Number OF DEATHS	0	N/A
NUMBER OF INJURIES	0	N/A
VALUE OF PROPERTY DAMAGED BY FIRE	0	N/A