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

MECVLKE
RESPONSIBILITY

HOPORENKV
WISDOM

FVTCETV
INTEGRITY

EYASKETV
HUMILITY

ANNUAL CAMPUS CRIME AWARENESS/SECURITY REPORT

AND ANNUAL FIRE SAFETY REPORT

2026-2027

College of the Muscogee Nation
2170 Raven Circle
Okmulgee, OK 74447
(918) 549-2800
www.cmn.edu

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Section	Page
INTRODUCTION	1
REPORTING CRIMES	1
Accurate and Prompt Reporting of Crimes	1
TIMELY WARNINGS	2
PREPARING THE REPORT	3
SAFETY OF AND ACCESS TO CAMPUS FACILITIES	3
CONFIDENTIAL REPORTING OF CRIMES TO COUNSELORS	3
ENFORCEMENT AUTHORITY OF LIGHTHORSE POLICE AND CAMPUS PERSONNEL	3
Campus Security and MCN Lighthorse Police Authority and Jurisdiction	3
Arrest Authority	4
INFORMATION AND PROGRAMS	4
STUDENT ORGANIZATIONS OFF-CAMPUS	5
HAZING POLICY	6
ALCOHOL AND DRUG POLICY	7
Alcohol Policy	7
Alcohol Violation Sanction Chart	8
Drug Policy	8
DRUG OR ALCOHOL-ABUSE EDUCATION PROGRAMS	9
OBTAINING SEX OFFENDER REGISTRATION INFORMATION	9
TITLE IX SEXUAL MISCONDUCT: DISCRIMINATION, HARASSMENT, AND ASSAULT POLICY	10
DISCRIMINATION AND HARASSMENT POLICY AND PROCEDURES	60
EMERGENCY NOTIFICATION	86
EMERGENCY EVACUATION PLAN	86
Evacuation of Buildings	87
Evacuation of Persons with Limited Mobility/Special Needs	89
CLERY ACT STATISTICS	89
FBI Uniform Crime Reporting Definitions	89

Clery Geography 91

MISSING STUDENT NOTIFICATION 97

ACTIVE SHOOTER SITUATIONS 97

ANNUAL FIRE SAFETY REPORT 99
CMN On-Campus Housing Fire Safety Systems 99

EVACUATION DRILLS 99

PORTABLE ELECTRICAL APPLIANCES AND SMOKING 99

PROCEDURES FOR STUDENT HOUSING EVACUATION 100

FIRE SAFETY EDUCATION AND TRAINING PROGRAMS 100

REPORTING A FIRE 100

FIRE SAFETY STATISTICS 100

LIST OF TABLES

Table 1: Clery Act Statistics 93

Table 2: Fire Safety Statistics for 2023 100

Table 3: Fire Safety Statistics for 2024 101

Table 4: Fire Safety Statistics for 2025 101

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 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 24/25 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. 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

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 Lighthorse Police by dialing (918-732-7800) or reporting in person to a law enforcement officer. All criminal reports are investigated by the MCN Lighthorse 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 Lighthorse 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 Lighthorse 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 9 of this document.

ENFORCEMENT AUTHORITY OF LIGHTHORSE POLICE AND CAMPUS PERSONNEL

Campus Security and MCN Lighthorse 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 Lighthorse 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 Lighthorse Police Department as its law enforcement agency. Lighthorse 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 Lighthorse 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 new student orientation program: Raven Ready, Bystander Intervention training, Annual Mandatory Fall Housing Meeting, Question Persuade Refer (QPR) suicide prevention 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 College has no formal program, other than the employee orientation, it being posted to the CMN website, and annual fall mass email notification to the campus community, 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.

HAZING POLICY

Hazing is defined as any intentional, knowing, or reckless act committed by one person or a group of people against another individual in connection with initiation into, affiliation with, or continued membership in a student organization that causes, or creates a substantial risk of physical, mental, or emotional harm regardless of consent.

Hazing activities are not only against the College of the Muscogee Nation's (CMN) Student Code of Conduct but are also against state and federal law. Any requirement imposed upon prospective, new, or current members which is not related to the organization's purpose is prohibited and will become the subject of a CMN Student Code of Conduct investigation once the practice is brought to the attention of the Dean of Student Affairs. This policy applies to all students, student organizations, and clubs. If you have any questions or concerns about hazing, or activities that could constitute hazing, please do not hesitate to contact the Dean of Student Affairs at studentaffairs@cmn.edu or 918-549-2817.

All students and campus student organizations are expected to comply with the College of the Muscogee Nation Student Code of Conduct at all times. The Hazing Policy applies to all recognized and unrecognized student organizations. This includes clubs, societies, associations, sport teams, fraternities, sororities, bands, or student government. A student organization at a higher education institution comprises two or more enrolled students;

Hazing may include but not be limited to the following prohibited behavior:

a. Engaging in any activity that recklessly, knowingly, or intentionally endangers the mental or physical health, safety, or welfare of an individual for the purpose of initiation, participation, admission, holding office in, or maintaining membership or affiliation, regardless of the individual's consent or lack of consent, including state and federal law, but not limited to:

b. Physical harm such as paddling, whipping, branding, electric shocking, placing harmful substances on the body, sleep deprivation, exposure to extreme conditions, calisthenics, forced consumption of food, liquor, drug, or other substances.

c. Degrading behavior that causes ridicule, humiliation, embarrassment, or adversely affects the dignity of an individual.

d. Interfering with an individual's ability to participate in or benefit from the services or activities of the University, employment, or religious observances.

e. Activity resulting in the destruction, misuse, or removal of another's property.

f. Activity that causes an individual to engage in behavior that may violate the CMN Student Code of Conduct, Hazing Policy, or tribal, local, state, or federal law.

g. Causing, coercing or inducing another person to perform sexual acts.

h. Any activity that places another person in reasonable fear of bodily harm through the use of threating words or conduct.

Process for documenting violations of the institutions standards of conduct relating to hazing:

To report alleged violations of the *Stop Campus Hazing Act* and the *College of the Muscogee Nation's Hazing Policy*, contact CMN Campus Security at 918-758-8410 or complete the CMN *Security Incident Statement Form* at https://cmn.edu/wp-content/uploads/CMN-Incident-Statement-Formatted.pdf. After completing the incident statement form, email to security@cmn.edu. To report anonymously, complete the *Anonymous Reporting* form found on the CMN website at https://cmn.edu/security/reporting/. Cases involving allegations of sexual misconduct will be referred to the Title IX Officer.

Concerned individuals have the option to submit a report anonymously, however, conduct officials prefer contact information be provided for follow up questions. Should contact information not be provided, CMN's ability to investigate and address the behaviors reported may be limited. The College of the Muscogee Nation's ability to investigate reported incidents and enforce campus policies depends on the specificity of information reported. Concerned community members are encouraged to provide as much specific detail as possible when reporting so that appropriate action may be taken.

All alleged violations will be investigated and addressed in accordance with the CMN Student Code of Conduct Policies and Procedures. A copy of the CMN Student Code of Conduct Policies and Procedures and Procedures can be found in the CMN Student Handbook located on the CMN website at cmn.edu.

An investigation of the reported incident(s) will be conducted within 3 working days of receiving the report. A thorough and impartial investigation will be conducted in conjunction with the CMN Security and the Dean of Student Affairs. The affected student organization will be notified of the allegations and outcomes. Cases may be referred to tribal law enforcement when applicable. In situations where the Hazing Policy is found to be violated via the Student Code of Conduct Policies and Procedures, individual disciplinary action may be imposed which may include suspension or expulsion, organizational sanctions may be imposed which may include probation, loss of charter/recognition, or suspension of activities, or a criminal referral may be made to tribal law enforcement if applicable.

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 7.

Alcohol Violation Sanction Chart

Alcohol Related Behavior	1st Incident	2nd Incident	3rd 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

1. Introduction

The College of the Muscogee Nation (CMN) was established in 2004 to fulfill the vision of our ancestors for higher education among the Muscogee and all Indigenous people. 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 opportunities. In compliance with all applicable federal and state laws and regulations, the College does not discriminate based on race, color, national origin, sex, age, religion, qualified disability, status as a veteran, or any other basis protected by applicable discrimination law in its policies, practices, or procedures. This includes, but is not limited to, admissions, employment, financial aid, educational programs, activities, or services. Title IX Coordinator have been designated to handle inquiries regarding non-discrimination policies and complaints of sex discrimination, including sexual harassment, sexual assault, pregnancy, domestic violence, and stalking.

Title IX Coordinator
Address: 2170 Raven Circle, Office 129, Okmulgee, Oklahoma Phone: 918-549-2821
Email: cmntitleix@cmn.edu
Any person may file a discrimination or harassment report anytime, including during non-business hours, at https://cmn.edu/security/ .

2. Definitions

a) Actual Knowledge: a notice of sexual harassment or allegations of sexual harassment to the College's Title IX Coordinator or any official of the College who has the authority to institute corrective measures on behalf of the College.

b) Advisor: a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process and to conduct cross- examination for the party at the hearing, if any.

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

d) College: College of the Muscogee Nation

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

f) Complainant: An individual alleged to be the victim of conduct that could constitute sexual harassment. When filing a formal complaint, a complainant

must be participating in or attempting to participate in the recipient's educational program or activity.

g) Confidential Resource: A person designated as an individual to whom a student might disclose sexual harassment without automatically triggering a report to the Title IX Coordinator. A Confidential Resource will maintain confidentiality except in extreme cases of immediate

threat, danger, or a minor's suspected abuse. Confidential Reporters will submit timely, anonymous, aggregate statistical information for Clery Act purposes unless they believe it would harm a specific employee or student.

h) Confidentiality: exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. Non-identifiable information may be shared for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

i) 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.

j) Enrollment Management Hold: Restriction to enroll and may restrict transcript release.

k) Education program or activity includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

l) Family Education Rights and Privacy Act (FERPA): The federal law originally passed in 1974 defines student educational records and regulates who may access those records and under what circumstances. The purpose of FERPA is to protect the privacy of student education records.

m) 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 College investigate the allegation of sexual harassment. 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 College with which the formal complaint is filed.

n) Formal Grievance Process: A method of formal resolution designed by the College to address conduct that falls within the policies included below and which complies with the requirements of Title IX regulations.

o) Grievance Process Pool: A pool of individuals trained to investigate, serve as a hearing officer or appeals officer, or as an Advisor, who may perform any or all of these roles (though not at the same time or concerning the same case). This

would include the Hearing Decision-makers or Hearing Officers with decision- making and sanctioning authority within the College's Formal Grievance process.

p) Investigation Report: The report of an investigation prepared by an investigator after a formal complaint is filed, processed, and investigated.

q) 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.

r) Mandatory Reporter: An employee of the College who is obligated by policy to share knowledge, notice, or reports of harassment, discrimination, or retaliation with the Title IX Coordinator. All employees must report all acts of dating violence, domestic violence, harassment, threats, and bullying based on sex, retaliation, sexual harassment, sexual misconduct, and stalking to the Title IX Coordinator unless they fall under the "Confidential Reporting" section of this policy. [1]

s) 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.

t) Parties: The Complainant(s) and Respondent(s), collectively.
u) Privacy: Information related to a complaint will be shared with a limited number of College employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the College's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act "FERPA." The privacy of employee records will be protected in accordance with the Records policy within the CMN Employee Handbook.
v) Report: For this policy, a report is information about an allegation of Sexual Harassment communicated to the Title IX Coordinator. A report will prompt the Title IX Coordinator to notify a Complainant about supportive measures and the process to file a formal complaint, but it does not prompt a Title IX investigation or hearing process. 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.

[1] Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this policy.

w) Remedies: post-finding actions directed to the Complainant or the community as mechanisms to address safety, prevent a recurrence, and restore access to the College's educational program.
x) Respondent: An individual alleged to have exhibited conduct that could constitute sexual harassment.
y) Sanctions: A disciplinary action imposed for students or employees 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.
z) 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 instruction. Students who leave the College before a complaint is resolved may be prohibited from future enrollment until the matter is resolved.
aa) 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.
bb) 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.
cc) Title IX: A comprehensive federal law that protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that no person in the United States shall, based on sex, be excluded from participation in, be denied

the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.
dd) Title IX Coordinator: The official designated employee by the College to ensure compliance with Title IX of the Education Amendments of 1972, which prohibits sex discrimination in education programs and activities. The designated employee has the primary responsibility for coordinating the College's efforts related to the intake, investigation, resolution, and implementation of supportive measures under this policy.
ee) Written Notice of Allegation: upon receipt of a formal complaint, provide written notice to the complainant and the respondent, informing the parties of the recipient's grievance process and providing sufficient details of the sexual

harassment allegations being investigated.

3. Rationale for Policy

In compliance with the amendments made by the Secretary of Education to the regulations implementing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 USC 1681 et seq., including the requirements set forth in Presidential Executive Order 14168 titled Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government. CMN is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from sexual harassment and retaliation. To ensure compliance with federal and state civil rights laws and regulations and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, the College has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sexual harassment or allegations of retaliation. The College values and upholds the equal dignity of all members of its community and strives to balance the parties' rights in the grievance process during difficult times for all those involved.

4. Administrative Contact Information

Complaints or notices of alleged policy violations, or inquiries about concerns regarding this policy and procedures, may be made internally to:

Lisa Bear
Title IX Coordinator College of the Muscogee Nation
Administration Building
2170 Raven Circle, Okmulgee, Oklahoma
(918) 549-2821 / cmntitleix@cmn.edu / https://cmn.edu/security/

The College has determined that the following administrative positions are Officials with the Authority to institute corrective measures regarding allegations of Sexual Harassment. These Officials with Authority listed below may also accept notice or complaints on behalf of the College:

Title IX Coordinator Deputy Title IX Coordinator

If a complaint is not resolved at College of the Muscogee Nation, then an individual may choose to file a complaint externally with the Office of Civil Rights:

Kansas City 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 http://www.ed.gov/ocr/
NOTICE OF NON-DISCRIMINATION:
The College of the Muscogee Nation (CMN), in compliance with Title is 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, religion, disability, or status as veteran, in any of its policies, practices or procedures. This provision includes, but is not limited to admissions, employment, financial aid and educational services, activities, or services. For more information, refer to the Annual Campus Crime Awareness/Security Report and Fire Safety Report located on the CMN website, or visit the Dean of Student Affairs.

5. Nondiscrimination Policy & Notice of Nondiscrimination

a) Nondiscrimination Policy

College of the Muscogee Nation does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission[1] and employment.

b) Notice of Nondiscrimination

College of the Muscogee Nation does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including admission[1] and employment.
Inquiries about Title IX may be referred to College of the Muscogee Nation's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights,[2] or both.
College of the Muscogee Nation's Title IX Coordinator is:

Patricia Farrell, Civil Rights Compliance Coordinator College of the Muscogee Nation Title IX Coordinator 2170 Raven Circle, Okmulgee, Oklahoma, OK 74447 Administration Building, Office 127
918-549-2821 / titleix@cmn.edu / https://cmn.edu/reportform/
College of the Muscogee Nation's nondiscrimination policy and grievance procedures can be located at https://cmn.edu/non-discrimination-statement/ .
To report information about conduct that may constitute sex discrimination or make a complaint of sex harassment under Title IX, please refer to https://cmn.edu/reportform/.

[1]Title IX's prohibition on discrimination in admission applies to institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education [160.15(d)]. Title IX does not require any other recipients to state in their nondiscrimination policy that they do not discriminate on the basis of sex in admissions.
[2]Contact information for OCR is available here: https://ocras.ed.gov/contact-ocr

College of the Muscogee Nation has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

6. Sexual Harassment

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, of those involved. Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking and is defined as:

Conduct based on sex that satisfies one or more of the following: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

a) Sexual Harassment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that is effectively denies a person equal access to the College's education program or activity; or

b) Quid Pro Quo: An employee of the College conditioning the provision of aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.

c) Sexual Offenses (previously know as Sexual assault): Sexual Assault is any sexual act directed against another person, without the person's consent, including instances where the person is incapable of giving consent.

a. Rape – 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 consent of the victim;

b. Fondling (NIBRS Reference Criminal Sexual Contact)-The intentional touching of another person's clothed or unclothed body parts without consent, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This definition explicitly applies when the victim is incapable of giving consent due to age, mental or physical impairment (temporary or permanent);

c. Incest – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;

d. Statutory rape – Nonforcible sexual intercourse with a person who is under the statutory age of consent.

d) Dating Violence, defined as: 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:

a. The length of relationship;

b. The type of relationship;

c. The frequency of interaction between the persons involved in the relationship.

d) Domestic Violence, defined as: A felony or misdemeanor crime of violence committed by

a. Current or former spouse or intimate partner of the victim;

b. Person with whom the victim shares a child in common;

c. Person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner;

d. Person similarly situated to a spouse of the victim under the domestic or family violence laws of Oklahoma;

e. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Oklahoma.
To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.
f) Stalking, as defined as: One who engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety of others or suffer substantial emotional distress.
a. Course of conduct means two or more acts, including, but not limited to, 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.
b. A reasonable person is a person under similar circumstances and with similar identities to the victim.
c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

As used in the offenses above, the following definitions and understandings apply:

Force: Force is using physical violence or intimidation to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you, “Okay, don’t hit me, I’ll do what you want.”)
Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. The lack of resistance does not demonstrate consent. While resistance is not required or necessary, it clearly shows non-consent.
Coercion: Coercion is the use of pressure to compel another individual to initiate or continue sexual activity against an individual’s will. When someone makes clear that they

do not want to engage in specific sexual activity, that they want to stop, or that they do not want to engage in specific sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercion can include psychological or emotional pressure, physical or emotional threats, intimidation, manipulation, or blackmail that causes the person to engage in unwelcome sexual activity.

Effective Consent: is informed, freely, and actively given, using mutually understandable words or actions that indicate a willingness to participate in mutually agreed a 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 sue 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, for any other reason, or under duress, threat, coercion, or force.

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.

Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally or physically helpless, either voluntarily or involuntarily, or unconscious, asleep, or otherwise unaware at the time of the incident or where they are, how they got there, or why or how they became engaged in a sexual interaction.

7. Reporting Options

A Complainant has many options when deciding where and to whom to file a Title IX report or formal complaint.

a) Title IX Coordinator: File a formal complaint with the Title IX Coordinator during business hours at CMN Administration building Office 129, 2170 Raven Circle, Okmulgee, Oklahoma.

b) Report: File a Title IX report to discuss supportive measures and the process of filing a Title IX formal complaint online using the reporting form posted at https://cmn.edu/security/. 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. Anonymous reports are accepted, and the College seeks to provide supportive measures to all Complainants complicated by anonymous reports. Because reporting carries no obligation to initiate a formal response, and the College respects the Complainant's requests to dismiss complaints unless there is a compelling threat to health or safety.

c) Mandatory Reporters: Although not Officials with Authority, the College has classified all employees as 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 in writing to the Office of Civil Rights Compliance. A mandatory reporter must without delay, submit a report through the College's online reporting system, https://cmn.edu/reportform/, and must include their name. Due to the fact employees are mandatory reports, Complainants may want to consider whether they share all components, including the name(s) of the parties if known, even if the requests information not to reported. As soon as a mandatory reporter has been notified of an incident, without delay, they should report it to the Title IX Coordinator or if absent, the Deputy Title IX Coordinator to ensure resources and 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. Student employees are Mandatory Reporters when functioning within the scope of their employment role. Students and employees can access confidential counselors. Failure of a Mandatory Reporter, as described above in this section, to report an incident of discrimination, harassment, or retaliation of which they become aware is a violation of this Policy and can be subject to disciplinary action for failure to comply and failure to report. This also includes situations when a harasser is a Mandated Reporter. Such individuals

are obligated to report their own misconduct, and failure to do so is a chargeable offense under this Policy. A Mandatory Reporter who is themselves a target of discrimination, harassment, or other misconduct under this Policy is not required to report their own experience, though they are of course, encouraged to do so.

b) Confidential Reporting: If a Complainant would like the details of an incident to be kept confidential, the Complainant may seek confidential services with the following individuals: Muscogee Creek Nation Center for Victims Services Program Counselors are required to maintain near complete confidentiality; talking to them is sometimes called "privileged communication."

Muscogee Creek Nation Center for Victims Services 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.
Muscogee Creek Nation Center for Victims Services – 918-732-7979 After hours, call Lighthorse police at 918-732-7800
Options for confidential reporting allow a person to report to someone who will maintain confidentiality except in extreme cases of immediate threat, danger, or suspected abuse of a minor. For purposes of the Clery Act, a confidential resource may be asked to submit timely, anonymous, aggregate statistical information unless they believe it would harm a specific employee or student.
8. Report Versus Formal Complaint
For this policy, a report is information about an alleged Sexual Harassment violation communicated to the Title IX Coordinator. A report will prompt the Title IX Coordinator to notify a Complainant about supportive measures and discuss the process to file a formal complaint, but it does not prompt a Title IX investigation or hearing process. A report is not required to be in writing and can be filed by any individual. A report can include an oral report, written report, personal observation, a newspaper article, an anonymous report, or other various means.

The Title IX Coordinator can sign a formal complaint if they believe an investigation is required to comply with the Title IX Final Rule and the Complainant does not wish to participate. Suppose a report includes information of violence, use of weapons, or pattern of alleged misconduct by a respondent. In that case, the Title IX Coordinator will consider signing a formal complaint to proceed with an investigation if the complaint does not wish to participate.
Upon receipt of a report or formal complaint to the Title IX Coordinator of an alleged violation of this policy, the College initiates a prompt initial assessment to determine the next steps the College needs to take.

The College will initial at least one of three responses:
a) Offering supportive measures because the Complainant does not want to proceed formally; or
b) An informal resolution; or
c) A Formal Grievance Process including an investigation and a hearing.

The investigation and grievance process will determine whether or not there is a policy violation. If so, the College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

9. Establishing Jurisdiction of the College

This policy applies to the education program and activities of the College, to conduct that takes place on the campus or property owned or controlled by the College, at college- sponsored events, or in buildings owned or controlled by College's recognized student organizations. The Respondent must be a college community member for its policies to apply.

This policy can also apply to the effects of off-campus or online misconduct that effectively deprive someone of access to the College's educational program. Regardless of where the conduct occurred, the College will address reports or formal complaints to determine whether it happened in the context of its employment or educational program or activity or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial College interest includes:

a) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;

b) Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;

c) Any situation that significantly breaches the peace or causes social disorder; or

d) Any situation that is detrimental to the educational interests or mission of the College.

If the Respondent is unknown or is not a member of the College community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options, or when criminal conduct is alleged, in contacting local law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the College's community, supportive measures and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

In addition, the College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from College property or events.

All vendors serving the College through third-party contacts are subject to the policies and procedures of their employers.

When the Respondent is enrolled in or employed by another institution of higher education, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to advocate for a student or employee Complainant who experiences discrimination in another environment external to the College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

10. Assessment of Report

Following receipt of a report or a formal complaint of an alleged violation of the Title IX Policy, the Title IX Coordinator[2] conducts an initial assessment, typically one to five business days. The steps in an assessment of a report can include:

- The Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint and will assist them if desired.
  - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a formal complaint because an assessment will determine if a compelling threat to health or safety is of concern.
- The Title IX Coordinator assesses its sufficiency if a formal complaint is received.
- The Title IX Coordinator will offer supportive measures to the Complainant. The Title IX Coordinator works with the Complainant to ensure they know the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
  - If supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. No formal Grievance Process is initiated, though the Complainant can elect to initiate one later if desired.
  - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for an informal resolution and, if so, will seek to determine if the Respondent is willing to engage in an informal resolution.
  - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
    - The Title IX Coordinator will initiate the formal investigation and grievance process if it does.
    - If it does not, the Title IX Coordinator determines that Title IX does not apply and will refer the matter for resolution under the Civil Rights Compliance Policy. Please note that dismissing a complaint under this Title IX is procedural and does not limit the College's authority to address a complaint with appropriate processes and remedies.

[2] If circumstances require, the Dean of Student Affairs will designate another person to the process below should an allegation be made about the Civil Rights Coordinator/Title IX Coordinator be otherwise unavailable or unable to fulfill their duties.

11. Student Emergency Removal

The College can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk assessment has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

An emergency removal is not limited to instances where the Complainant has reported an alleged sexual assault or rape but could also be justified to address alleged severe, pervasive, and objectively offensive verbal or online harassment. Even in the absence of a formal complaint being filed, a College has the authority to order the emergency removal of a Respondent where the situation arising from sexual harassment allegations presents a risk to any person’s physical health or safety. Suppose the Respondent’s actions pose an immediate and identified threat but

do not arise from allegations of sexual harassment (for example, where a student has brought a weapon to school unrelated to any sexual harassment allegations). This policy does not apply in that case, and the College's Code of Conduct would be utilized to respond to the threat. The appropriateness of supportive measures will be considered instead of an emergency removal.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to removing a student from campus, restricting a student's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intramural sports.

In all cases where an emergency removal is imposed, students will receive notice of the emergency removal and an immediate opportunity to challenge the action. Students have the option to request to meet with the Title IX Coordinator as soon after that as reasonably possible to show the cause of why the removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s) but rather an administrative process intended to determine whether the emergency removal is appropriate. If this meeting is not requested within 48 hours, objections to the emergency removal will be waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. There is no appeal process for emergency removal decisions.
A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal before the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an

emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for disciplinary, which may include expulsion or termination.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on both parties.
12. Employee Administrative Leave

An employee may be placed on Administrative Leave at any time during an investigation 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.

Administration 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. 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.

13. Dismissal (Mandatory and Discretionary) [3]

The College must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:
a) The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Title IX Policy, even if proved; or
b) The conduct did not occur in an educational program or activity controlled by the College, including buildings or property controlled by recognized student organizations, or the College does not have control of the Respondent; or
c) The conduct did not occur against a person in the United States; or
d) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the College.
The College may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:
a) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
The Respondent is no longer enrolled in or employed by the College; or
b) Specific circumstances prevent the College from gathering sufficient evidence to determine the formal complaint or allegations therein.
Upon any dismissal, the College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.
This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

[3] These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR Part 106.45

14. Informal Resolution

To initiate an Informal Resolution, a complainant must submit a formal complaint, as defined above. If a Respondent wishes to initiate an Informal Resolution, they should contact the Title IX Coordinator to indicate.

It is unnecessary to pursue Informal Resolution first to pursue a Formal Grievance Process. Any party participating in Informal Resolution can stop the process and begin or resume the Formal Grievance Process.

Before implementing Informal Resolution, the College will provide the parties with written notice of the reported misconduct and any sanction or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College.
Informal Resolution proceedings are private. All persons present at any time during the informal resolution process are expected to maintain the privacy of the proceedings per College policy. While there is an expectation of privacy around what Investigators share with parties during

interviews, the parties have the discretion to share their knowledge and evidence with others if they choose. The College encourages parties to discuss this with their Advisors before doing so.

a) Informal Resolution

Informal Resolution can include three different approaches:

- When the parties agree to resolve the matter through an alternate resolution mechanism; or
- When the Respondent accepts responsibility for violating policy and desires to accept a sanction and end the resolution process; or
- When the Title IX Coordinator[4] can resolve the matter informally by providing supportive measures to remedy the situation.
- The College will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

b) Alternate Resolution

Alternate Resolution is an informal process by which a mutually agreed-upon resolution of an allegation is reached. All parties must consent to the use of the Alternate Resolution.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate or which form of Alternative Resolution may be most successful for the parties:

[4] The Title IX Coordinator may designate the role to facilitate an informal resolution to a trained Student
Conduct or Human Resource Title IX team member depending on availability.

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Clear assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of complaint;
- Complaint complexity;
- Emotional investment/intelligence of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternative Resolution (time, staff, etc.)

The ultimate determination of whether an Alternative Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any

resolution reached, and failure to abide by the resolution agreement may result in appropriate disciplinary actions. The result of complaints resolved by Informal or Alternative Resolution are not appealable.

c) Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. Suppose the Respondent intends to accept responsibility for all of the alleged misconduct. In that case, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria in that section above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the College can agree on responsibility, sanctions, or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent violates the Civil Right Compliance Policy and implements agreed-upon sanctions or remedies in coordination with another appropriate administrator (s), as necessary.

This result is not subject to appeal once all parties indicate their written consent to all agreed-upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct on the Complainant and the community.

d) Negotiated Resolution

The Title IX Coordinator, with the parties' consent, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the College. Negotiated Resolutions are not appealable.

15. Grievance Process Pool

The Formal Grievance Process is a method of formal resolution designated by the College to address conduct that falls within the policies included below and which complies with the requirements of Title IX regulations. This process relies on a pool of administrators ("the pool") to carry out the process. The list of Pool members and a description of the Pool can be found at www.cmn.edu/security.

a) Pool Members Roles

Members of the Pool are trained annually and can serve in the following roles at the direction of the Title IX Coordinator:

- To provide an appropriate intake of and initial guidance about complaints
- To perform or assist with the initial assessment
- To act as an Advisor to the parties
- To serve as a facilitator role in the informal resolution process
- To investigate complaints

- To serve as a hearing panelist
- To serve as an Appeal Decision -maker

b) Pool Member Appointment

The Title IX Coordinator appoints the Pool, which acts independently and impartially. While members of the Pool are typically trained in various skill sets and can rotate amongst the different roles listed above in various cases, the College can also designate permanent roles for individuals in the Pool, using others as substitutes or providing greater depth of experience when necessary. This process of role assignment may result from particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to specific roles.

c) Pool Member Training

The Pool Members receive annual training. This training includes, but is not limited to:

- The College's Title IX and Civil Rights Compliance Policies
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance

- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct the questioning
- How to assess the credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the College concerning consent consistently, impartially, and per policy
- How to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of the relevance of questions and evidence
- Issues of relevance to creating an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and /or retaliation allegations.

Specific training is also provided for Appeal Decision-makers, Advisors, and Chairs. All Pool members are required to attend these training annually. The materials used to train all Pool members are publicly posted here: CMN.edu

d) Pool Membership The Pool includes:

- Members of the Student Affairs
- Member of the Civil Rights Coordinator
- Representatives from Human Resources
- CMN Lawyer
- CMN Administration

16. Notice of Investigation and Allegations

The Title IX Coordinator or designee will provide written notice of the investigation and allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who will be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all the allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made after the Formal Grievance Process and that the parties will be allowed to inspect and review all directly related or relevant evidence obtained during the review and comment period,
- A statement about the College's policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that the College's policy prohibits knowingly making false statements, including knowingly submitting incorrect information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official College records, or emailed to the parties' College-issued email. Once mailed, emailed, or received in person, notice will be presumptively delivered.

17. Resolution Timeline

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

18. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints a Pool member to conduct the investigation, usually within two (2) business days of determining that an investigation should proceed.

19. Ensuring Impartiality

Any individual materially involved in the administration of the resolution process, including the Title IX Coordinator, Investigator, hearing panelist, Decision-maker, and Appeal Decision-maker, may neither have nor demonstrate a conflict of interest or bias for a party generally or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator to ensure impartiality by ensuring no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest. The Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned, and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Dean of Student Affairs.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that 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.

20. Investigation Timeline

Investigations are completed expeditiously, generally within 180 business days, depending on the allegations' nature, extent, complexity, witnesses' availability, police involvement, etc.

The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

21. Steps in the Investigation

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.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list evidence list, intended investigation timeframe, and order of interview/statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations.
  - Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing, present for all meetings attended by the party
- Make good faith efforts to notify the parties of any meeting or interview involving the other party in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation

- Before the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices, including relevant physical or documentary evidence, will be included
- Gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Before the conclusion of the investigation, provide the parties and their respective

Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including the evidence upon which the College does not intend to rely in reaching a determination, for ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).

- The investigator may elect to respond in writing in the investigation report to the parties' submitted responses or to share the responses between the parties for additional responses
- The investigator will incorporate relevant elements of the parties' written responses into the final investigation report, including any additional relevant 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
- The investigator will incorporate any relevant feedback. The final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least 10 business days before a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

22. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of the College are expected to cooperate with and participate in the College's investigation and resolution process. Failure of such witnesses to cooperate with or participate in the investigation or resolution process constitutes a policy violation and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., summer break) may require individuals to be interviewed remotely. Zoom or similar technologies may be used for interviews if the Investigator determines that timeliness or efficiency dictates a need for remote interviewing. The Recipient will take appropriate steps to ensure the security and privacy of remote interviews reasonably.

23. Delays in the Investigation Process and Interactions with Law Enforcement

The College may delay its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties or witnesses, or 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, College will implement supportive measures as deemed appropriate.

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.

24. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If the Investigator elects to audio or video record interviews, all involved parties will be made aware.

25. Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior concerning the Respondent and are offered to prove consent.

26. Referral for Hearing

Provided that the formal complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation – when the final investigation report is transmitted to the parties and the Decision-maker-unless all parties and the Decision-makers agree to an expedited timeline.

27. Hearing Decision-Maker Composition

The College may designate a three-member panel from the Pool at the discretion of the Title IX Coordinator. One of the three members may be appointed as the decision-maker by the Title IX Coordinator.

Neither the decision maker nor the hearing panelist has had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit-in throughout the hearing process if a substitute is needed for any reason.

The Investigator will be a witness in the hearing and, therefore, may not serve as Decision-maker. Those who serve as Advisors for any party may not function as Decision-maker in that matter.

The Title IX Coordinator may not serve as a Decision-maker, advisor, or hearing panelist in the matter but may serve as an administrator facilitator of the hearing if their previous role(s) in the matter does not create a conflict of interest. Otherwise, a designee may fulfill this role.

28. Evidentiary Considerations in the Hearing

Any evidence that the Decision-maker determines is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior concerning the Respondent and are offered to prove consent.

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.

The parties may each submit a written impact statement before the hearing for the consideration of the Decision-maker and hearing panelist at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker renders a determination based on [the preponderance of the evidence, whether it is more likely than not that the Respondent violated the Policy as alleged.

29. Notice of Hearing

No less than ten (10) business days before the hearing, the Title IX Coordinator or Decision-maker will send notice of the hearing to the parties. Once mailed or emailed, notice will be presumptively delivered.

The notice will contain the following:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located

in separate rooms using technology that enables the Decision-maker and hearing panelist and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days before the hearing.

- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker based on demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days before the hearing.
- Information on how the hearing will be recorded and accessible to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given before the hearing will not be considered by the Decision-maker and hearing panelist. For compelling reasons, the Decision-maker may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask.
- The party must notify the Title IX Coordinator if they do not have an Advisor, and the College will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker and hearing panelist about the matter unless they have been provided already.[5]
- An invitation to each party to submit to the Decision-maker an impact statement prehearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, or interpretation services that may be needed at the hearing at least seven (7) business days before the hearing.
- Parties need to turn off mobile phones/devices during the hearing.

Hearing for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this policy) and are unable to be resolved before the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and official transcripts until the matter is resolved (including any appeal). A student facing charges under this policy is not in good standing to graduate.

30. Alternative Hearing Preparation Options

Suppose a party or parties prefer not to attend or cannot participate in the hearing in person. In that case, the party should request alternative arrangements from the Title IX Coordinator or the Decision-maker at least five (5) business days before the hearing.

[5] The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

The Title IX Coordinator or the Decision-maker can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Decision-maker know at least five (5) business days before the hearing so that appropriate arrangements can be made.

31. Pre-Hearing Preparation

The Decision-maker or hearing facilitator, after any necessary consultation with the parties, Investigator(s), or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days before the hearing.

The Investigator must have first interviewed witnesses scheduled to participate in the hearing. The same holds for any evidence that is first offered at the hearing. Suppose the parties and Decision-maker do not assent to the admission of evidence newly offered at the hearing. In that case, the Decision-maker may delay the hearing and instruct that the investigation needs to be reopened to consider that evidence.

The parties will be given a list of the names of the Decision-maker at least five (5) business days before the hearing. All objections to any Decision-maker must be raised in writing, detailing the objection's rationale and submitted to the Title IX Coordinator as soon as possible and no later than 24 hours prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker and hearing panelist a list of all parties, witnesses, and Advisors at least five (5) business days before the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business days before the hearing, the parties can continue to review and comment on the final investigation report and available evidence. That review and comment can be shared with the Decision-maker at the pre-hearing meeting or the hearing and will be exchanged between each party by the Decision-maker.

32. Pre-Hearing Meetings

The Decision-maker may convene a pre-hearing meeting(s) with the parties and their Advisors to invite them to submit the questions or topics they (the parties or their Advisors) wish to ask or discuss at the hearing so that the Decision-maker can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this

advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or asking for a reconsideration based on any new information or testimony offered. The Decision-maker must document and share their rationale for any exclusion or inclusion with each party at a pre-hearing meeting.

The Decision-maker, with the parties' agreement, may decide in advance of the hearing that certain witnesses do not need to be present if the Investigator can adequately summarize their testimony in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Decision-maker will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator may be argued to be relevant.

The Decision-maker may rule on these arguments pre-hearing and will exchange those rulings between the parties before the hearing to assist in preparation for the hearing. The Decision-maker may consult with legal counsel or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meetings will be recorded.

33. Hearing Procedures

At the hearing, the Decision-maker and hearing panelists has the authority to hear and make determinations on any additional alleged policy violations that have occurred in concert with the sexual harassment or retaliation.

Participants at the hearing will include the Decision-maker, two hearing panelist, the Title IX Coordinator as the hearing facilitator, General Counsel, the Investigator who conducted the investigation, the parties, Advisors to the parties, any called witnesses, and anyone providing authorized to provide disability accommodations or assistive services. The Decision-maker will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their behalf.
The Decision-maker will allow witnesses with relevant information to appear at a portion of the hearing to respond to specific questions from the Decision-maker and the parties and will then be excused.

34. Joint Hearings

In hearings involving more than one Respondent or two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation or hearing pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In

joint hearings, separate responsibility determinations will be made for each Respondent to each alleged policy violation.

35. The Order of the Hearing-Introductions and Explanation of Procedure

The Decision-maker explains the procedures and introduces the participants. At the hearing, the Title IX Coordinator manages recording, witness logistics, party logistics, curation of documents, separation of the parties/witnesses in and out of the hearing space; ensuring recording or virtual conferencing technology is working as intended; coping and distributing materials to participants, as appropriate, etc.

36. Investigator Presents the Final Investigation Report

The Investigator will then present a summary of the final investigation report, including contested items and those that are not and will be subject to questioning by the Decision- maker, hearing panelists, and the parties. The Investigator will be present during the entire hearing process but not during deliberations.

Neither the parties nor the Decision-maker should ask the Investigator their opinion on credibility, recommended findings, or determinations. The Investigators, Advisors, and parties will refrain from discussing or asking questions about these assessments. If such information is introduced, the Decision-maker will direct that it be disregarded.

37. Testimony and Questioning

Once the Investigator presents the report and is questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Decision-maker. The parties/witnesses will submit to questioning by the Decision-maker and hearing panelists and then by the parties through their Advisors ("cross-examination").

All questions are subject to a relevance determination by the Decision-maker. The Advisor, who will remain seated during questioning, will pose the proposed question orally. The proceeding will pause to allow the Decision-maker to consider it and then determine whether the question will be permitted, disallowed, or rephrased.

The Decision-maker may invite explanations or persuasive statements regarding relevance with the Advisors. The Decision-maker will then state their decision on the question for the record and advise the party/witness to whom the question was directed. The Chair will explain any decision to exclude a question as irrelevant or reframe it for relevance.

The Decision-maker will limit or disallow questions because they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Decision-maker has the final say on all questions and determination of relevance. The Decision-maker may consult with the

General Counsel on any questions of admissibility. The Decision-maker may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain arguments from the Advisors on relevance once the Decision-maker has ruled on a question.

Suppose the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing. In that case, the Decision-maker may elect to address those issues, consult with General Counsel, refer them to the Title IX Coordinator, or preserve them for appeal. If bias is not an issue at the hearing, the Decision-maker should not permit irrelevant questions that probe for bias.

38. Refusal to Submit to Cross-Examination and Inferences

Suppose a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in the questioning. In that case, the Decision-maker and hearing panelist may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker and hearing panelists must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

Suppose the party or witness attends the hearing and answers some cross-examination questions. In that case, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, suppose the statements of the party refusing to submit to cross-examination or refusing to attend the hearing are the subject of the allegation itself (e.g., the case is verbal harassment or a quid pro quo offer). In that case, those statements are not precluded from admission.

The decision-maker and hearing panelist may not draw any inferences solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions. Suppose charges of policy violations other than sexual harassment are considered at the same hearing. In that case, the Decision-maker and hearing panelist may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with the College's established rules of decorum for the hearing, the College may require the party to use a different Advisor. Suppose a College provided Advisor refuses to comply with the rules of decorum. In that case, the College may provide that party with a separate Advisor to conduct cross- examination on behalf of the party.

39. Recording Hearings

Hearings, but not deliberations, are recorded by the College for purposes of review in the event of an appeal. The parties may not record the proceedings, and no other unauthorized recordings are permitted.

The Decision-maker, hearing panelists, the parties, their Advisors, and appropriate administrators of the College will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

40. Deliberation, Decision-Making, and Standard of Proof

The Decision-maker and hearing panelist will deliberate in a closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. A simple majority vote is required to determine the findings if a panel is used. The preponderance of the evidence standard of proof is used. The Title IX Coordinator may be invited to attend the

deliberation by the Decision-maker but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision- maker and hearing panelists may then consider the previously submitted party impact statements in determining the appropriate sanction(s).
The Decision-maker will ensure that each party has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker and hearing panelist may – at their discretion – consider the statements, but they are not binding.

The Decision-maker will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanction(s).

This deliberation statement must be submitted to the Title IX Coordinator within seven (7) business days of the end of deliberations unless the Title IX Coordinator grants an extension. The Title IX Coordinator will notify the parties if an extension is granted.

41. Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Decision- maker to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s), with the parties and their Advisors within seven business days of receiving the deliberation statement from the Decision-maker.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official

College records, emailed to the parties' College-issued email, or otherwise approved account. Once mailed, emailed, or received in person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated. The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the Recipient is permitted to share such information under state or federal law; any sanctions issued which the College is allowed to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the College's educational or employment program or activity; to the extent the College is permitted to share such information. The Notice of Outcome will also include information on when the College considers the results to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

42. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the sexual harassment or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of sexual harassment or retaliation
- The need to remedy the effects of sexual harassment or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of and maybe, in addition to, other actions taken or sanctions imposed by external authorities.

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

a) Written Warning: An official written notice of violation of college policies.
b) 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 further

violations of college regulations will subject them to suspension, expulsion, or termination from the College.
c) Restitution: Reimbursement for damages to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
d) Discretionary Outcomes: 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.
e) Class Removal: A student may be removed from a course or moved to another section.
f) Job Reassignment: An employee may be moved temporarily or permanently to a different position or location.
g) Mutual No Contact Order: An absolute prohibition from contact with a specified person or persons in any form whatsoever, including contact in person, by phone, electronically, or through another person. A Mutual No Contact Order may be implemented as an interim measure. Interim measures can be put in place without a formal complaint, conduct process, or a finding of responsibility. A new investigation may occur if there is an allegation of violating a No Contact Order.

h) 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, or denial or participation in extracurricular activities not directly associated with academics (e.g., intramural sports, organizations/clubs/associations, or leadership positions on campus, or other organizations). Individuals must apply to reinstate the privilege by submitting documentation of their significant proactive efforts and engaging in responsible, productive behavior.
i) 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.
j) Suspension: Exclusion from all classes and other privileges or activities for a specific period as outlined in the notice of suspension. Suppose a transcript is requested during the period of suspension. 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 refund of tuition or fees will be subject to the college's normal withdrawal policy.
k) Expulsion: 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. If a 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 refund of tuition or fees will be subject to the College's normal withdrawal policy.
l) Termination: Removal of employment for a full or part-time employee, including work-study or intern students.

All College community members are expected to comply with sanctions 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 CMN Code of Conduct for students and Employee Handbook for employees.
Sanctions shall not be implemented until the time for appeal has expired, the entire appeal process is completed, or until the individual voluntarily waives the right to appeal in writing.

43. Withdrawal or Resignation while Allegations are Pending

Suppose a student has an allegation pending for violation of the policy. In that case, the College may hold a hold on a student's ability to graduate or 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, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual 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.

Suppose the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term). In that case, the resolution process may continue remotely, and that student is not permitted to return to College unless and until all sanctions have been satisfied.

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 alleged harassment or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the College. The records retained by the Title IX Coordinator will reflect that status.

All College responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

44. Appeals

Any party may file a request for an appeal, but it must be submitted in writing to the Title IX Coordinator within seven business days of the delivery of the Notice of Outcome.
The Title IX Coordinator will designate an Appeals Decision-maker chosen from the Pool. No Pool member who was involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Title IX Coordinator for consideration to determine if the request meets the grounds for appeal (a Review for Standing).
This review is not a review of the merits of the appeal but solely a determination as to whether the request meets the grounds and is timely filed.

a) Grounds for Appeal
Appeals are limited to the following grounds:

a. A procedural irregularity that affected the outcome of the matter;
b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made could affect the outcome of the matter; and
c. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

Suppose any of the grounds in the Request for Appeal do not meet the grounds in this policy. In that case, that request will be denied by the Appeals Decision-maker, and the parties and their Advisors will be notified in writing of the denial and the rationale.

Suppose any of the grounds in the Request for Appeal meet the grounds in this policy. In that case, the Appeals Decision-maker will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator or the original Decision- maker and hearing panelist.

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators or the original Decision-maker and hearing panelists will be mailed, emailed, or provided a hard copy of the request with the approved grounds and then be given seven business days to submit a response to the portion of the appeal that was approved and involves them. The Appeals Decision-maker will forward all responses to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this policy by the Appeals Decision-maker and is either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) or original Decision-maker and hearing panelist, as necessary, who will submit their responses in seven business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this period. The Appeals Decision-maker will collect any additional information and all documentation regarding the approved grounds and subsequent responses. The Appeals Decision-maker will render a decision in no more than seven business days, barring exigent circumstances.

A Notice of Appeal Outcome will be sent to all parties, including the decision on each approved ground and the rationale for each decision. The Notice of Appeal Outcome will specify the findings on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is allowed to share under state or federal law.

Notification will be made in writing and delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed, or received in person, notice will be presumptively delivered.

b) Sanctions Status During the Appeal

Any sanctions imposed due to the hearing stay during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented post-hearing immediately but pre-appeal, then emergency removal procedures (detailed above) for a hearing immediately but pre- appeal, then

emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

The College may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

c) Appeal Considerations

- Appeal decisions are to be deferential to the original decision, making changes to the finding only when there is a clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide a full re-hearing (de nova) of the allegation(s). In most cases, appeals are confined to a review of the written

documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for an Appeal Decision-maker to substitute their judgment for that of the original Decision-maker and hearing panelists merely because they disagree with the finding or sanction(s).
- The Appeals Decision-maker(s) may consult with the Title IX Coordinator on questions of procedure or rationale for clarification if needed. Documentation of all such consultations will be maintained.
- Appeals granted based on new evidence should typically be remanded to the original Investigator or Decision-maker and hearing panelist for reconsideration.
- Once an appeal is decided, the outcome is further final requests are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- When appeals result in no change to the finding or sanction, that decision is final.

When an appeal results in a new finding or sanction, that finding or sanction can be appealed one last time on the grounds listed above and in accordance with these procedures.
- In rare cases where a procedural or substantive error cannot be cured by the original Decision-maker and hearing panelists (as in cases of bias), the appeal may order a new hearing with a new Decision-maker or hearing panelists.
- The results of a remand to a Decision-maker cannot be appealed. The results of a new hearing can be appealed once on any of three available appeal grounds.

In cases where the appeal results in reinstatement to the Recipient or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

45. Long-Term Remedies while Allegations are Pending

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions concerning the parties or the campus community intended to stop the sexual harassment or retaliation, remedy the effects, and prevent reoccurrence.

At the discretion of the Title IX Coordinator, specific long-term support or measures may also be provided to the parties, even if no policy violation is found.
When no policy violation is found, the Title IX Coordinator will address any remedies the College owes to the Respondent to ensure no practical denial of educational access. The College will maintain the privacy of any long-term remedies, actions, or supportive measures, provided privacy does not impair the College's ability to provide these services.

46. Failure to Comply with Sanctions and Long-Term Remedies

All Respondents are expected to comply with the assigned sanctions, responsive actions, or corrective actions within the timeframe specified by the final Decision-maker(s),

including the Appeal Decision-maker.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, or termination from the College and may be noted on a student's official transcript. A break will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

47. Recordkeeping

The College will maintain for seven years records of:

a) Each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
b) Any disciplinary sanctions imposed on the Respondent;
c) Any remedies provided to the Complainant designed to restore or preserve equal access to the College's education program or activity;
d) Any appeal and the result, therefore;
e) Any Informal Resolution and the result hence;
f) All materials used to train the Title IX Coordinator, Investigators, Decision- makers, hearing panelists, and any person who facilitates an Informal Resolution process. The College will make these training materials publicly available on College's website; and
g) Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
a. The basis for all conclusions is that the response was not deliberately indifferent;
b. Any measures designed to restore or preserve equal access to the College's education program or activity; and
c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not unreasonable in light of the known circumstances.

The College will also maintain records per state and federal laws.

48. Disabilities Accommodations in the Resolution Process

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 Title IX investigation and resolution process should contact the Human Resources Office to request accommodations. Students needing accommodations or support during a Title IX

investigation and resolution process should contact the Dean of Student Affairs. For participants requesting interpreters throughout the investigation process, please notify the Dean of Student Affairs for physical accommodations. Advance notice is requested.

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

49. When a Complainant Does Not Wish to Proceed

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 a formal complaint to be pursued, they may make such a request to the Title IX 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 Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so. The Title IX Coordinator may sign a formal complaint to initiate a grievance upon completing an appropriate assessment.

The Title IX Coordinator's decision should be based on the 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 Title IX Coordinator must also consider the effects of non-participation by the Complainant on the availability of evidence and the College's ability to pursue an investigation fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the College proceeds, the Complainant (or their Advisor) 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. Typically, when the Complainant

chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, ensuring and protecting the Complainant's rights.

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 or grievance process. 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.

In cases in which the Complainant requests confidentiality but no formal action and the circumstances allow the College to honor that request, the College will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint later. Upon making a formal complaint, a Complainant has the right and can expect to have allegations taken seriously by College and to have the incidents investigated and properly resolved through these procedures.

50. Supportive Measures

Non-disciplinary, non-punitive individualized services are offered as appropriate, as reasonably available, without fee or charge to the complainant or the respondent before or after filing 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.
The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving a report or a Formal Complaint. When supportive measures are offered, the College will inform the Complainant, in writing, that they may file a formal complaint with the College either at that time or in the future if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are considered by the supportive measures that are planned and implemented.
The College will maintain the privacy of the supportive measures if confidentiality does not impair the College's ability to provide the supportive measures. The College will act to ensure as minimal an impact on the parties as possible. The College will implement measures that do not unreasonably burden the other party.
Supportive measures are available to a complainant, irrespective of whether the complainant files a formal complaint.
The College may take steps to provide supportive measures to limit the effects of the alleged discrimination and harassment. Supportive Measures may include, but are not limited to:

a) Referral to CMN Health and Wellness and local tribal/local counseling services
b) Referral to Employee to CMN HR
c) Student financial aid counseling
d) Class Reassignment, withdrawals, or modifications

e) Academic Accommodations
f) Administrative Leave from the College
g) Limitation of College Activities
h) Mutual No Contact Order

i) Safety Escorts to class or employment location
j) Increased security and monitoring of certain areas of campus
k) Safety planning
l) Parking Arrangements
m) Employment Reassignment
n) Administrative Leave with or without Pay
o) Other reasonable requests as necessary

Supportive measures may be implemented at any time, even if the Complainant initially declined. A new investigation may occur if there is an allegation of violating a No Contact Order, in accordance with the Civil Rights Compliance Policy.

51. Right to an Advisor

The parties may each have an Advisor [6] of their choice present with them for all meetings and interviews within the resolution process if they so choose. The parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available[7].
Choosing an Advisor who is also a witness in the process creates the potential for bias and conflict of interest. A party that chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

a) Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or other individual a party chooses to advise, support, or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the College Community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the College, the Advisor will be trained by the College and be familiar with the College's resolution process.

If the parties choose an Advisor from outside the pool of those identified by the College, the Advisor will not be trained by the College and may not be familiar with College policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process before a hearing.

b) Advisors in Hearing /College-Appointed Advisor

[6] This could include an attorney, advocate, or support person. The law permits one Advisor for each party (witnesses are not entitled to Advisors within the process, though they can be advised externally).
[7] "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being an investigator, hearing officer, or appeal officer in the Title IX process.

Under U.S. Department of Education regulations applicable to Title IX, cross- examination is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to cross-examine each other or any witnesses directly. If the party does not have an Advisor for a hearing, the College will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. Suppose the party's Advisor does not conduct a cross- examination. In that case, the College will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

c) Advisor's Role

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, honestly, and in good faith.

The College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the College is not obligated to provide an attorney.

d) Pre-Interview Meetings
Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and College's policies and procedures.

e) Advisor Violations of College Policy

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address College officials in a meeting or interview unless invited to (e.g., by asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on

behalf of their advisee, the Advisor may consult with them privately as needed or by conferring or passing notes during any resolutions process meeting or interview. For lengthier or more involved discussions, the parties and their Advisors should ask for breaks to all for a private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures will be implemented.
Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

f) Sharing Information with the Advisor

The College expects that the parties may wish to have the College share documentation and evidence related to the allegation with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

The College also provides a consent form that authorizes the College to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before the College can share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, the College will not comply with that request.

g) Privacy of records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by College. The College may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

h) Expectations of an Advisor

The College generally expects an Advisor to adjust their schedule to allow them to attend College meetings when planned. Still, it may change scheduled meetings to accommodate an Advisor's inability to participate if doing so does not cause an unreasonable delay.
The College may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or similar technologies as possible.

i) Expectations of the Parties Concerning Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout the process. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the

date of their first meeting with the Investigators (or as soon as possible if an expeditious meeting is necessary or desired).

The parties are expected to notify the Title IX Coordinator promptly if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured.

Parties are expected to inform the Title IX Coordinator of their hearing advisor's identity at least two (2) business days before the hearing.

52. Counterclaims

The College must ensure that the grievance process is not abused for retaliatory purposes. The College permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith.
Counterclaims by the Respondent may be made in good faith but are, on occasion, also made for retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance process. Investigation of such claims may occur after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may violate this policy.

53. Privacy

The College makes every effort to preserve the privacy of reports. The College will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any Respondent, or any witness, except as permitted by Family Educational Rights and Privacy (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The College reserves the right to designate which College officials have a legitimate educational interest in being informed about incidents that fall within this policy, according to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to investigators, hearing panelists, or appeal officers and supervisors, as

deemed necessary. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

54. Time Limits on Reporting

There is no time limitation on providing notice or Formal Complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice or formal complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures or remedies, or engage in informal or formal action, as appropriate.

55. Retaliation

The College or other person may not intimidate, threaten, coerce, or discriminate against any individual to interfere with any right or privilege secured by Title IX or this part or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination or a report or formal complaint of sexual harassment, to interfere with any right or privilege secured by Title IX or this part, constitutes retaliation.

Charging an individual with a violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility alone is not sufficient to conclude that any party has made a materially false statement in bad faith. The exercise of rights protected under the First Amendment does not constitute retaliation.

56. Independence and Conflict-of-Interest

The Title IX Coordinator is responsible for coordinating 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 Title IX Coordinator oversees all resolutions under this policy and these procedures.
Investigators and hearing panelists are vetted and trained to ensure they are not biased for or against any party in a specific case or for or against Complainants or Respondents.

To raise any concern involving bias or conflict of interest, or to report misconduct or discrimination by the Title IX Coordinator, contact the Dean of Student Affairs.

Concerns of bias, a potential conflict of interest, or reports of misconduct or discrimination committed by any other college official participating in a Title IX investigation should be raised with the Title IX Coordinator.

57. Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, or stalking should be aware that under the Clery Act, the College must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The College will ensure that a Complainant's name and other identifying information are not disclosed while still providing enough information for community members to make safety decisions in light of the potential danger.

58. False Allegations and Evidence

Deliberately false or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action. This applies to College employees and students.

Additionally, witness and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, to deliberately misleading an official conducting an investigation can be subject to discipline under this policy.

59. Amnesty

The College may offer amnesty for minor conduct violations to (1) a student who may have committed a minor violation at the time of a more serious incident or (2) a student who offers help to those who need medical assistance. If amnesty is offered, educational options may be explored, but no conduct actions or records will result.

60. Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Officers – must report the following for federal statistical reporting purposes (Cleary Act):

a) All "primary crimes" which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;

b) Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;

c) VAWA[8]-based crimes, which include sexual assault, domestic violence, dating violence, stalking, and

d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be recorded by CMN Campus Security Officers regarding where the crimes occurred (on- campus or within CMN's geographical area or any property owned or controlled by CMN), whom the crimes were reported, the types of crimes that were reported, and the year in which the crimes were reported. Clery classified crimes should be published in the Annual Security Report and Daily Campus Crime Log.

61. 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 also may be viewed differently by each of the parties, 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 a violation of applicable sections of this policy. The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with 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 which involve employee-student or employee-employee must self-report. Individuals in consensual romantic or sexual relationships will not participate in public displays of affection on campus. No public displays of affection on campus. Every employee is required to self-report to their supervisor if they are involved in a consensual romantic or sexual relationship with a student or fellow employee. If a consensual relationship between an employee and their direct supervisor occurs, it may be necessary 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 does not prohibit relationships, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee. (For additional information see the College of the Muscogee Nation Human Resources Personnel Policies and Procedures.)

[8] VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

62. Revocation

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026)May 19, 2020), be stayed or held invalid by a court of law, should the Title IX Final Rule be withdrawn modified not to require the elements of this policy, this policy, or the invalidated aspects of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that

date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing CMN Code of Conduct or CMN Human Resources Personnel Policies and Procedures Handbook.

63. Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, or retaliation under Title IX Coordinator and will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX 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 state and federal laws which frame such policies and codes, generally.

This policy will be effective 04/22/2025

APPENDIX A
OKLAHOMA Definitions

State of Oklahoma statutory definitions of criminal offenses classified pursuant to the Clery Act signed in 1990, codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C>F>R. 668.46

The following are Oklahoma definitions, which are applicable to criminal prosecutions for sex offenses. Oklahoma definitions may differ from the definition used on campus to address policy violations. These state definitions are included for Clery/VAWA Sec. 304 compliance purposes.

1. Consent: (21 Okla. Stat. § 113) The term “consent” means the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter which can be revoked at any time. Consent cannot be:
1. Given by an individual who:
1. is asleep or is mentally or physically incapacitated either through the effect of drugs or alcohol or for any other reason, or
2. is under duress, threat, coercion, or force; or
2. Inferred under circumstances in which consent is not clear including, but not limited to:
1. the absence of an individual saying “no” or “stop”, or
2. the existence of a prior or current relationship or sexual activity.

1. Dating violence (22 Okla. Stat. § 60.1.) The term dating violence is not defined by the state of Oklahoma; however, violence against a person with whom the perpetrator is in a dating relationship is considered domestic violence, as defined below. A dating relationship is defined as an intimate association, primarily characterized by affectionate or sexual involvement. For purposes of this act, a casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a dating relationship.

1. Domestic violence (22 Okla. Stat. § 60.1.) Domestic Violence is not defined in Oklahoma law. However, the criminal definition of domestic abuse is defined as Any act of physical harm, or the threat of imminent physical harm which is committed by an adult, emancipated minor, or child thirteen (13) years of age or older against another adult, emancipated minor child who is currently or was previously an intimate partner or family or household member. “Family or household members” means: (a) parents, including grandparents, stepparents, adoptive parents, and foster parents, (b) children, including grandchildren, stepchildren, adopted children, and foster children, and (c) persons otherwise related by blood or marriage living in the same household. “Intimate partner” means (a) current or former spouses, (b) persons who are or were in a dating relationship, (c) persons who are the biological parents of the same child, regardless of their marital status or whether they have lived together at any time,

and (d) persons who currently or formerly lived together in an intimate way, primarily characterized by affectionate or sexual involvement. A sexual relationship may be an indicator that a person is an intimate partner but is never a necessary condition.
1. Sexual assault: rape, or rape by instrumentation, as defined in Sections 1111,1111.1 and 1114 of [Title 21], or forcible sodomy, as defined in Section 888 of [Title 21].
1. 21 Okla. Stat. § 142.20.

Rape: (21 Okla. Stat. § 1111) Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:
1. Where the victim is under sixteen (16) years of age;
2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
4. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
6. Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape;
7. Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality, or a political subdivision and engages in sexual intercourse

with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim; or the subdivision that exercises authority over the victim; or the subcontractor or employee of a subcontractor of the state or federal government, a county, a municipality or a political subdivision that exercises authority over the victim;
8. Where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high, or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of the same school system;
9. Where the victim is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency, or tribal court and engages in sexual intercourse with a foster parent or foster parent applicant; or

10. Rape is an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person.

Rape by instrumentation: (21 Okla. Stat. § 1111.1.) Rape by instrumentation is an act within or without the bonds of matrimony in which any inanimate object or any part of the human body, not amounting to sexual intercourse is used in the carnal knowledge of another person without his or her consent and penetration of the anus or vagina occurs to that person. Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met; further, where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in conduct prohibited by this section of law with a person who is eighteen (18) years of age or older and is an employee of the same school system, or where the victim is under the legal custody or supervision of a state or federal agency, county, municipal or a political subdivision and engages in conduct prohibited by this section of law with a federal, state, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, consent shall not be an element of the crime. Provided, further, that at least one of the circumstances described in Section 1111 of this title has been met; further, where the victim is nineteen (19) years of age or younger and in the legal custody of a state agency, federal agency or tribal court and engages in conduct prohibited by this section of law with a foster parent or foster parent applicant. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post- imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statues under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post- imprisonment supervision shall be in addition to the actual imprisonment.

Forcible sodomy: (21 Okla. Stat. § 88(effective June 6, 2016).

1. Any person who forces another person to engage in the detestable and abominable crime against nature, pursuant to Section 886 of this title, upon conviction, is guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a period of not more than twenty (20) years. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment. Any person convicted of a second violation of this section, where the victim of the second offense is a person under sixteen (16) years of age, shall not be eligible for probation, suspended, or deferred sentence.

Any person convicted of a third or subsequent violation of this section, where the victim of the third or subsequent violation of this section, where the victim of the third subsequent violation is a person under sixteen (16) years of age, shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole, in the discretion of the jury, or in case the jury fails or refuses to fix punishment then the same shall be pronounced by the court. Any person convicted of a violation of this subsection after having been twice convicted of a violation of subsection A of Section 1114 of this title, a violation of Section 1123 of this title, or sexual abuse of a child pursuant to Section 843.5 of this title, or of any attempt to commit any of these offenses or any combination of the offenses, shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole.

1. The crime of forcible sodomy shall include:

1. Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age;

2. Sodomy committed upon a person incapable through mental illness or any unsound of mind of giving legal consent regardless of the age of the person committing the crime;

3. Sodomy accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime;

4. Sodomy committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality, or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state; or the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision of this state.;

5. Sodomy committed upon a person who is at least sixteen (16) years of age but less than twenty (20) years of age and is a student of any public or private secondary school, junior high or high school, public vocational school, with a person who is eighteen (18) years of age or older and is employed by the same school system;

6. Sodomy committed upon a person who is at the time unconscious of the nature of the act, and this fact should be known to the accused; or

7. Sodomy committed upon a person where the person is intoxicated by a narcotic or anesthetic agent administered by or with the privity of the accused as a means of forcing the person to submit.

8. Sodomy committed upon a person who is at least sixteen (16) years of age but less than eighteen (18) years of age by a person

responsible for the child's health, safety or welfare. "person responsible for a child's health, safety or welfare" shall include, but not be limited to (a) a parent, (b) a legal guardian, (c) a custodian, (d) a foster parent, (e) a person eighteen (18) years of age or older with whom the child's parent cohabitates, (f) any other adult residing in the hold of the child, (g) an agent or employee of a public or private residential home, institution, facility or day treatment program as defined in Section 175.2 of Title 10 of the Oklahoma Statutes, or (h) an owner, operator or employee of a child care facility, as defined by Section 402 of Title 10 of the Oklahoma Statues.

2. Stalking: (21 Okla. Stat. § 1173.) Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:

1. Would cause a reasonable person or a member of the immediate family of that person as defined in subsection F of this section to feel frightened, intimidated, threatened, harassed, or molested; and

2. Actually, cause the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested, shall, upon conviction, be guilty of the crime of stalking, which is a misdemeanor punishable by imprisonment in a county jail for not more than one (1) year or by a fine of not more than One Thousand Dollars ($1,000.00), or both such fine and imprisonment.

For the purposes of this section:

1. "Harasses" means a pattern or course of conduct directed toward another individual that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable person to suffer emotional distress, and that actually causes emotional distress to the victim. Harassment shall include harassing or obscene phone calls as prohibited by Section 1172 of this title and conduct prohibited by Section 850 of this title. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;

2. "Course of conduct" means a pattern of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct".

3. "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require medical or other professional treatment or counseling;

4. "Unconsented contact" means any contact with another individual that is initiated or continued without the consent of the individual, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Constitutionally protected activity is not included within the meaning of unconsented contact. Unconsented contact includes but is not limited to any of the following:

1. following or appearing within the sight of that individual,

2. approaching or confronting that individual in a public place or on private property,

3. appearing at the workplace or residence of that individual,

4. entering onto or remaining on property owned, leased, or occupied by that individual,

5. contacting that individual by telephone,

6. sending mail or electronic communications to that individual, and

7. placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.

5. Member of the immediate family", for the purpose of this section, means any spouse, parent, child, person related with the third degree of consanguinity or affinity or any other person who regularly resides in the household or who regularly resides in the household or who regularly resided in the household within the prior six (6) months.
6. "Following" shall include the tracking of the movement or location of an individual through the use of a Global Positioning System (GPS) device or other monitoring devise by a person, or person who acts on behalf of another, without the consent of the individual whose movement or location is being tracked; provided, this shall not apply to the lawful use of a GPS device or other monitoring device or to the use by a new or used motor vehicle or other motor vehicle creditor of a GPS device or other monitoring technology, including a device, in connection with lawful action after default of the terms of a motor vehicle credit sale, loan or lease, and with the express written consent of the owner or lessee of the motor vehicle.

APPENDIX A
Defending Women from Ideology Extremism and Restoring Biological Truth to the Federal Government Policy and Definitions
Section 1: Purpose Across the country, ideologues who deny the biological reality of sex have increasingly used legal and other socially coercive means to permit men to self-identify as women and gain access to intimate single sex spaces and activities designed for women, from women's domestic abuse shelters to women's workplace showers. This is wrong. Efforts to eradicate the biological reality of sex fundamentally attack women by depriving them of their dignity, safety, and well-being. The erasure of sex in language and policy has a corrosive impact not just on women but on the validity of the entire American system. Basing Federal policy on truth is critical to scientific inquiry, public safety, morale, and trust in government itself.
Section 2: It is the policy of the United States to recognize two sexes, male and female. These sexes are not changeable and are grounds in fundamental and incontrovertible reality. The Executive Branch will enforce all sex protective laws to promote reality, and the following definitions shall govern all Executive interpretation of and application of Federal law and administration policy:
a) "Sex" shall refer to an individual 's immutable biological classification as either male or female. "Sex" is not a synonym for and does not include the concept of "gender identity."
b) "Women" or "woman" and "girls" or "girl" shall mean adult and juvenile human females, respectively.
c) "Men" or "man" and "boys" or "boy" shall means adult or juvenile human females, respectively.
d) "Female" means a person belonging, at conception, to the sex that produced the large reproductive cell.
e) "Male" means a person belonging, at conception, to the sex that produces the small reproductive cell.
f) "Gender ideology" replaces the biological category of sex with an ever-shifting concept self-assessed gender identity, permitting the false claim that males can identify as and thus become women and vice versa and requiring all institutions of society to regard this false claim as true. Gender ideology includes the ides that there is a vast spectrum of genders that are disconnected from one's sex. Gender ideology is internally inconsistent, in that it diminishes sex as an identifiable or useful category but nevertheless maintains that it is possible for a person to be born in the wrong sexed body.

g) “Gender identity” reflects a fully internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.

Sexual Harassment Examples

a) Sexual Harassment
b) Quid Pro Quo
1. Arlyn's supervisor stated he would no longer allow overtime if they did not adhere to his request to kiss them.
2. A professor tells a student who is struggling in their class that the professor will give them a better grade if the student agrees to go on a date with them.
c) Sexual assault
Sexual Assault - Non-Consensual Sexual Contact
1. Tasmin and Horac are both at a party. Tasmin agrees to dance with Jay. While dancing, Jay slips a hand in Tasmin's shorts without their consent and begins to grope under their shorts.
2. A student reported that their professor touched their bottom while they were at the professor's desk asking for assistance on an assignment. The professor also nudged the student's breast with their elbow while helping them and touched their bottom again as the student left the class.
3. An employee reported that a peer in their department sent them several unsolicited pictures of their body parts with no clothing on.
d) Dating Violence
Sexual Harassment: Dating Violence -
1. Huxon and Iain have been dating for a few months. They routinely meet on campus at 12:00pm for lunch. When Huxon was late for lunch one day, Iain became angry and hit Huxon which started a physical altercation between the two.
e) Domestic Violence
1. Sexual Harassment: Domestic Violence - Art and Jan live together in an on-campus apartment. When Ryan arrives at their apartment late after school, Art shouts at Jan accusing Jan of not being faithful, and shoves Jan into the wall. Ryan sustains injuries and drives himself to the hospital to be treated. The hospital admits him, and he misses class for one week.
f) Stalking
1. Sexual Harassment: Stalking - Londyn broke up with Tate weeks ago. However, Tate calls Londyn 20-30 times a day. Tate continues to show up in various places on campus where Londyn is and begins to frequent Londyn's gym and place of employment to shop, although Tate rarely visited these places before the break-up. Leaving class one day, Londyn found a threatening note from Tate.

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 is 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:

The Office of Student Affairs
2170 Raven Circle
Okmulgee, OK 74447
Phone: 918-549-2845
Email: crcc@cmn.edu **or studentaffairs@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.

• 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 to 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 Confidentially: 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 cohabiting 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 forgo 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 non-appealable.

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. Advance notice is requested.

The Compliance Coordinator will work with the designated office to ensure the accommodations that has 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*.

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
http://www.ed.gov/ocr/

This policy is effective as of 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. Timely Warnings will be disseminated via CMN's emergency mass notification system: Raven Alert (call, text message, and CMN email) and via CMN's official social media pages.

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.

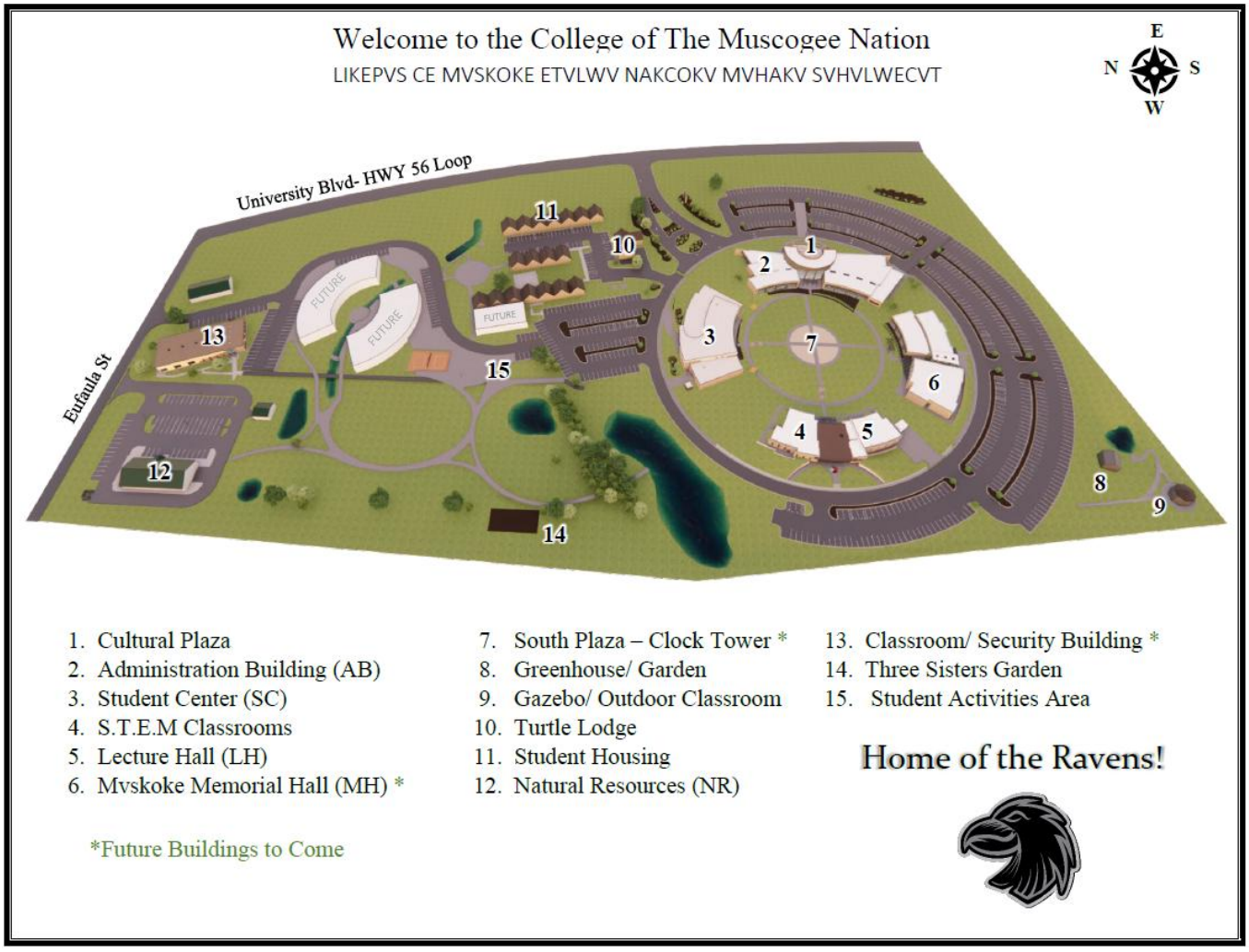
Evacuation of Buildings

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 Lighthorse 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.

Campus Map


Welcome to the College of The Muscogee Nation
LIKEPVS CE MVSKOKE ETVLWV NAKCOKV MVHAKV SVHVLWECVT
E
N
S
W
University Blvd- HWY 56 Loop
Eufaula St
FUTURE
FUTURE
FUTURE
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
1. Cultural Plaza
2. Administration Building (AB)
3. Student Center (SC)
4. S.T.E.M Classrooms
5. Lecture Hall (LH)
6. Mvskoke Memorial Hall (MH) *
7. South Plaza – Clock Tower *
8. Greenhouse/ Garden
9. Gazebo/ Outdoor Classroom
10. Turtle Lodge
11. Student Housing
12. Natural Resources (NR)
13. Classroom/ Security Building *
14. Three Sisters Garden
15. Student Activities Area
*Future Buildings to Come
Home of the Ravens!

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 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).

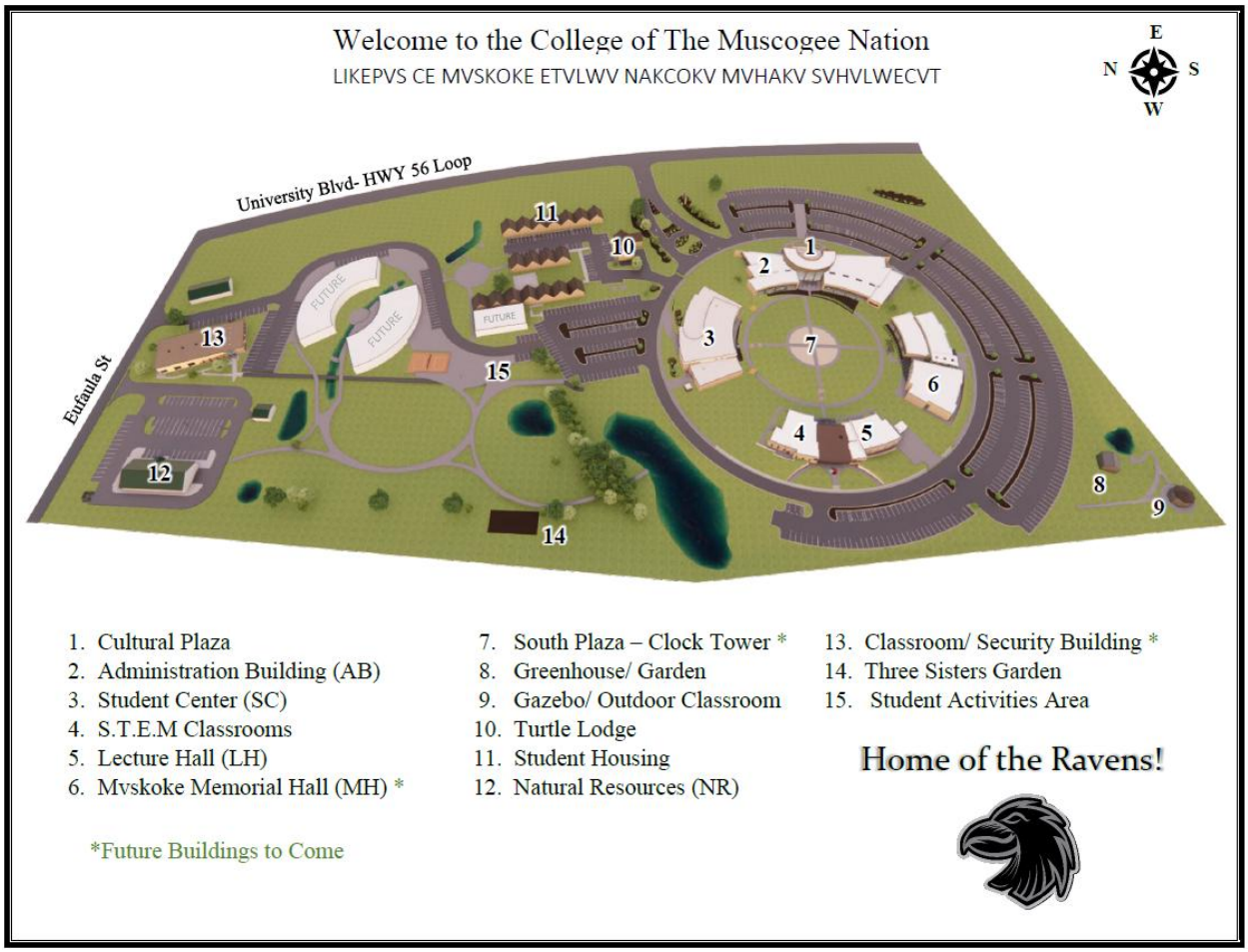
Domestic violence, dating violence, and stalking incidents that were reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of VAWA.

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.



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
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Negligent manslaughter	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Sex Offenses: Rape	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Sex Offenses: Incest	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Sex Offenses: Fondling	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Sex Offenses: Statutory Rape	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Robbery	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0

2025	0	0	0	0
Aggravated Assault	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Burglary	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Motor Vehicle Theft on Campus	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Arson	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Larceny - Theft	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Simple Assault	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Intimidation	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Hazing	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Destruction, Damage, or Vandalism of Property	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0

2024	0	0	0	0
2025	0	0	0	0
Arrests and Referrals for Disciplinary Action				
Weapons Law Violations	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Liquor Law Violations	On-Campus	Residential	Non-Campus	Public Property
2023	9	9	0	0
2024	4	4	0	0
2025	7	7	0	0
Liquor Law Arrests	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	1	1	0	0
Drug Law Violations	On-Campus	Residential	Non-Campus	Public Property
2023	3	3	0	0
2024	8	8	0	0
2025	2	2	0	0
Drug Law Arrests	On-Campus	Residential	Non-Campus	Public Property
2023	1	1	0	0
2024	0	0	0	0
2025	0	0	0	0
Hate Crimes				
Race	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Religion	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Gender	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Gender Identity	Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Sexual Orientation	Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Ethnicity	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
National Origin	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Disability	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Violence Against Women Act				
Domestic Violence	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Dating Violence	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0
Stalking	On-Campus	Residential	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	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 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 assembly at a designated location for accountability purposes. Each person shall follow the pedestrian walkway 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 2023 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

Table 3: Fire Safety Statistics for 2024 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

Table 4: Fire Safety Statistics for 2025 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