



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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KANSAS CITY, MO 64106

REGION VII
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

March 27, 2018

Sent via email only to XXXXX.com

XXXXX XXXXX
XXXXX XXXX & XXXXX
XXX XXXXX XXXXX, XXXXX XXX
XXXXX, XXXXX XXXXX

Re: College of the Muskogee Nation
OCR Case Number: 07-17-2276

Dear XXXXX XXXXX:

On May 29, 2017, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received this complaint against the College of the Muskogee Nation (College), Okmulgee, Oklahoma, alleging discrimination on the basis of sex. This letter is to confirm the College has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

In a letter dated September 14, 2017, OCR informed you that it would investigate whether the College discriminated against the you on the basis of sex in violation of 34 Code of Federal Regulations (C.F.R.) § 106.8(b) by failing to provide you due process pursuant to the College's procedures applicable to allegations of sexual harassment.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 United States Code (U.S.C.) § 1681, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance.

As a recipient of Federal financial assistance from the Department, the College is subject to Title IX. Additional information about the civil rights statutes OCR enforces is available at <http://www.ed.gov/ocr>.

During this investigation, OCR reviewed the College's sexual harassment policy and grievance procedure, student code of conduct, and all documentation related to the College's handling of the XXXXX X, XXXX complaint against the Complainant. OCR interviewed the Complainant, the Title IX coordinator, the Dean of Student Affairs (who is also a deputy Title IX coordinator), the Student Grievant (Grievant), and the three student conduct hearing committee members who heard and adjudicated the XXXXX X, XXXX complaint.

Prior to OCR making a final determination, the College expressed an interest in resolving the allegation. On March 21, 2018, the College signed the enclosed Resolution Agreement, which, when fully implemented, will address the allegation in the complaint. OCR considers this complaint resolved effective the date of this letter and will monitor the College's implementation of the Agreement. When OCR concludes that the College has fully implemented the terms of the Agreement, OCR will close the complaint. If the College fails to carry out the Agreement, OCR may resume investigating the complaint.

Recipients of federal funds are prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by federal civil rights law. Complaints alleging such retaliation may be filed with OCR. Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

OCR is committed to prompt and effective service. If you have any questions, please contact XXXXX XXXXX, Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX@ed.gov.

Sincerely,

Kelli Douglas
Supervisory Attorney

Enclosure