



**NCA 14-184**

**CLASSIFICATION: #37. TRIBAL GOVERNMENT**

**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING TITLE 37, CHAPTER 3 AND ESTABLISHING A NEW TITLE 37, CHAPTER 3, SUBCHAPTER 10, ENTITLED "SEXUAL HARASSMENT PROHIBITED"**

**Be it enacted by the National Council of the Muscogee (Creek) Nation:**

**SECTION ONE. FINDINGS. The National Council finds that:**

A. The Muscogee (Creek) Nation is committed to providing a workplace and environment that is free from Sexual Harassment. Sexual Harassment in the workplace is against the law and will not be tolerated.

B. When the Muscogee (Creek) Nation determines that an allegation of Sexual Harassment is credible, via a determination from an investigation, it will take swift and appropriate corrective action.

C. The objective of the Muscogee (Creek) Nation in implementing and enforcing this Policy is to: 1) define Sexual Harassment; 2) prohibit Sexual Harassment in all forms; 3) carry out appropriate disciplinary measures in the case of violations; 4) provide procedures for lodging complaints about conduct that violates this Policy; 5) develop procedures for investigating Sexual Harassment claims; and 6) prevent any type of retaliation against the Complainant or an employee assisting in an investigation.

**SECTION TWO. AMENDMENT. This amendment shall be codified in Title 37, Chapter 3, of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:**

**TITLE 37. TRIBAL GOVERNMENT**

**CHAPTER 3. EMPLOYEES**

Subchapter

1. Boards, Authorities and Courts, Employment of Members Prohibited
2. Indian Preference
3. Disclosure of Names, Grades and Compensation
4. Employees Violating Law
5. Employee Protection
6. Politically Discharged Employees
7. Drug Testing Policy
8. Drug-Free Workplace
9. Minimum Hourly Wage
10. Sexual Harassment Prohibited

**SECTION THREE. NEW LAW.** The following new law shall be codified in Title 37, Chapter 3, Sub-Chapter 10 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said new law and its inclusion in pocket parts for the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee is hereby authorized; (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated in this law in order to be consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts of the Code of Laws; and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following new law:

**SUBCHAPTER 10. SEXUAL HARASSMENT PROHIBITED**

**Section 10-101. Prohibition.** Sexual Harassment is unlawful. The Muscogee (Creek) Nation does not tolerate Sexual Harassment in any form. Every Elected Official, Board Member, Cabinet Member, Manager, Supervisor and Employee has a responsibility to ensure that sexual harassment does not occur in the workplace. Anyone found to have sexually harassed another person will be subject to disciplinary action that may include an apology, counseling, transfer of duties or dismissal.

**Section 10-102. Definitions.** Sexual Harassment shall be defined in the following ways:

A. Sexual Harassment is unwelcome conduct of a sexual nature that is sufficiently persistent or offensive to unreasonably interfere with an employee's job performance or create an intimidating, hostile or offensive working environment. Sexual harassment includes any unwelcome behavior of a sexual nature that could be reasonably expected to make someone feel offended, humiliated or intimidated.

B. Sexual Harassment may include (but is not restricted to):

1. an unwelcome sexual advance;
2. a request for sexual favors;
3. unwelcome comments about someone's sex life or physical appearance;
4. leering and ogling;
5. sexually offensive comments, stories or jokes;
6. displaying sexually offensive photos, pinups or calendars, reading matter or objects;
7. sexual propositions or continued requests for dates;
8. physical contact such as touching or fondling, or unnecessary brushing up against someone; or
9. assault or rape (these are criminal offenses).

**Section 10-103. Policy.** Reports of sexual harassment will be treated swiftly, seriously and confidentially. All branches of the Tribal Government and all Independent agencies shall develop a Sexual Harassment Policy. All branches of the Tribal Government and all Independent Agencies shall have 180 days to implement a Sexual Harassment Policy. Upon completion, all Sexual Harassment Policies shall be submitted to the Office of the Principal Chief and to the Muscogee (Creek) Nation National Council.

**Section 10-104. Retaliation Prohibited.** The following shall be the policy of the Muscogee (Creek) Nation with respect to any retaliatory action against an employee for reporting or participating in an investigation of sexual assault and shall be implemented in the Sexual Harassment Policy of the branches of Tribal Government and Independent Agencies:

A. The Muscogee (Creek) Nation prohibits any form of retaliation against any employee for filing a complaint under this Act or for assisting in a complaint investigation. An employee who files a complaint in good faith shall be free from restraint, coercion, discrimination or reprisal

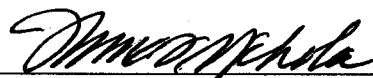
B. Any Elected Official, Board Member, Cabinet Member, Manager, Supervisor and Employee found guilty of retaliation shall be subject to disciplinary action up to and including removal or dismissal.

**Section 10-105. Policy Update.** The Sexual Harassment Policy of all branches of the Tribal Government, all Independent Agencies and all Tribal Businesses shall be reviewed and updated every other year and submitted to the Office of the Principal Chief, the Muscogee (Creek) Nation National Council and the Office of the Attorney General.

**SECTION FOUR. EFFECTIVE DATE.** This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

**ENACTED** by the Muscogee (Creek) National Council on this 25<sup>th</sup> day of October, 2014.

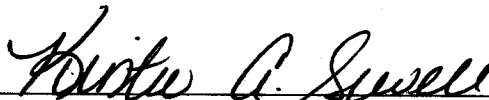
**IN WITNESS WHEREOF**, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



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Thomas Yahola, Speaker  
National Council  
Muscogee (Creek) Nation

**CERTIFICATION**

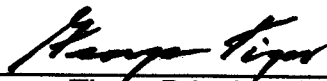
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Fifteen** members attending this meeting on the 25<sup>th</sup> day of October, 2014 and that the above is in conformity with the provisions therein adopted by a vote of 14 in favor, 0 against, and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



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Kristie A. Sewell, Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 25<sup>th</sup> day of Oct, 2014 to the above Law, **NCA 14-184** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



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George Tiger, Principal Chief  
Muscogee (Creek) Nation

