

TITLE 18. EDUCATION

COKVKERRETV

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United States Code Annotated

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Code of Federal Regulations

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CHAPTER 1. GENERAL PROVISIONS

Subchapter

1. Johnson-O'Malley Programs
2. Special Academic/Extra-Curricular Program

SUBCHAPTER 1. JOHNSON-O'MALLEY PROGRAMS

Section

- 1-101. Approval of programs.
- 1-102. Administration of programs.
- 1-103. Execution of contracts.

Code of Federal Regulations

Education contracts under Johnson-O'Malley Act, see 25 CFR 62.1 et seq.

§ 1-101. Approval of programs

The Johnson-O'Malley Program for K-12 Services and the Johnson-O'Malley Program for Early Childhood are hereby approved to be contracted from the Bureau of Indian Affairs.

[NCA 93-120, § 102, approved Sept. 2, 1993; amended by NCA 95-135, § 103, approved Oct. 31, 1995; NCA 01-192, § 2, approved Nov. 9, 2001.]

Library References

- Indians ⇄ 140.
- Westlaw Topic No. 209.
- C.J.S. Indians § 56.

§ 1-102. Administration of programs

A. The Johnson-O'Malley Program for K-12 Services will be administered through the Division of Human Development, Office of the Johnson-O'Malley Program.

B. The Johnson-O'Malley Program for Early Childhood will be administered through the Division of Human Development, Headstart Program.

[NCA 93-120, § 103, approved Sept. 2, 1993; amended by NCA 95-135, § 104, approved Oct. 31, 1995; NCA 01-192, § 3, approved Nov. 9, 2001.]

Library References

Indians ⇄140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 1-103. Execution of contracts

The Principal Chief of the Muscogee (Creek) Nation is hereby authorized to annually execute contracts by and between the Bureau of Indian Affairs and the Muscogee (Creek) Nation for the Johnson-O'Malley Program for K-12 Services and the Johnson-O'Malley Program for Early Childhood, provided that the contracts have been reviewed by the Attorney General; provided further that if any such contract contains an express waiver of sovereign immunity, the Principal Chief shall not be authorized to execute it absent National Council approval.

[NCA 93-120, § 104, approved Sept. 2, 1993; amended by NCA 95-135, § 105, approved Oct. 31, 1995; NCA 01-192, § 4, approved Nov. 9, 2001.]

Library References

Indians ⇄140, 216.
Westlaw Topic No. 209.
C.J.S. Indians §§ 56, 59.

SUBCHAPTER 2. SPECIAL ACADEMIC/EXTRA-CURRICULAR PROGRAM

Section

- 1-201. Establishment of program.
- 1-202. Committee created to administer program; membership; chairperson.
- 1-203. Guidelines.
- 1-204. Monthly report.

Cross References

Budget, Special Academic/Extra-Curricular Program, see Title 37, § 2-130.

§ 1-201. Establishment of program

The purpose of this chapter is to establish the Special Academic/Extra-Curricular Program, one-time funding of five hundred dollars (\$500) per student, under the Human Development Division for administration effective FY 2001.

[NCA 00-136, § 102, approved Nov. 2, 2000.]

Library References

Indians ⇨140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 1–202. Committee created to administer program; membership; chairperson

This chapter shall authorize the Deputy Director of the Human Development Division to establish a Committee to administer this program in accordance with the established guidelines under Title 18, § 1–203, with discretionary authority. The Committee shall be comprised of the Higher Education Manager, Employment and Training Manager, Johnson-O'Malley Manager and a member-at-large, and chaired by the Deputy Director.

[NCA 00–136, § 102, approved Nov. 2, 2000.]

Library References

Indians ⇨140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 1–203. Guidelines

- A. The following guidelines will be used to determine eligibility:
1. Completed application.
 2. Copy of Citizenship Card.
 3. Letter of acceptance or appointment from academic organization (Special Academic) or school-sponsored educational or recognized/sanctioned athletic organization (Extra-Curricular).
 4. Breakdown of expenses student will be incurring.
 5. Documents of funds raised to date.
- B. Students or their designees must be in attendance during the Committee review for financial assistance.
- C. Under Title 18, § 1–201, students will be eligible for a one-time grant up to a maximum of five hundred dollars (\$500) for supplemental financial assistance depending on the need and availability of funds.
- D. Applicant must submit all receipts within two (2) weeks to the Committee, showing that funds were used for purpose(s) approved by the Committee.
- E. Financial assistance approval is non-transferrable.
- F. The Committee shall have discretionary authority in the administration of these funds.

[NCA 00–136, attachment, approved Nov. 2, 2000.]

Library References

Indians ⇨140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

Title 18, § 1-204

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§ 1-204. Monthly report

A report shall be made on a monthly basis to the Human Development Committee of the National Council on all appropriations that have been approved.

[NCA 00-136, § 102, approved Nov. 2, 2000.]

CHAPTER 2. HIGHER EDUCATION AND VOCATIONAL SCHOLARSHIPS AND GRANTS

Subchapter

1. General Provisions
2. BIA Higher Education Scholarship Program
3. Neil Campbell Memorial Scholarship Fund
4. Post Graduate Program
5. Postgraduate Education Assistance and Scholarship Program and Revolving Fund
6. College of the Muscogee Nation Scholarship Program

United States Code Annotated

Indian higher education programs, see 25 U.S.C.A. § 3301 et seq.

Code of Federal Regulations

Administration of educational loans, grants and other assistance for higher education, see 25 CFR 40.1 et seq.

SUBCHAPTER 1. GENERAL PROVISIONS

Section

- 2-101. Establishment of guidelines.
- 2-102. Higher education; Tribal grants.
- 2-103. Higher education; incentive grants.
- 2-104. Vocational training; Tribal grants.
- 2-105. Vocational training; incentive grants.

§ 2-101. Establishment of guidelines

The National Council hereby establishes the following eligibility guidelines for both Higher Education Scholarships/Grants and Vocational Tribal and Incentive Grants.

[NCA 95-95, § 103, approved Sept. 5, 1995.]

Library References

Indians ⇄ 140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 2-102. Higher education; Tribal grants

A. The applicant (student) must be an enrolled citizen of the Muscogee (Creek) Nation.

B. The student must submit a completed original application, with all required documents, before an application can be processed.

C. Documentation includes:

1. A copy of the Citizenship Card;
2. A written educational plan for the use of the award; and

3. A recent photograph.
- D. The student must be accepted by an accredited college or university.
- E. Student's enrollment status, full-time or part-time, will be decided by the college/school's official policy.
- F. Full-time student award for spring and fall semesters will be one thousand dollars (\$1,000.00) per semester/quarter and full-time student awards for summer semester will be seven hundred dollars (\$700.00) (not to exceed two thousand seven hundred dollars (\$2,700.00) total per academic year). Part-time student awards for spring and fall semesters will be five hundred dollars (\$500.00) per semester/quarter and part-time student awards for summer semester will be three hundred fifty dollars (\$350.00) (not to exceed one thousand three hundred fifty dollars (\$1,350.00) per academic year). All awards are based on availability of funds.
- G. After verification of student's enrollment status, awards will be mailed to the student's permanent home address.
- H. The student must submit a copy of his/her grade report at the end of each term.
- I. The student must maintain a 2.0 term GPA for the first two years and then the student must maintain a 2.5 term GPA thereafter to remain eligible for the program. Students below a 2.5 term GPA and at least a 1.5 will be placed on academic probation. Those below a 1.5 term GPA and those withdrawing without a valid medical statement shall be suspended from the program.
- J. Students must submit documentation from the advisor if required to enroll in a non-credit course (0-level or "P" or "S").
- K. The grant awards may supplement those received from other funding sources. Funding will be limited to ten (10) semesters per student. Students attending junior college are limited to five (5) semesters of funding.
- L. Students may apply any remaining semesters not used in an undergraduate program toward a graduate program.
- M. Closing dates for submitting applications are as follows:
 1. June 15 for fall semester
 2. November 15 for spring semester

[NCA 95–95, § 103, approved Sept. 5, 1995; amended by NCA 01–95, § 1, approved July 10, 2001; NCA 05–046, § 2, approved March 28, 2005, eff. Jan. 1, 2005; NCA 06–206, § 1, approved Aug. 31, 2006, eff. Jan. 01, 2007.]

Library References

Indians ⇌ 140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 2–103. Higher education; incentive grants

- A. The applicant (student) must be an enrolled citizen of the Muscogee (Creek) Nation.
- B. The student must submit a completed original application, with all required documents before an application can be processed.

- C. Documentation includes:
1. A copy of the Citizenship Card;
 2. a written educational plan for the use of the award;
 3. an official college transcript indicating the term GPA that an Incentive Grant is being applied for; and
 4. a recent photograph
- D. Only students attending an accredited college/university, earning a term GPA of 3.0 or better and having applied within forty-five (45) days after the end of the current term will be considered for an Incentive Grant.
- E. All applicants shall be notified within fifteen (15) working days after date of application as to the status of their application.
- F. Student's enrollment status, full-time or part-time, will be determined by the college/school's official policy.
- G. Full-time student awards for spring and fall semesters will be seven hundred dollars (\$700.00) per semester/quarter and full-time student awards for summer semester will be three hundred fifty dollars (\$350.00) (not to exceed one thousand seven hundred fifty dollars (\$1,750.00) per academic year). Part-time student awards for spring and fall semesters will be three hundred fifty (\$350.00) per semester/quarter and part-time student awards for summer semester will be one hundred seventy-five dollars (\$175.00) (not to exceed eight hundred seventy-five dollars (\$875.00) per academic year). All awards are based on availability of funds.
- H. After official verification of the student's semester enrollment status and GPA, the awards will be mailed to the student's permanent home address.
- I. Grant awards may supplement those received from other funding sources. Funding will be limited to twelve (12) semesters.
- J. The Higher Education Scholarship Officer will visit area high schools during the academic year to disseminate program information as office schedule permits.

[NCA 95-95, § 103, approved Sept. 5, 1995; amended by NCA 01-95, § 2, approved July 10, 2001; NCA 06-206, § 1, approved Aug. 31, 2006, eff. Jan. 01, 2007; NCA 08-045, § 2, approved May 21, 2008, eff. May 21, 2008.]

Library References

Indians ⇌ 140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 2-104. Vocational training; Tribal grants

- A. The applicant (student) must be an enrolled citizen of the Muscogee (Creek) Nation and provide a Citizenship Card.
- B. The student must be accepted by an approved vocational school or training program. After completion of the program, the student must have received a certificate, diploma or a degree.
- C. The student must submit an original completed application, with all required documents, before an award can be processed.

- D. Documentation includes:
 - 1. A copy of the Citizenship Card;
 - 2. A written educational plan of vocational intent for the use of the award; and
 - 3. A recent photograph
- E. The status of the student's enrollment, full-time or part-time, will be decided by the school's official policy.
- F. Full-time students in 1-2 year academic programs will be awarded five hundred dollars (\$500.00) per semester/trimester/quarter. Total amount of awards may not exceed one thousand dollars (\$1,000.00) per academic year (fall, spring, and summer can receive two (2) of the three). Full-time students in a 9-month or less program will be awarded a one-time grant of five hundred dollars (\$500.00). Students enrolled in part-time/evening classes will receive a one-time grant of two hundred fifty dollars (\$250.00). Continued funding will be based on meeting the GPA guidelines in subsection H.
- G. After verification of the student's enrollment has been received by the ETA office, it will take approximately two (2) weeks for the award to be processed. The award will be sent to the student's home address.
- H. The student must maintain a 2.5 GPA to remain eligible for the Vocational Tribal Grant. Those students receiving a "P" for a grade must submit a letter, on letterhead, from the instructor explaining the program criteria. Participants must pass an equivalent of a twelve (12) hour credit course load to be/remain eligible.
- I. Students enrolled in a 1-2 year academic program must furnish the ETA office with an official transcript at the end of each semester/trimester/quarter.
- J. Students may only receive up to four (4) awards as full-time students and eight (8) awards as part-time students.

[NCA 95-95, § 103, approved Sept. 5, 1995; amended by NCA 02-102, § 1, approved July 10, 2002; NCA 05-295, § 2, eff. Jan. 1, 2006.]

Library References

Indians ⇌140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 2-105. Vocational training; incentive grants

- A. The applicant must be an enrolled citizen of the Muscogee (Creek) Nation.
- B. The student must submit a completed original application, with all required documents, before an award can be processed.
- C. Documentation includes:
 - 1. A copy of the Citizenship Card;
 - 2. A written educational plan of vocational intent for the use of the award; and

3. The student’s grade report for the term the Incentive Grant is being applied for.

D. Only students attending approved vocational schools or training programs and earning a term GPA of 3.0 or better will be considered for an Incentive Grant.

E. All applicants shall be notified within fifteen (15) working days after date of applications as to the status of their application.

F. Student’s enrollment status, full-time or part-time, will be decided by the school’s official policy. Those students receiving a “P” for a grade must submit a letter, on letterhead, from the instructor explaining program criteria. Participants must pass an equivalent of a twelve (12) hour course load to be/remain eligible.

G. Full-time student awards will be five hundred dollars (\$500.00) per semester/quarter (not to exceed one thousand dollars (\$1,000.00) total per academic year). Part-time student awards will be two hundred fifty dollars (\$250.00) per semester/quarter (not to exceed five hundred dollars (\$500.00) total per academic year). All awards are based on availability of funds.

H. After verification of the student’s GPA has been made, awards will be mailed to the student’s home address.

I. Funding will be limited to five (5) awards as full-time students and ten (10) awards as part-time students.

[NCA 95–95, § 103, approved Sept. 5, 1995; amended by NCA 02–102, § 1, approved July 10, 2002; NCA 05–295, § 3, eff. Jan. 1, 2006; NCA 08–045, § 2, approved May 21, 2008, eff. May 21, 2008.]

Library References

Indians ⇄140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

**SUBCHAPTER 2. BIA HIGHER EDUCATION
SCHOLARSHIP PROGRAM**

Section

2–201. Participation in BIA Higher Education Scholarship Program.

Historical and Statutory Notes

NCA 83–05, §§ 101, 103, provide:
“§ 101. Findings. The Muscogee Nation does not have the financial resources to support higher education scholarships for Muscogee (Creek) Indians by blood who are enrolled members of other federally recognized tribes, nations, bands, pueblos, rancherias or Alaskan Native villages or corporations.”

“§ 103. Effective date. The implementation of this ordinance shall be effective regarding any new or renewal application for scholarship services, but shall not interrupt services already for completion of an academic semester, trimester or quarter.”

§ 2–201. Participation in BIA Higher Education Scholarship program

Eligibility of Muscogee (Creek) Indians by blood to participate in the BIA Higher Education Scholarship program (currently under contract to the Mus-

cogee (Creek) Nation) is hereby limited to persons who are enrolled citizens of the Muscogee (Creek) Nation.

[NCA 83-05, § 102, approved Feb. 3, 1983.]

Library References

Indians ⇨140, 140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

**SUBCHAPTER 3. NEIL CAMPBELL MEMORIAL
SCHOLARSHIP FUND**

Section

- 2-301. Memorial Scholarship Fund guidelines.
- 2-302. Scholarship Committee; scholarship amounts.
- 2-303. Receipt of monies for funding.

§ 2-301. Memorial Scholarship Fund guidelines

There is hereby created a Memorial Scholarship Fund in the name of Neil Campbell and authorization for expenditure of funds received in the name of this fund is granted in accordance to the following guidelines established by this law:

- A. Completed application on file.
- B. Copy of CDIB and/or Muscogee Citizenship Card included.
- C. Letter of request explaining need circumstances.
- D. Currently a student at the post-secondary level.
- E. One-time assistance per year based on availability of funds.
- F. Check will be made out to the institution (exceptions will require prior approval).

[NCA 95-30, § 103, approved May 4, 1995.]

Library References

Indians ⇨140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 2-302. Scholarship Committee; scholarship amounts

A. The Scholarship Committee will be the Human Development Committee who shall review and approve scholarship applications for the Neil Campbell Memorial Scholarship Program.

B. The Scholarship Committee is authorized to approve scholarships from \$50 up to an amount of two hundred dollars (\$200) to scholarship applicants pursuing a post-secondary degree in education.

[NCA 95-30, § 104, approved May 4, 1995.]

Library References

Indians ⇨140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 2-303. Receipt of monies for funding

All monies received in the name of the Neil Campbell Memorial Scholarship shall be placed in an interest bearing account and only the interest generated during a fiscal year may be expended for scholarships.

[NCA 95-30, § 105, approved May 4, 1995.]

Library References

Indians ⇨140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

SUBCHAPTER 4. POST-GRADUATE PROGRAM**Section**

- 2-401. Establishment of program.
2-402. Purpose of program.
2-403. Guidelines.

Historical and Statutory Notes

NCA 01-113, § 1-101, provides:

“Findings. The National Council finds that:

“A. Article VI Section 7(A) To promote the public health and safety, education and welfare that may contribute to the social, physical well-being and economic advancement of citizens of the Muscogee (Creek) Nation.

“B. The Muscogee (Creek) Nation currently has no program to offer assistance for Creek students to pursue their Post-Graduate Degree.

“C. There is a need of funding for post graduate Creek students to defray the cost of tuition, books and fees to further their education beyond a bachelor’s degree.

“D. A Post-Graduate Program would provide opportunities for Creek students to earn their Post Graduate Degree to better serve the tribal communities and the public sector.”

Cross References

Budget, Post Graduate Program, see Title 37, § 2-132.

§ 2-401. Establishment of program

The Post-Graduate Program is hereby established within the Higher Education Program.

[NCA 01-113, § 3, approved July 10, 2001.]

Library References

Indians ⇨140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 2-402. Purpose of program

The post-graduate program shall provide assistance to Creek students to pursue a post-graduate degree.

[NCA 01-113, § 3-101, approved July 10, 2001.]

Library References

Indians ↻140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 2-403. Guidelines

The Post-Graduate Program shall operate within the following guidelines:

A. Purpose: The Post-Graduate Program is established to provide financial aid opportunities for Creek students to obtain master's, doctoral and professional degrees.

B. Eligibility requirements:

1. An enrolled member of the Muscogee (Creek) Nation with a Bachelor's Degree.
2. Pursuing a first-time Master's or Doctorate Degree as a full-time/part-time graduate student at an accredited graduate school in the U.S.
3. Contact the Higher Education Office for an application.
4. If not already attending graduate school, apply to the graduate program of your choice.
5. Required documents are: original application, copy of Creek Tribal Citizenship Card, signed privacy statement, photo, education plan, copy of transcript showing Bachelor's Degree earned, letter of acceptance to the university graduate program.

C. Review process: The Post-Graduate Program operates as a part of the Human Development Division to be administered by the Higher Education Program. Applications will be reviewed to determine program compliance and eligibility for award.

D. Award process: In-state applicants have priority; out-of-state applicants will be considered upon availability of funds. Awards will be mailed to the applicant's address.

E. Amount of awards: Five hundred dollars (\$500) per semester for full time; two hundred fifty dollars (\$250) for part time. Funding will be twice per academic year. Limited to two (2) years (four (4) semesters/quarters) for master's; limited to three (3) years (six (6) semesters/quarters) for doctoral candidates.

F. Application closing date: October 15 for the academic year 2001/2002.

G. Policy and procedure requirements:

1. The applicant (student) must be an enrolled citizen of the Muscogee (Creek) Nation and possess a Citizenship Card.
2. The student must be accepted by an approved college or university graduate program and submit a letter of acceptance.
3. The student must provide a recent photograph.
4. The student must complete an original application and write a letter as to the education plan for which the award will be used.

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5. The status of the student, as being full-time or part-time, will be decided by the university's/college's school official policy. Nine (9) hours is usually considered full time.

6. Full-time students will be awarded five hundred dollars (\$500) per semester/quarter. Part-time students' awards will be two hundred fifty dollars (\$250). Total amount of awards may not exceed one thousand dollars (\$1,000) per academic year for full-time students and five hundred dollars (\$500) per academic year for part-time students.

7. After verification of the student's enrollment status, the award will be mailed to the student's home address.

8. The student must submit grades at each term.

9. The student must maintain a GPA of 3.0 to remain eligible for the program. Students with a term GPA below 3.0 and at least 2.0 will be placed on probation. Those below a 2.0 GPA and those withdrawing without a valid medical reason shall be suspended from the program.

10. The awards may be used to supplement aid from other sources.

11. Funding will be limited to four (4) semesters for master's program; six (6) semesters for doctoral program.

12. Deadline date for application is October 15 for the academic year.

[NCA 01-113, § 3-102, approved July 10, 2001; amended by NCA 01-139, § 1 and attachment, approved Aug. 9, 2001.]

Library References

Indians ☞ 140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

SUBCHAPTER 5. POST-GRADUATE EDUCATION ASSISTANCE AND SCHOLARSHIP PROGRAM AND REVOLVING FUND

Section

2-501. Establishment of the Post-Graduate Education and Scholarship Revolving Fund.

§ 2-501. Establishment of the Post-Graduate Education and Scholarship Revolving Fund

A. There is hereby created the Post-Graduate Education and Scholarship Revolving Fund. The Post-Graduate Education Scholarship and Revolving Fund will be used to pay for preparatory courses and examinations for the Law School Admission Test (LSAT), Graduate Record Examination (GRE), Medical College Admission Test (MCAT), Dental Admissions Test (DAT), the Graduate Management Admission Test (GMAT), the Engineer in Training Test (EIT), the Professional Engineer (PE) Test, the Uniform Certified Public Accountant (CPA) Examination, the Oklahoma General Education Test (OGET), the Oklahoma Subject Area Tests (OSAT), the Oklahoma Professional Teaching Exam (OPTE),

National Board Certification for Teachers, Certified Financial Planner (CFP) Examination, Pre-Certification Educational Requirements for the CFP and miscellaneous professional certification/entrance tests as approved by the District Court Judge. In addition, the fund will be used to pay for all admission/application fees, bar review courses, bar examinations and other miscellaneous graduate school education expenses of Muscogee (Creek) Nation citizens.

B. This Revolving Fund shall be held by the District Court, which shall only make expenditures in accordance with the above-mentioned guidelines and in compliance with the Muscogee (Creek) Nation Judicial Branch Accounting Policies and Procedures, prepared by Arledge & Associates Certified Public Accountants, provided that all records regarding this program and its funds shall be subject to review by the Nation's internal auditor at any time. Whenever this Revolving Fund contains less than ten thousand and no/100 dollars (\$10,000.00), the District Court Clerk shall notify the Speaker and the National Council may address a supplemental appropriation to replenish the Revolving Fund to one hundred thirteen thousand and no/100 dollars (\$113,000.00). The changes herein shall be retroactive to the approval date of NCA 06-071.

C. The Post-Graduate Education and Scholarship Program shall not pay for tuition associated with courses in which students receive credit towards an undergraduate or graduate level degree. All funding decisions shall be determined by the District Court Judge and shall be final.

[NCA 06-071, § 2, approved May 8, 2006; amended by NCA 07-093, eff. April 4, 2007; NCA 09-155, § 2, eff. Oct. 8, 2009.]

Library References

Indians ⇄140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

SUBCHAPTER 6. COLLEGE OF THE MUSCOGEE NATION SCHOLARSHIP PROGRAM

Section

2-601. Establishment of program.
2-602. Guidelines.

§ 2-601. Establishment of program

The College of the Muscogee Nation Scholarship Program is hereby established within the College of the Muscogee Nation.

[Added by NCA 07-015, § 2, eff. Feb. 1, 2007.]

Library References

Indians ⇄140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 2-602. Guidelines

The College of the Muscogee Nation Scholarship Program shall operate within the following guidelines:

A. Purpose: The College of the Muscogee Nation Scholarship Program is established to provide tuition, fees and books for Muscogee students to attend the College of the Muscogee Nation, including those who audit courses. The Program shall also include room and board expenses for full time resident Muscogee students who attend the College of the Muscogee Nation.

B. Eligibility requirements:

1. An enrolled member of the Muscogee (Creek) Nation with verification of citizenship.

2. Currently enrolled in the College of the Muscogee Nation and/or auditing courses through the College of the Muscogee Nation.

3. For room and board expenses to be covered, applicant must be a full-time resident student at the College of the Muscogee Nation.

C. Review process: The College of the Muscogee Nation Scholarship Program operates and shall be administered through the College of the Muscogee (Creek) Nation. Applications will be reviewed to determine program compliance and eligibility for award.

D. Award process: Awards shall be credited to the student's account with the College of the Muscogee Nation.

E. Amount of awards: Amount of awards shall be determined by the individual's enrollment status (i.e. full time, part time or audit and total number of credit hours for semester) and room and board assistance shall be contingent on full-time enrollment and residency at the College of the Muscogee Nation.

F. Application closing date: Application closing date shall be determined by the College of the Muscogee Nation.

[Added by NCA 07-015, § 2, eff. Feb. 1, 2007.]

Library References

Indians ⇄ 140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

CHAPTER 3. EUFAULA BOARDING SCHOOL

Subchapter

1. Authority and Purpose
2. Organization of Board
3. Officers of Board
4. Operation of Meetings
5. Powers and Functions
6. Miscellaneous

Cross References

Budget, Eufala Boarding School Board of Education, see Title 37, § 2-115.

SUBCHAPTER 1. AUTHORITY AND PURPOSE

Section

- 3-101. Authority.
3-102. Purpose.

Code of Federal Regulations

Student rights and due process procedures, see 25 CFR 42.1 et seq.

§ 3-101. Authority

Pursuant to the Acts of Congress PL 95-561,¹ the Indian Self Determination and Education Assistance Act of 1975,² and 25 U.S.C. § 2019(9)³ the Creek Nation Tribal Council does hereby enact this law to establish a local school board for Eufaula Boarding School, a Tribally-Controlled Contract School.

[NCA 92-87, § 101, approved June 3, 1992.]

¹ See 25 U.S.C.A. § 2000 et seq.

² 25 U.S.C.A. § 450 et seq.

³ Repealed. See, now, 25 U.S.C.A. § 2021.

Library References

Indians ⇌140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 3-102. Purpose

The purpose of this chapter is to provide for the appointment and/or selection of the local school board members, define the school board's responsibilities, functions and duties, and specify the school's role and relationship with the Muscogee (Creek) Tribal governing authorities.

[NCA 92-87, § 101, approved June 3, 1992; amended by NCA 93-98, § 102, approved July 2, 1993.]

Library References

Indians ⇌140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

SUBCHAPTER 2. ORGANIZATION OF BOARD

Section

- 3-201. Composition of Board.
- 3-202. Term of office.
- 3-203. Qualifications of Board members.
- 3-204. Assumption of office.
- 3-205. Removal from office.
- 3-206. Compensation.

§ 3-201. Composition of Board

A. The Board shall consist of five (5) Tribal members who shall be appointed by the Principal Chief of the Creek Nation.

B. All five (5) Board Members shall be confirmed by the National Council.

C. Ex-officio members of the Board shall be the Dormitory Administrator, Director of Human Development or his/her designee, and Chairperson of the Human Development Committee or his/her designee.

[NCA 92-87, § 101, approved June 3, 1992; amended by NCA 93-98, § 103, approved July 2, 1993.]

Library References

Indians ⇌140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 3-202. Term of office

A. In order for the Eufaula Boarding School Board members to serve staggered terms, upon implementation of this subchapter the five (5) Board members shall draw lots. Said lots shall determine terms of office as follows: five (5) lots shall be numbered one, two, three, four, and five. The Board member drawing number one shall serve a term until June 30, 1996. The Board members drawing numbers two and three shall serve until June 30, 1997. Board members drawing numbers four and five shall serve until June 30, 1998.

B. Thereafter, Board members shall be appointed to serve three (3) year terms of office. Board members may be re-appointed to serve consecutive terms of office. All terms of office are intended to cease at midnight June 30, of the appropriate year.

[NCA 92-87, § 101, approved June 3, 1992; amended by NCA 93-98, § 104, approved July 2, 1993; NCA 94-39, § 102, approved July 12, 1994; NCA 95-133, approved Oct. 31, 1995.]

Library References

Indians ⇌140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 3-203. Qualifications of Board members

A.1. Board members:

Title 18, § 3-203

EDUCATION

- a. Must be citizens of the Creek Nation as established under authority of the Constitution of the Creek Nation;
- b. Must be eligible registered voters and qualified to vote in the elections of the Creek Nation;
- c. Must reside within the boundaries of the eight-county area of the Creek Nation;
- d. Shall have no previous felony convictions.

2. Anyone who is so qualified, and is not an employee of Eufaula Boarding School, an employee of the Bureau of Indian Affairs, nor a person with an immediate family member employed at Eufaula Boarding School, may serve on the Board.

B. A position vacated for any reason shall be filled in accordance with the original authority as delineated in Title 18, § 3-201.

[NCA 92-87, § 101, approved June 3, 1992; amended by NCA 95-78, § 103, approved July 21, 1995.]

Cross References

Juvenile adjudication not to disqualify from employment or office, see Title 6, § 1-404.

Library References

Indians ⇌140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 3-204. Assumption of office

The five (5) original Board members shall assume office whenever they are duly appointed and formally sworn in by the Principal Chief or his/her designate. Thereafter, duly appointed Board members shall assume office after being formally sworn in by Chairperson of the Eufaula Boarding School Board or his/her designate.

[NCA 93-98, § 105, approved July 2, 1993.]

Library References

Indians ⇌140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 3-205. Removal from office

A. Any member of the Board who misses consecutively three (3) regular meetings, and/or six (6) regular meetings within a twelve (12) year period, may be removed from the Board by a recorded vote if such absences are not determined by the remaining Board members to be an unavoidable emergency;

B. Additionally, the National Council, in accordance with the provisions of this enactment may remove Board members for just cause; including but not limited to willful neglect of duties, corruption in office, incompetency, or any conviction involving moral turpitude committed while duly appointed to the Board.

[NCA 92-87, § 101, approved June 3, 1992; amended by NCA 93-98, § 106, approved July 2, 1993.]

Library References

Indians ↻140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 3-206. Compensation

Each Board member shall be compensated fifty dollars (\$50.00) for each meeting attended and mileage.

[NCA 93-98, § 105, approved July 2, 1993.]

Library References

Indians ↻140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

SUBCHAPTER 3. OFFICERS OF BOARD

Section

3-301. Organization.
3-302. Term in office.

§ 3-301. Organization

At the first regular meeting of the Board of Education, the Board shall organize itself from within its own membership. Officers on the Board shall include President, Vice President and Secretary.

[NCA 92-87, § 101, approved June 3, 1992.]

Library References

Indians ↻140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 3-302. Term in office

A member elected to an office shall serve for one (1) full year in that office. Officers of the Board of Education may be re-elected to serve subsequent terms of that office.

[NCA 92-87, § 101, approved June 3, 1992.]

Library References

Indians ↻140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

SUBCHAPTER 4. OPERATION OF MEETINGS

Section

3-401. Regular meetings.
3-402. Rules.

§ 3-401. Regular meetings

Regular meetings of the Eufaula Boarding School Board shall be called by the President of the Board and shall be held bi-monthly during the school year (August–May) The President may call special meetings as required. The business of the meetings shall be limited to that listed on the agenda.

[NCA 92-87, § 101, approved June 3, 1992; amended by NCA 95-133, approved Oct. 31, 1995.]

Library References

Indians ⇌140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 3-402. Rules

- A. Meetings shall be conducted in accordance with Robert’s Rules of Order;
- B. A quorum for the Board shall be three (3) members. Once a quorum has been established the Board may conduct business;
- C. All Board meetings shall be open to the public, except;
- D. Executive sessions: Executive sessions may be called for and conducted when discussion shall concern employment, retention or discharge of Eufaula Boarding School personnel, or when questions of moral turpitude of any employee is discussed;
- E. In the event that consideration of a subject in executive session shall require a vote, that vote shall occur in an open meeting.

[NCA 92-87, § 101, approved June 3, 1992; amended by NCA 93-98, §§ 107, 108, approved July 2, 1993; NCA 94-39, § 102, approved July 12, 1994.]

Library References

Indians ⇌140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

SUBCHAPTER 5. POWERS AND FUNCTIONS

Section

- 3-501. Advisory capacity; functions.
- 3-502. Dormitory Administrator.
- 3-503. Relationship to the Tribal governance.
- 3-504. Power to enter into contracts; review of actions taken by Board.

§ 3-501. Advisory capacity; functions

The Board is responsible to act in an advisory capacity for the following:

- A. Establishing or endorsing a philosophy of education for the school;
- B. Establishing or endorsing policy relating to all school operations;
- C. Monitoring overall school operations including procedures and general administrative direction for the school;

D. Insuring that due process has been maintained in the dismissal of school employees;

E. Establishing hiring procedures that do not conflict with the hiring policies of Creek Nation;

F. Ratifying, rejecting, amending or revising the school's financial plan;

G. Establishing policy for the development of academic standards, finance, personnel, student rights, quarterly/annual reporting, school board training and other policy and standards as needed.

[NCA 92-87, § 101, approved June 3, 1992.]

Library References

Indians ⇄140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 3-502. Dormitory Administrator

A. The Dormitory Administrator is the Chief Executive Officer of the Dormitory. The Dormitory Administrator reports to the Director, Division of Human Development for the Creek Nation. The Dormitory Administrator, with approval from the Director, is responsible for recommending, selection and assignment of employees.

B. Board members will not be involved with day to day administration of school operations nor give directions to school employees. The Dormitory Administrator shall be responsible for school operation and employee direction except as delegated to the School Board by this chapter.

[NCA 92-87, § 101, approved June 3, 1992.]

Library References

Indians ⇄140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 3-503. Relationship to the Tribal governance

The Board is an entity created by the Creek Nation National Council through enactment of this chapter. At any time, the Creek National Council may dissolve or reconstitute the Board by enacting a law for this purpose. Decisions, copies of resolutions and minutes of the School Board shall be transmitted to the offices of the Principal Chief and the Creek Nation Council. The Board shall confer with the Creek Nation Council in all matters of common concern.

[NCA 92-87, § 101, approved June 3, 1992.]

Library References

Indians ⇄140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

§ 3-504. Power to enter into contracts; review of actions taken by Board

The Principal Chief of the Creek Nation is vested with the sole power to enter into contracts on behalf of the Eufaula Boarding School and, as Principal Executive Officer for the Creek Government, shall have review over the Eufaula Boarding School's records, recommendations, resolutions, and other actions.

[NCA 92-87, § 101, approved June 3, 1992.]

Library References

Indians ⇄140.
Westlaw Topic No. 209.
C.J.S. Indians § 56.

SUBCHAPTER 6. MISCELLANEOUS

Section

3-601. Savings clause.
3-602. Amendments.

§ 3-601. Savings clause

In the event that any portion of this chapter violates federal law or Tribal Law, the portions not in violation shall remain valid and in effect.

[NCA 92-87, § 101, approved June 3, 1992.]

§ 3-602. Amendments

This chapter may be amended by majority vote of the Creek National Council at any time and in accordance with Council procedures, and provided, that the Board with a prescribed Chief have been notified of the pending amendment, and the input of the Chief and School Board has been solicited.

[NCA 92-87, § 101, approved June 3, 1992.]

CHAPTER 4. COLLEGE OF THE MUSCOGEE NATION BOARD OF REGENTS

Section

- 4-101. Short title.
- 4-102. Definitions.
- 4-103. Establishment of the College of the Muscogee Nation Board of Regents.
- 4-104. Fiscal year of the College of the Muscogee Nation Board of Regents.
- 4-105. Registered office and agent of College of the Muscogee Nation Board of Regents.
- 4-106. Charter.
- 4-107. Purpose and authority of College of the Muscogee Nation Board of Regents.
- 4-108. Board of Regents.
- 4-109. Meetings of Board; open meeting requirements.
- 4-110. Memorandum of Agreement between the College of the Muscogee Nation Board of Regents and Oklahoma State University-Okmulgee.
- 4-111. Powers and duties of the College of the Muscogee Nation Board of Regents.
- 4-112. By-laws.
- 4-113. Records and audits.

§ 4-101. Short title

This chapter shall be entitled “College of the Muscogee Nation Board of Regents”.

[NCA 04-151, § 101, approved Sept. 1, 2004; amended by NCA 05-072, § 1, approved March 28, 2005.]

Library References

Indians ⇄ 140, 210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 56 to 59, 66 to 72.

§ 4-102. Definitions

A. “Agreement” means the Memorandum of Agreement between the College of the Muscogee Nation Board of Regents and Oklahoma State University-Okmulgee.

B. “Board” means the College of the Muscogee Nation Board of Regents . .

C. “Nation” means the Muscogee (Creek) Nation.

D. “Regent(s)” means individual member(s) of the College of the Muscogee Nation Board of Regents.

E. “College” means the College of the Muscogee Nation.

[NCA 04-151, § 104, approved Sept. 1, 2004; amended by NCA 05-072, § 1, approved March 28, 2005.]

§ 4-103. Establishment of the College of the Muscogee Nation Board of Regents

The College of the Muscogee Nation Board of Regents is hereby established as an independent agency of the Muscogee (Creek) Nation. The Board shall

Title 18, § 4–103

EDUCATION

establish an institution of higher education to provide collegiate level education to Tribal members and non-Tribal members.

[NCA 04–151, § 105, approved Sept. 1, 2004; amended by NCA 05–072, § 1, approved March 28, 2005.]

Library References

Indians ⇄140, 210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 56 to 59, 66 to 72.

§ 4–104. Fiscal year of the College of the Muscogee Nation Board of Regents

The fiscal year of the College of the Muscogee Nation Board of Regents shall begin on August 1st and end on July 31st of the following year.

[NCA 04–151, § 106, approved Sept. 1, 2004; amended by NCA 05–072, § 1, approved March 28, 2005; NCA 06–129, § 2, eff. Aug. 9, 2006.]

Library References

Indians ⇄140, 210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 56 to 59, 66 to 72.

§ 4–105. Registered office and agent of College of the Muscogee Nation Board of Regents

A. Registered office. The registered office of the Board shall be located at the Muscogee (Creek) Nation Tribal Complex, Loop 56 & Highway 75 (P.O. Box 580) Okmulgee, Oklahoma 74447.

B. Registered agent. The registered agent of the Board shall at all times be the person holding the office of Board Chairperson but only for the duration of his/her term of office.

[NCA 04–151, § 107, approved Sept. 1, 2004; amended by NCA 05–072, § 1, approved March 28, 2005.]

Library References

Indians ⇄140, 210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 56 to 59, 66 to 72.

§ 4–106. Charter

The Principal Chief shall grant, prepare, issue, and execute to the College of Muscogee Nation Board of Regents a “Charter of Formation” for the Oklahoma Tribal University College of the Muscogee Nation

[NCA 04–151, § 108, approved Sept. 1, 2004; amended by NCA 05–072, § 1, approved March 28, 2005.]

Library References

Indians ⇄140, 210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 56 to 59, 66 to 72.

§ 4-107. Purpose and authority of College of the Muscogee Nation Board of Regents

A. Purpose of the College of the Muscogee Board of Regents. The purpose of the Board is to evaluate the possible establishment of an institute to provide collegiate level education to Muscogee (Creek) Nation citizens and other interested parties.

B. Authority of College of the Muscogee Nation Board of Regents. The Board is hereby authorized to do the following:

1. Adopt and use an official seal;
2. Enter into agreements, contracts, partnerships, cooperative projects and/or any other appropriate relationship with any federal, Tribal, state, or municipal government, or with any agency or authority of any such government, or with any person, partnership, corporation, college, university, or any other legal entity and agree to any conditions attached to federal financial assistance or contract subject to the terms of this chapter;
3. Apply for grants and financial assistance as necessary for the furtherance of the College;
4. Coordinate and partner with other institutes of higher learning;
5. Enter into Co-Chartering, Transfer, and/or Articulation Agreements with other institutes of higher learning;
6. Acquire personal property of any kind, including funds, securities and other intangible property or property rights and to own and hold same in its own name, separate and apart from the property and assets of the Muscogee (Creek) Nation;
7. Expend funds appropriated by the Nation and grant funds;
8. Sell, lease, exchange, transfer and/or assign personal property of any kind owned by the Board;
9. Borrow money; provided that the notes and other obligations of the Board shall not be debts of the Muscogee (Creek) Nation and shall not create a lien or any other encumbrance on any property or assets of the Muscogee (Creek) Nation and any such obligations shall so state on their face;
10. Pledge the assets and receipts of the Board as security for debts;
11. Employ personnel and establish compensation, benefits and conditions for employment and delegate to such personnel any powers and/or duties as the Board may deem proper, subject to the terms of this chapter;
12. Employ consultants, attorneys, advisors, planners and any other experts, as deemed necessary, by written contract in accordance with Tribal and federal law;
13. Open and maintain, in the name of the College of the Muscogee Nation Board of Regents, accounts in any financial institution whose deposits are insured by an agency of the United States government;
14. Enter into partnerships, joint ventures or other arrangements with any person, government, governmental agency or authority, college, university or

any other legal entity to effectuate the purposes of the Board, subject to the provisions of this chapter; and

15. Purchase insurance from any stock or mutual company for any property or against any risk or hazards.

[NCA 04–151, § 109, approved Sept. 1, 2004; amended by NCA 05–072, § 1, approved March 28, 2005.]

Library References

Indians ⇐ 140, 210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 56 to 59, 66 to 72.

§ 4–108. Board of Regents

A. College of the Muscogee Nation Board of Regents. The College of the Muscogee Nation Board of Regents is hereby established.

B. Qualifications. A Regent must be a citizen of the Muscogee (Creek) Nation, be at least thirty (30) years of age or older and possess at a minimum a Bachelor's Degree from an accredited college or university.

C. Composition and terms. The Board shall be comprised of five (5) Tribal citizens who shall serve staggered terms. Within ninety (90) days of enactment of this law, the Principal Chief shall make the following nominations with terms as follows:

1. One nomination to end on September 30, 2005;
2. One nomination to end on September 30, 2006;
3. One nomination to end on September 30, 2007;
4. One nomination to end on September 30, 2008; and
5. One nomination to end on September 30, 2009.

Thereafter, the terms for said positions shall not exceed six (6) years and shall end on September 30 of the appropriate year. The date on which appointments are made shall have no effect on the ending dates of the Regent's term of office

D. Appointments. All Regent nominations shall be made by the Principal Chief subject to the National Council confirmation by Tribal Resolution. At the expiration of a Regent's term, said Regent shall hold over in office until a new Regent has been nominated and confirmed, provided that no Regent shall hold over in office more than ninety (90) days.

E. Regent officers. The Board shall elect from its membership a Chairperson, Vice–Chairperson and Secretary. The term of office shall be for two (2) years. The Chairperson shall preside over all Board meetings and shall execute all documents on behalf of the Board.

F. Ex-officio member. The Human Development Committee Chairperson or his/her designee shall serve as an ex-officio member to the Board in order to act as a liaison between the Board and the National Council. The ex-officio member may participate in discussions at the Board meeting, but shall not make motions or vote.

G. Board office. The Nation shall provide the Board with a permanent office in which to conduct meetings and other Board business. The Nation shall charge the Board rent for said space in accordance with established federal guidelines.

H. Stipend and mileage. The Chair of the Board of Regents shall receive an annual stipend of twelve thousand dollars (\$12,000.00), and Regents shall receive a monthly stipend of five hundred dollars (\$500.00) for attendance at Board Meetings dealing with the Board and future formation of the College, and mileage shall be calculated using the allowable GSA rate. The Chair and Regents shall turn in attendance and mileage reports to the Nation’s Controller no later than the fifth day of the month following the scheduled meetings. The ex-officio Board member may receive mileage from the National Council budget in accordance with National Council policies and procedures.

I. Travel. With respect to overnight and/or out-of-state travel, the Board shall follow the Nation’s travel policies.

J. Removal. A Regent may be removed from office as provided for in Muscogee (Creek) Nation Code Annotated Title 31, § 1–101 et seq., entitled “Removal of Officers”.

K. Vacant seat on Board. The seat of a Regent may be declared vacant based on failure to attend three (3) consecutive duly convened regular monthly meetings of the Board, except for situations where said Regent has informed the Chairperson of his/her absence from the meeting and the absence is recorded as “excused” in the Board meeting minutes. The declaration of vacancy shall be effected by National Council approval of a Tribal Resolution declaring a vacancy based on Title 18, § 4–108.K of this chapter, submitted to the National Council by the Principal Chief, Second Chief, or a National Council Representative, a copy of which shall be mailed to the last known address of the Regent.

L. Vacancy. If a vacancy shall arise on the Board, the Principal Chief shall make a nomination to fill said vacancy pursuant to this section. The vacancy shall be only for the remainder of the vacant term.

[NCA 04–151, § 110, approved Sept. 1, 2004; amended by NCA 05–072, § 1, approved March 28, 2005; NCA 06–052, § 2, approved May 8, 2006.]

Library References

Colleges and Universities ☞7.
Indians ☞140, 210.
Westlaw Topic Nos. 81, 209.

C.J.S. Colleges and Universities §§ 12 to 16.
C.J.S. Indians §§ 56 to 59, 66 to 72.

§ 4–109. Meetings of Board; open meeting requirements

A. Regular meetings. Regular meetings of the Board of Regents shall occur monthly at the Board’s offices located within the jurisdiction of the Muscogee (Creek) Nation. The date and time of such regular meetings shall be set by the Chairperson, provided that proper notice is given according to the provisions herein. The Board shall adopt procedures not inconsistent with this subsection governing its meetings, which shall address, among other matters, the election of a Chairperson, Vice-Chairperson and Secretary.

B. Notice of meetings. The Chairperson (or in his absence, the Vice-Chairperson) shall give notice of the time and place of any regular monthly meeting of the Board of Regents in writing to each Regent, the Board's attorney, the Attorney General, the Principal Chief and the Speaker of the National Council, at least five (5) days before such meeting. Service of said notice may be effected by first class U.S. mail, facsimile or hand-delivery, and shall be effective on the date of delivery to the official entitled to such notice or to the office of said official's regular place of business in the case of hand-delivery or facsimile transmission; or, in the case of notice sent by U.S. mail, two (2) days after the notice, in a properly addressed envelope with sufficient postage thereon, is deposited in the U.S. mail. The date of the postmark on such envelope shall be conclusive evidence of its date of deposit in the U.S. mail. In addition, such notice of the regular monthly meeting shall be posted at the offices of the Regents, the Administration Building of the Capital Complex in at least two (2) prominent places and on two (2) exterior doors of the Mound Building.

C. Special meeting. Special meetings of the Board of Regents may be held when circumstances require such a meeting. Special meetings may be called (1) by the Chairperson or (2) by a majority of the Regents. Notice of special meetings shall be in writing and served on each Regent, Principal Chief and Speaker of the National Council at least forty-eight (48) hours before such meeting. Service of such notices shall be effected by hand-delivery or facsimile and shall be effective upon the date of delivery to the official entitled to such notice or to the office of said official's meeting shall be posted in the offices of the Regents, the Administration Building of the complex in at least two (2) prominent places and on two (2) exterior doors of the Mound Building at least forty-eight (48) hours before such special meeting.

D. Emergency meeting. Emergency meetings may only be held in the most extraordinary circumstances. Emergency meetings may be called by giving telephone or facsimile notice to each Regent, the Principal Chief and the Speaker of the National Council, provided that no action in an emergency meeting shall have any valid or binding effect unless ratified at the next regular or special meeting of the Board of Regents.

E. Quorum. All meetings of the Board of Regents shall require a majority of the Board members to be present to constitute a quorum and conduct business, which shall require the physical presence of at least three (3) Regents. If a quorum is established at the beginning of any meeting but is lost during the course of a meeting, no action taken during the period when less than a quorum is present shall be valid.

F. Meetings. All meetings of the Board of Regents shall be public meetings; therefore, open to the public, except for executive sessions. The Board may exclude any person from an executive session except the Board's attorney, Principal Chief, Second Chief, Speaker, Second Speaker, any National Council Representative or a representative from the Attorney General's Office; however, the Board may exclude any of the preceding individuals if said individual is related to an employee or an individual who shall be discussed in the executive session. The Board may go into executive session only (1) to discuss personnel issues and matters of confidentiality that relate to one or more specific employ-

ees, or (2) to meet and consult with the Board's attorney on confidential legal matters. All other matters shall be discussed audibly to all persons in the room in open session. Executive sessions may only be held after they have been posted as an item on the agenda for the meeting in which executive session is held. The general subject of the executive session must be described in the posted agenda, and no action by the Board may occur in executive session. It shall be unlawful for any persons present in a meeting held in executive session to make public, or otherwise disclose or describe to any person not so present, any discussion or statements made during such executive session. Violation of any of the open meetings requirements of this section shall constitute a criminal offense punishable by up to six (6) months imprisonment and/or a five hundred dollar (\$500.00) fine. Persons who violate this section shall be subject to expulsion and banishment from the Nation's territory.

G. Meeting agenda. Notice of meetings of the Board of Regents, either regular or special, shall contain an agenda which describes each item of business to be conducted. There may be an agenda item for new business which shall only be for gathering of the Board to discuss Board of Regents business shall be considered a meeting subject to the requirements stated herein.

H. Minutes. Minutes of all meetings of the Board of Regents, other than meetings or portions thereof held in executive session, shall be kept by a Recording Secretary. In addition thereto, an audio recording of all meetings shall be made, except for that part of the meeting in executive session.

I. Null and void action. Any action taken by the Board during a meeting convened or held in violation of this subsection shall be null and void.

[NCA 04-151, § 111, approved Sept. 1, 2004; amended by NCA 05-072, § 1, approved March 28, 2005.]

§ 4-110. Memorandum of Agreement between the College of the Muscogee Nation Board of Regents and Oklahoma State University-Okmulgee

Once all nominations to the Board have been confirmed by the National Council, the Board shall begin negotiations with OSU-Okmulgee to establish a Memorandum of Agreement. The purpose of the Agreement is to formalize the relationship between the Board and OSU-Okmulgee. OSU-Okmulgee shall provide the Board with the necessary mentor-protégé relationship that shall enable the Board to establish the College of the Muscogee Nation. At a minimum, the Agreement shall include the following provisions:

- A. Standards of higher education which shall be applicable to the College;
- B. Functions and courses of study at the College, provided that said functions and courses shall conform to prescribed standards;
- C. Establish degrees and other forms of academic recognition for the completion of courses at the College; and
- D. Establish a calendar for the completion of the College's Plan for Initiation.

Once the Agreement is finalized between the Board and OSU-Okmulgee, the Agreement shall be presented to the National Council for approval by duly adopted Tribal Resolution.

[NCA 04–151, § 112, approved Sept. 1, 2004; amended by NCA 05–072, § 1, approved March 28, 2005.]

Library References

Indians ⇄ 140, 210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 56 to 59, 66 to 72.

§ 4–111. Powers and duties of the College of the Muscogee Nation Board of Regents

In addition to any other authority, powers and duties of the Board provided for in this chapter, in furtherance of the purposes of examining and establishing the College, the Board shall have following powers and duties:

A. To be responsible for the fiscal affairs of the Board and all ventures under its management and to oversee and control the financial and business affairs of the Board and all ventures under its management through the establishment and implementation in accordance with generally accepted accounting principles of an administrative system that shall include, but not be limited to controlling, accounting and reporting disbursements, payroll, cost management and investments and establishing and maintaining bank accounts in the name of the Board, in any financial institution whose deposits are insured by an agency of the United States government; provided that expenditures may be made only upon approval by (1) the Chairperson of the Board or (2) another member of the Board who has been designated by duly enacted resolution of the Board to approve the expenditure of funds or (3) subject to the control and oversight of the Board, the President and/or Dean employed by the Board pursuant to § 4–107(B)(11) of this title if so authorized by duly enacted resolution of the Board; provided that the Controller shall deliver all funds appropriated through the Muscogee (Creek) Nation pursuant to the Nation’s Comprehensive Annual Budgets or special appropriation acts to the Board for its use in accordance with this chapter and generally accepted accounting principles.

B. Ensure that all records, information and affairs are located in a safe and secure location.

C. Employ administrative staff to serve the Board.

D. Employ a President, Dean(s), administrative staff, clerks and other employees who shall be primarily responsible for carrying out the day-to-day operations of the College, subject at all times to oversight by the Board.

E. Adopt administrative and personnel policies and procedures for the Board’s staff, any other personnel who are responsible for carrying out the day-to-day operations of the College, provided that said policies and procedures shall include, but not limited to, the following:

1. Fringe benefits, to include, but not limited to medical, dental and vision insurance, life insurance, disability insurance and 401K plan;

2. Prevention of nepotism in the hiring of personnel and procurement of goods and services; and

3. Grievance procedure.

F. Adopt procurement policies and procedures to be used in contracting for and/or purchasing goods, services and supplies, including without limitation rules prohibiting transactions and/or actions which would violate the Nation's laws regarding conflicts of interest.

G. Review and approve educational projects of the College.

H. Hold regular monthly meetings and special meetings of the Board, pursuant to § 4-109 of this Title to conduct business and discharge its powers and duties hereafter;

I. Delegate such authority to the President and/or Dean(s) of the College as the Board deems appropriate and necessary for the furtherance of the College.

J. Approve all contracts proposed by the President and/or Deans for the engagement of consultants, advisors, planners, legal counsel, accountants and any other expert whom the Board deems appropriate and necessary to carry out the purpose of the Board and/or College, provided that all such contracts shall be in writing, approved Board resolution at a duly convened Board meeting and available for review upon request of the National Council and Attorney General.

K. Approve contracts, agreements and grants on behalf of the Board and the College.

L. Perform any other functions which are necessary for the betterment of the Board and/or the College.

[NCA 04-151, § 113, approved Sept. 1, 2004; amended by NCA 05-072, § 1, approved March 28, 2005.]

Library References

Colleges and Universities ☞7.
Indians ☞140, 210.
Westlaw Topic Nos. 81, 209.

C.J.S. Colleges and Universities §§ 12 to 16.
C.J.S. Indians §§ 56 to 59, 66 to 72.

§ 4-112. By-laws

The Board shall adopt by-laws, provided that such by-laws and any amendments shall be in writing and shall not be inconsistent with this chapter.

[NCA 04-151, § 114, approved Sept. 1, 2004.]

Library References

Colleges and Universities ☞7.
Indians ☞140, 210.
Westlaw Topic Nos. 81, 209.

C.J.S. Colleges and Universities §§ 12 to 16.
C.J.S. Indians §§ 56 to 59, 66 to 72.

§ 4-113. Records and audits

The Board shall maintain complete and accurate books and records relating to the financial affairs of the Board. By July of each calendar year, the Board shall furnish an annual budget, annual balance sheet and complete annual report of the financial affairs of the Board to the National Council. The books

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and records of the Board shall be audited each year by an independent Certified Public Accountant in accordance with generally accepted auditing procedures.

[NCA 04–151, § 115, approved Sept. 1, 2004.]

Library References

Colleges and Universities ⇨7.
Indians ⇨140, 210.
Westlaw Topic Nos. 81, 209.

C.J.S. Colleges and Universities §§ 12 to 16.
C.J.S. Indians §§ 56 to 59, 66 to 72.