

July 19, 2024

Chairman Bruce Westerman  
Committee on Natural Resources  
Chairwoman Virginia Fox  
Committee on Education and Workforce  
1324 Longworth House Office Building  
Washington, DC 20515  
ATTN: Michelle Lane, Staff Director  
Subcommittee on Oversight and Investigation

Dear Chairman Westerman and Chairwoman:

I am the former Seventh President of Haskell Indian Nations University and retired as a Research Analyst for the Bureau of Indian Education in March 2023. Prior to these roles I served as the Vice-President of Academics for 10 years, and 13 years as the Social Work Faculty. My contributions to Haskell lasted 32 years and included numerous acting and interim positions.

To assist the Committee, I am submitting these notes to the Joint Congressional Committee on Natural Resources, and the Committee on Education and the Workforce which are scheduled to hold a joint Congressional Oversight hearing on the misconduct allegations at Haskell Indian Nations on Tuesday, July 23, 2024. This was reported in an article by the Lawrence Journal World on Thursday, July 18, 2024.

Since 2014, I have participated in on-going discussions with current and former BIE Directors, Haskell staff, faculty, alumni, students; the National Haskell Board of Regents, and Congressional leaders in both the Senate and House of Representatives. These discussions focused on options for growth and autonomy, identifying solutions to change onerous federal rules and regulations, as well as the financial disparities that limited growth of Haskell, degree programs, faculty numbers, students and services to meet the need of high numbers of first-generation college students.

I have consistently advocated on behalf of Haskell for comparable operational funding, construction funding and endowment funding based on the unique trust responsibilities of the Department of Interior and the Bureau of Indian Education for the education of American Indian and Alaska Natives. I have promoted the notion that “trust education should not be inferior education” and supported legislation that supports autonomy, as well as the Indian Self-Determination and Education Act.

When comparing Haskell, a federally controlled BIE institution; with *federally funded colleges* and universities, such as Gallaudet University, Howard University and the Historically Black Colleges and Universities, I was shocked with the disparity of funding for Haskell and similar sized federally funded colleges. I was also amazed by the significant autonomy and level of funding the federally funded colleges received. Over a decade ago, this triggered my pursuit of options. Federally funded colleges are not controlled and limited by decisions made by a federal bureaucracy, nor are these colleges and universities required to operate first in accordance with bureaucratic practices, federal rules and regulations, and a secondary or third focus, operating as an institution of higher education. The model used by the BIE is a relic of the past, with no investment for the future or growth. Change is needed.

## **The Structure of Haskell**

Haskell operates as a “federally controlled” entity, under the Department of Interior, Bureau of Indian Education (BIE). Haskell is subject to the decision-making and priorities of BIE, federal rules and regulations, and overall bureaucratic practices of the BIE. However, there appears to be inconsistency in abiding by these rules and regulations. Some changes have occurred but take considerable time and effort without any feedback or use.

As the Director of the Bureau of Indian Education, Tony Dearman is responsible for all actions in the BIE and at Haskell, including approval of changes for the agency. The BIE Director, selects, hires, fires, and supervises the President, evaluates the performance of the President, determines the budget appropriations for Haskell, and assigns projects to the Haskell President, that include assignments outside the purview of Haskell.

Many of the responsibilities in a college or university would be that of an independent Board of Regents or Board of Trustees and not the responsibility of a federal bureaucrat. Presidents are hired and fired by the Board of Regents and not by the Director of BIE. Under BIE rules, the National Haskell Board of Regents is considered an Advisory Board by BIE, and operates without any meaningful authority or decision-making; as typically exists at colleges and universities.

The BIE lack of understanding of the expectations and requirements of higher education has resulted in failed decision-making and ongoing negative press that undermine public confidence and notoriety that damage the university. Options exist but are dismissed by the Bureau of Indian Education. These include moving Haskell from the “federally-controlled” model to a “federally-funded” entity.

## **Federally funded options**

The model of Howard University, Gallaudet University and the Historically Black Colleges and Universities (all federally funded) best address the need for a model that would ensure the autonomy and funding Haskell needs. The ability to secure operational funding, endowment funding and construction funding comparable to the formula used for the HBCU’s would ensure growth and opportunities previously denied to Haskell. This shift would continue to recognize the trust responsibilities of the federal government for the education of American Indians/Alaska Natives, under a different umbrella.

The entire structure of the University would change from that of a quasi-federal agency/institution of higher education. Many of the complaints, investigations and final decisions are loosely handled using bureau rules that can be manipulated depending on the issue and person. These are long time antics of the Bureau of Indian Affairs and more recently of the Bureau of Indian Education. Investigations that deny the accused the right to due process have become routine.

Any change of the status quo creates worries, including concerns of retaliation for speaking honestly about the truth. There are also concerns that any intervention by Congress will not benefit Haskell but instead be an effort to shut down this historic institution as a result of BIE failures. Concerns also challenge the impact on current employees who may lose wages, federal benefits or retirement in the federal government if change occurs. However, there are solutions that could be built into any blueprint.

Concerns have also been raised about whether the “trust obligations” for the education of American Indian and Alaska Native students would be lost if a shift from BIE to the Department of Education would occur. In the chartering documents of Howard University, inclusion of language specific to the responsibility to education for African Americans was included which appears to be reparation. Similar

unique language would be included to honor the trust responsibilities of the federal government that Haskell carries out.

Moving from a federally controlled college status to a federally funded model would be a timely process that will require input from Haskell students and alumni and employees, as well as consultation with federally-recognized Tribes, all of which are essential to any change initiative based on empowerment. It's time to move forward with solutions that will strengthen Haskell Indian Nations University.

Table One: The benefits of transitioning Haskell to a “federally funded college” category under the auspices of the Department of Education would 1) increase the autonomy of Haskell, 2) improve access to funding by participation in the Federal Endowment Match, as well as access to significant construction funds, 3) substantial increases in federal appropriations for the operations of Haskell, 4) enable Haskell to utilize management practices and decision making consistent with colleges and universities and 5) greater advocacy in the federal systems for advancing and strengthening this historic and unique institution and 6) protect the trust responsibilities for education for American Indian/Alaska Native students.

**Table One: Comparison of Department of Education and Bureau of Indian Education Federally Funded Colleges and Universities and Federally Controlled Colleges and Universities**

	DOE - Gallaudet University FY 2016 Funding Request	BIE – Haskell Indian Nations University Fall 2020 - 21	BIE – Southwestern Indian Polytechnic Institute Fall 2020 - 2021
FT Enrollment	1831 – undergraduate and graduate	1453 – associates and bachelor (undergrads)	1161 – certificates and associates (undergrads)
FT Staff	990	<150 est.	<150 est.
Operating Funds	\$120.175 million	\$16 million*	\$11 million*
Construction Funds 2008 - 2013	\$5.9 million (35.5 million/divided)	-0=	-0=
Federal Endowment Funds	\$73.5 million in Gallaudet Endowment No match requested in this period	-0-	-0=
Total Funds	\$199.175 million	\$ 16 million*	\$11 million*

\*Based on arbitrary split of appropriation - 60/40

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